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THE ADMINISTRATION OF JUSTICE ON THE CAMPUSES
OF THE STATE UNIVERSITY OF NEW YORK

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Research supported by:
New York State Office of
Crime Control Planning
Grant 72-DF-02-001

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ACKNOWLEDGEMENTS

Much of the task of bringing together the material presented in this report has been done by my project associates Mark Cunniff, Beatrice Manti Meyer and Marion Love. Early in the project, Marvin Zahlman, at that time a graduate student in the School of Criminal Justice, completed a study of the legal background of the campus administration of justice and his findings are reflected in much of the legal citation. SUNYA Security Director, James R. Williams, has been of great assistance and participated extensively in the development of the Security Manual and the Crime Report.

At the SUNY Central Office, Vice Chancellor James Smoot has extended much effort and courtesy. Platt Harris, SUNY Security Coordinator has provided many insights from his very considerable background with system-wide security problems. Particular thanks are due to University Dean Ronald Bristow and his associate, Ms. Phyliss Bader, who offered free access to their very valuable files on Security and Hearing Procedure matters throughout the University. Dean Bristow's material had been substantially enriched with the results of a study conducted by Ms. Thelma Morgan-Silas and I would pay tribute to the excellent work accomplished by Ms. Morgan-Silus.

I have received much cooperation on my own campus in addition to that provided by Security Director Williams. Vice President John W. Hartley, Dean for Student Affairs Neil C. Brown and Assistant Dean for Student Affairs Henry G. Kirchner have been open, courteous and helpful.

I would wish to pay particular tribute to Ms. Janet McCarthy and Mr. Frank Lucarelli of the SUNYA Office of Sponsored Funds, as well as to the personnel of the Research Foundation of the State University of New York and of the New York State Office of Crime Control Planning. Their patience in waiting upon the completion of the theorization, which did take an inordinate amount of time, is deeply appreciated. I hope that in some measure the results will compensate for the annoyances they have endured.

William P. Brown
Professor of Criminal Justice
November, 1975

CONTENTS

CHAPTER I

THE BACKGROUND

General Statement	1
Students at the University	2
Faculty and Staff	4
Administration	5
Different Climes, Different Times.	6
The Central Office	10
What Is Sought	13
Investigation Procedure Used	16

CHAPTER II

SECURITY

Recent History	19
Need for Direction.	24
Task Definition.	28
Current Task Categorizations.	34
Creating a Model.	37
The Task Dimension.	46
Function and Image	52
Function.	59
An Alternative Image.	60
Programming.	63
Incident Response	65
Issue Response:	66
Incident Subcategorization.	67
Issue Determination	68
The Incident Report	71
Training	77
Investigative Techniques	80
Relationship to External Police Agencies	84

CHAPTER III

LAW ON THE CAMPUS

The Legal Position	91
Inherent Authority.	92
Statutory Powers.	95
Due Process.	97
Laws and Rules	103
Diversion on the Campus.	106
Substantive Rules.	110
Legitimacy.	110
Scope	112
Specificity	117

CHAPTER III (Cont'd.) LAW ON THE CAMPUS

Formulation and Amendment.	124
Rule Enforcement Procedures.	125
Board of Trustees' Rules	129
Conclusions.	129
The Campus Judicial System.	131
Overview	131
The Hearing Committee.	133
Student Judiciary.	138
Preparation for Judiciary Membership	142

CHAPTER IV RECOMMENDATIONS

University-Student Relationship	145
Role of the Central Administration.	151
Security Function	154
Rules and Campus Judiciary.	156
Role of the Campus Executive.	159
Administrative Discretion and Application of Legal Powers	162
Information Control	165
Diversion	168
The University Community and the Administration of Justice on the Campus.	171
Participation.	172
Review	174
Reporting.	175

APPENDICES

Appendix A - SUNYA University Police Manual of Standards and Procedures.	177
Appendix B - U.S. District Court for the Western District of Missouri, EN BANC General Order on Judicial Standards of Procedure and Substance in Review of <u>STUDENT DISCIPLINE IN TAX SUPPORTED INSTITUTIONS OF HIGHER LEARNING</u>	397
Appendix C - Report to SUNYA University Senate, <u>CAMPUS FIREARMS POLICY</u>	414

APPENDICES (Cont'd.)

Appendix D - Questionnaires

Unit Presidents	421
Student Affairs Officials	428
Security Directors.	444
Faculty Associations.	462
Student Associations.	472

CHARTS

Figure I - Community Problem-Official Response Relationship.	43
Figure II- Problem-Response Potentials for Incident and Issue	51
Figure III- Problem Determination, Vic- timizing Crime-Victimizing Emergency.	71A
Figure IV- Problem Determination Regu- lation and Service	71B

EXHIBITS

Exhibit I - SUNY Crime Incident Report . .	73
Exhibit II - SUNY Crime Incident Report - Key Punch Operator's Copy.	74
Exhibit III- SUNY Board of Trustees' Guideline, Rule Development, Student Participation, Due Process.	111
Exhibit IV - SUNY Board of Trustees' Rules Hearing Committee Procedures	135
Exhibit V - Operation of Judicial Code and Student Conduct Committee, Alfred State College, SUNY	139

CHAPTER I

THE BACKGROUND

The President's Commission on Campus Unrest felt that the crisis on the campus had two components: "a crisis of violence and a crisis of understanding." In the five years since that report, those crises seem to have faded. Suddenly we seem faced with a more mundane, much more difficult problem. Today we still need the understanding of group perceptions for which the Campus Commission called but even more we need that understanding of the problems and potentials of administration which can reduce unnecessary tensions while giving the maximum productivity returns for that increasingly scarce taxpayer dollar. This report records a research project on the campus Administration of Justice which has been struggling with varying results since the time of the Campus Commission. Hopefully, it can add something to our understanding of this vital area.

There are 32 community colleges in the SUNY system, 33 four-year and graduate institutions. It is the latter group with which this study is mainly concerned. The community colleges are usually daytime schools and the security problems, along with the whole panoply of judicial and elaborate rules systems, are usually not found. In these four-year and graduate institutions almost 35,000 people are employed and over 190,000 students are in attendance.

Each of these campuses is a city in miniature and the student population is at an age level where it can be anticipated that problems of interpersonal conflict and of order maintenance will be disproportionately higher than in the general community. Still, it is not only the community of the campus which creates the problems with which it must live. Every branch of the State University encounters difficulties with those from outside. All told, the problems of order maintenance, law enforcement and emergency services provision on the average campus, while not extreme, are of important dimension.

Beyond the service and control problems with which the University community must deal is a fundamental reality that there seems a higher premium paid there to individual rights and security than in the external world and a much lower emphasis on property protection. Property protection is not even in the same realm for the average member of the University world as is the necessity for personal and rights protection.

Students at the University

Obviously there are many different populations at the various campuses and in the various programs. It is hard to relate the needs of a group of medical students to the problems of an undergraduate taking a two-year degree in a business-related area. It does seem, however, that where the problems of administration of justice on the campus are concerned, SUNY students--as with American

college students in general--want personal liberty. Compared to a decade ago, SUNY students of today enjoy a great deal of liberty concerning their private lives. Alcohol and visitation privileges in the dormitories are generally accepted. There is no curfew; there is unsupervised freedom of movement on and off campus. Even many curriculum requirements have been moved or relaxed. There is representation in the faculty-student bodies which are concerned with the governance of each campus. Overall, there are still the remnants of an ethos of five years back when the freedom of the college student was still in the process of being won, but the reality of today is very different.

For the students in 1975, the events of the '69-70 academic year are part of a remote past with which they have only a dimly remembered contact. The average student of today seems non-political. The average campus has a relatively small group of students who are politically concerned and relatively sophisticated. The political power which such groups wield, and for which there is always at least some contest, is enormous compared to what it was five years ago. The student group at SUNYA can be considered representative in that its major operational problem seems to be to generate student interest in supporting its political efforts, but its publicized concerns are on a more dramatic level. Student Association members talk about large sums now and much of their effort seems to be at the level of major argument with the University administration. They are, for example, speaking of a major campaign in this Fall of 1975 to have faculty offices removed from one dormitory building which was made into office space in the years when students did not want to live on campus. Their argument is no longer in terms of respective needs. Rather they speak to the **fact** that the Dormitory Authority would get more money from student rentals. They note that the Student Association has rejected the President's Proposal for a study of the situation and is considering the:

possibility of releasing to the press the fact that SA would be recommending to the State Legislature that money used to support office space in Mohawk Tower be cut from the University budget.¹

Pressure statements notwithstanding, the student world of 1975 probably comprises far more students who are interested in honest participation in the governance of the University than in activist protesting in the power terms of the early '70's. Across the SUNY system there are reports of greatly increased willingness to participate in the judicial mechanisms. Protest activities are few and muted. Students may--as do all organized groups--want "more" but the ballgame has changed.

There is change too in the external and internal pressures on the student population. The national issues such as the preservation of the ecology or the welfare of the poor have much less student impact than Vietnam. On the other side of the fence there is far less by way of public and, therefore, legislative tolerance for illegal student protest.

Faculty and Staff

The professional staffs at the various branches of SUNY can hardly be considered to be cohesive groups. Most of them came to their respective campuses during the periods in the '60's when their institutions were, in effect, being created or modernized from the sleepy world of teacher's colleges. Those were good days but they have ended abruptly and in the world of retrenchment it seems unclear as to whether and how the faculty participation in University affairs will be manifested. At SUNYA there was a great deal of faculty participation in major policy decisions with reference to programs at the University. The result was generally regarded as extremely positive. One consequence was that that stress has been accented by the Chancellor in his request that other units of the University participate in similar reviews. A much less successful

1. SUNYA Tower Tribune, September 22, 1975, p.1.

effort at Binghamton indicates that there can be pitfalls in policy participation.

Faculty and staff are, however, more unlikely at this time to be interested in any participation in a legal system which encompasses them along with the students. As will be noted, the question of faculty and staff willingness to participate in any campus judicial system may in large part be conditioned by the current emphasis on the values of the protection found within the Union grievance and disciplinary procedures.

Overall, the question of faculty participation seems to have been influenced by the general unwillingness of SUNY faculty to participate seriously in the governance of the University. This seems to combine with such factors as the much more politically involved student participation to leave the governance of the University largely to a combination of student and administration interests.

Administration

The administration of a public university carries extremely serious responsibilities and an equal number of dilemmas. To begin with, there is the very real question as to whom the administrator does owe his allegiance. Is it the student, the faculty, the board of trustees, the campus as some abstract entity, or is it to the even more abstract entity of SUNY? Is the allegiance to the taxpaying public? Each of these groups have different hopes and conceptions of what SUNY is and should be.

Each president in the system is a definite entity. One has only to examine any series of contacts between the Central Office and the local institutions to reach the conclusion that there are enormous differences in the personalities and political positions of the various campus executives throughout

the system. Some are "wired in" to the political powers, others are extremely vulnerable. All of them live in a political world, the dimensions of which have changed markedly during these recent years.

The Campus President, however powerful he is in the theoretical contemplation of the University criminal justice system, is generally a rather invisible factor in its operations. The relatively unsuccessful survey of campus criminal justice achieved its greatest return (50%) with the unit presidents. There the views of the executives with regards to the goals which they emphasized seemed to be very close to the security goals, probably reflecting the fact that the executives were important determiners of the unit criminal justice patterns, even if their role was not publicized.

Different Time, Different Climes

This study was first contemplated in the years of the great anti-war protest. At that time it did seem that the pressure for student power would keep the University community at a continuous boil. Still with us, though much muted from the intensity of five years past, is the power-recognition struggle. One would have to hold extreme views to claim that today's students are powerless but the press for greater power is far from over. Every educational institution is constantly being asked to look at its internal structure and re-evaluate its power distribution. Many groups, previously not considered seriously in academe, are vying if not for power, at least for official recognition.

Faculty-administration powers must be re-defined here and the old governance structures are under as much attack from unions as from student activists.

Issues such as the politicization or the definition of the social responsibility of the University reach far beyond the purview of any individual

institution. They involve challenge to the traditional stance of academe as a neutral, truth-seeking body above the day-to-day cares of life, a complex of institutions considering large, far-reaching problems while life goes on around them. Academe's traditional answer to society has been that its task has been to broaden the body of knowledge so that others may use it to improve life. That passive role is being challenged now as irrelevant and less than useful. Academe now is being asked to make the improvements itself, to work and lobby for change in the world around it.

What the individual institution does in the community surrounding it has, as exemplified by Columbia, Harvard, and Berkeley, made a great deal of difference because that area is, after all, the first testing of the university's social conscience.

The initial focus of liberal education in our advanced industrial society, then, ought to be on the student in the present.... Programs stressing useful work not only consume the vast quantity of energy of those in their late teens and early twenties; they also turn random motion into purposeful action.

Second, programs synthesizing work and study seem to be an essential precondition for creating a desire to learn from the past as well as the prerequisite for taking charge of the fragment of the future that a man can hope to share.¹

What happens nationally and internationally has an impact on the campus. The extent of the University's reaction depends both on the nature of the event, the state of the academic community itself, and the economic and social condition in the broad society. At SUNYA, the Kent and Jackson State killings, for example, probably carried enough upset in and of themselves to inflame and grieve the campus, but the more violent and desperate manifestations of the Spring '70 protest might also have been born in a

1. Peter Clecak, "The Snare of Preparation," The American Scholar, (Autumn, 1969), pp. 657-67.

campus previously factionalized by the Gerry Wagner case and Colonial Quad food service incidents. They seem remote now and in the troubled economy of today student interest is more caught by career than by idealistic considerations.

Against these broad changes in the relationship of faculties and students to the world and to university, the campus administration of justice activities which took place five years ago seem dated. In the aftermath of '69-'70, there was considerable discussion as to whether it would be necessary to establish multiples of the Trustees'-demanded Hearing Boards so that a continuous stream of "offenders" could be processed. One of the centers, that at Buffalo, did establish a very comprehensive criminal justice system which appears to have weathered the interim period well but which seems strangely "heavy" in this day. For most of the other institutions the frenetic activities of '69-'70 generated enough by way of campus criminal justice expedients to allow for a reasonably quiet interim period to this date. The years between have seen considerable student interest in rules formulation and in the establishment and staffing of campus judicial systems. The development of security forces has been primarily pushed by the professionals working at security tasks at both the local units and at the SUNY Central Office.

In recent years, the rules and judicial systems on the campuses have evidenced the results of extensive student and faculty participation. At this point we are faced with something of a conflict. Since the late '60s, student activists have spent great amounts of effort in cooperating in the development of rules regulating student conduct. All the classic advantages of participation are inherent in such a process and the evidence, as reflected in the rules (and judicial system) developed at the various SUNY branches is that the student participation has been mature and effective. Certainly, as one reads through

the rules for student governance which are in effect today, there is little of the paternalistic arrogance which was widely reflected in those rules only ten years ago.

The problem which does seem at least potentially present has two dimensions, neither of which is clearly answered at this time. First, there is the question of intercampus consistency. Are rules which differ from campus to campus equally fair? Is a student disadvantaged because he is charged with an action which would not be a violation on another campus? The problem is more theoretic than real. Over the recent years, the student-faculty-staff interaction has been instrumental in reducing the more authoritarian statements. With the exception of the Maritime College, which is a military academy and retains the typical elaborate military academy demerit penalty system, the differences among the rules seem to obviously fall well within the "general guidelines established by the Chancellor, and in accordance with law and such other rules or policies as the trustees may from time to time establish" (Section 500.2). This conformity and general unexceptionableness is greatly aided by the informal process of review which is supported by the Counsel to the State University.

It seems accepted practice, enforced only by the fact that it does not cost and appears to be a constructive exercise, to submit locally derived rules to the Counsel's office before their promulgation. The files show many proposed rules to have been questioned in whole or in detail on the basis of the very considerable legal expertise of the Counsel's office. The general pattern of rules across the University would seem to demonstrate the total effect.

A somewhat more problematic issue has been created by this history of student participation. Obviously, some part of the participation effort is premised on the belief that it will result in an increase in student power. The gains since '67 have been substantial but they are now history and some students

now press for a change in basic power distribution. They would have the present broad--though much qualified--powers of the campus president reduced by taking away some of the quasi-legislative or quasi-judicial powers possessed by this official removed from him.

Role of the Central Office

The central administration of the State University seems always to have used a restrained tone in its dealings with local units on matters of campus security and judicial systems. The major influences seem to have been through the work of a very small Office of University-wide Security and through the Office of the University Counsel.

On November 8, 1974, Chancellor Ernest L. Boyer took the first step towards a broad reconsideration of security issues when he wrote to President Charles W. Laffin, Jr., of the State University Agricultural and Technical College at Farmingdale asking him to convene a University-wide task force to study campus security issues. Four Campus Presidents, four Campus Security Directors, two faculty members named by the Faculty Senate, four students named by the Student Assembly, two Student Affairs Officers named by the Council of Chief Student Affairs officers, two members named by the Association of Boards and Councils, and three members from the Central Staff comprised the membership of this Committee. Its charge was "to study broad issues related to law enforcement on campus such as relations with other law enforcement agencies and cooperative action with other campus functional officers. In addition the task force will review the legal authority, the jurisdiction, and the appropriate role of security personnel within the campus community."

The Chancellor's Council is an important step and its findings will have significance for the matter but even with its previous "low profile"

relationship, the Central Administration has worked significantly with: (1) legislation, (2) contracts, (3) civil service, (4) contacts with other state agencies, and (5) training of security officers. In many of these areas the Central Administration does not so much initiate action as enter the discussion when it is required. In many instances the Central Administration forms one of several interested parties in the discussions.

Legislation is generally recognized as being the administrative responsibility of Central Administration. However, Central Administration is far from the sole agent sponsoring the introduction of legislation. Legislators with a particular interest may introduce legislation on their own initiative, at the request of a campus unit or, increasingly, at the request of the organized pressure groups which result from employee intervention. In today's World, the employee unions perform important lobbying activity. It would seem, however, that the prognosis for legislation being passed without some degree of support from the Central Administration is usually bleak.

The battles and the victories or defeats are often difficult to ascertain from outside. As an example, one can note the long awaited Administrative Procedures Act which has only been recently passed by the Legislature. Central Administration influence is obvious in some of the differences of the final legislation from that which was originally proposed. Basically, the reality seems to be that the Administrative Procedures Act will not apply to the State University in any substantial measure. That exclusion is obtained not by an overt statement but rather by the careful choice of language which appears to exclude the University from the provisions governing rule making or hearing bodies.

With respect to the union contract, Central Administration finds itself in a less than desirable situation. The union for security officers

is Council 82. Council 82 is also the union for New York State correctional officers. There are considerably more correctional officers in the union than there are security officers. This circumstance creates a situation where the employees from one agency (Department of Correctional Services) determine pretty much what is going to be discussed at the contract negotiations. Matters which may be of concern to security officers and/or to Central Administration may be neglected. Conversely, matters of concern to correctional officers and the Department of Correctional Services, but of little (and perhaps detrimental) importance to security officers and SUNY Central Administration, may be treated at great length and then written into the contract.

The Central Administration also negotiates with Civil Service on such matters as job description and candidate eligibility criteria. The outcome of these talks can pretty much determine the basic operations at each campus. In addition to Civil Service, Central Administration has contacts with such agencies as New York State Division of Criminal Justice Services, the Department of Correctional Services, the Attorney General's Office, and a number of other State agencies. Any of these contacts can mean changes in the campus operations of security. For example, the deliberation with the D.C.J.S. resulted in the determination that each campus would have to go through a neighboring police agency in order to get information on or off D.C.J.S. files. The result of one meeting with the Department of Correctional Services precipitated the development of a standardized crime incident report form for campus security. (This development is discussed at greater length later on.)

Finally, Central Administration conducts at its own expense a training program which meets the requirements of the Municipal Police Training Council. State Agencies such as the State Police and Conservation Officers

receive training, but that training is developed from within the agency. The amendment to section 355 (2)(m) of the Education Law mandating campus security to meet the requirements of the Municipal Police Training Council is an unusual procedure. It has resulted in campus security training indistinguishable from that given to municipal police. The type of training which an officer receives greatly affects his capabilities in responding to various incidents on the campus in a manner which is acceptable to the University. The MPTC training program seems a positive step toward attaining some measure of standardized security practices around the State but it has weaknesses which will be discussed.

What Is Sought?

Throughout this study there has been a general awareness which solidified in the development of the theory here presented that the campus administration of justice problems coalesced in different fashions for 1) the security operations, and 2) the rule making and campus judiciary tasks. The security operations were largely administrative problems. They involved heavy expenditures and the marshaling of coercive power for the protection of the university community. As administrative tasks, they required goal specification.

Rule making and judicial functions do have a relationship to the broad needs of the campus and thus goals are important to some extent. Rule making, in particular, must allow the needs of (we can substitute, the goals of) the total campus to be satisfied. But with rule making the goal questions are infrequently asked and when a reasonably satisfactory relationship develops over the point to be regulated, the regulation tends to slip out of sight. We are aware of the problem and the enforcement: we accept reasonably satisfactory rules.

The judicial problems are quite different. Other than assuring that there are adequate procedural resources, the major concern is for the individual defendants' rights. There is little thought that we can match punishment with deterrence.

The research began with a list of very general goals for the entire administration of justice process and ended with an emphasis on a single security goal, victimization reduction. In the programming section, methodology for translating the many goals into a common victimization reduction emphasis are developed. It might be of some interest, however, to list that early statement of goals and indicate the position assigned to each of the major groups questioned. The members of each group were asked to rate each of the proposed goals. A Very Important checkmark was rated at +2, Important at +1, Mildly Useful at 0, Unimportant at -1, and Should Not be a Goal at -2. The number of responses in each responding category for each of the 32 schools questioned is indicated. In view of the small and uneven numbers of the respondents, it is not possible to compare the scores from one group to another but the relative weightings are at least indicative.

GOAL EMPHASIS OF ACADEMIC COMMUNITY SEGMENTS*

	Univ. Pres.	Security	Student Affairs	Faculty Assns.	Student Assns.
Number of Respondents	14	14	11	4	9
1. The protection of members of the campus community against crime on campus	27 17%	25 19%	20 16%	7 16%	11 14%
2. The protection of members of the campus community in their civil rights if they are charged with a crime or if they are charged with a violation of Univ. rules.	24 15%	22 16%	20 16%	8 19%	16 20%
3. The preservation of order and the protection of property on campus.	24 15%	23 17%	20 16%	6 14%	11 14%
4. To the maximum extent possible, the assumption of the enforcement burden by campus community consensus rather than by the enforced control of official regulatory agencies.	19 12%	15 11%	15 12%	8 19%	13 16%
5. The provision of information and designated emergency and regulatory services on University grounds.	18 11%	20 15%	15 12%	4 9%	11 14%
6. That the Univ. community comes to accept the campus administration of justice as not only efficient and directed toward acceptable goals but also as just & humane.	25 16%	27 20%	20 16%	6 14%	15 19%
7. That the total picture which the external social & political communities receive of the Univ.'s administration of its security function demonstrates a responsible stewardship over the Univ. campus & those who people it.	21 13%	4 3%	18 14%	5 12%	4 5%
Column Total	158	137	128	43	81
Column % Total	99%	101%	102%	103%	101%

Source - Questionnaire Study, 32 SUNY Units

* Note: Because of the small number of responses, the generalizations which may be drawn from these figures are limited.

University presidents and security directors have very much the same profiles. They place particular emphasis on protection against crime and on the acceptance of the administration of justice by the academic community as fair, just and humane. However, security directors place an unusually low value on item 7, the total response of the political and social communities to campus administration of justice. The student affairs officers show a somewhat flatter response. The faculty response was too small to count. The students placed their highest valuations on the protection of civil liberties and their next emphasis on the acceptance by the campus community of the campus administration of justice as efficient, just and humane.

The Investigation Procedure Used

The following study illustrates the difficulties encountered in attempting to pull together an amorphous area for consideration. Originally it was planned to simply expand a 1971 monograph which had been based on a study of the SUNYA situation.

After a great deal of consultation with Central Office personnel as to a methodology for tapping campus experiences, an elaborate system of questionnaires was finally devised and sent to presidents, security directors, student affairs directors, faculty associations and student associations at 32 institutions which had security operations at the time of survey. Although the SUNY Central administration had reviewed the questionnaires, promised to support and presumably did support the effort, the response rate was very poor. In attempted follow-up there were indications that at least some of respondents did not see the reason for the wide variety of questions asked and it is quite possible that the questionnaires were more complex than was required.

The difficulties with the questionnaires did bring some windfalls. The project turned to a number of basic theory and practice aspects of the security task which emerged as that requiring most innovative thinking. Rather considerable results were obtained. A Manual of Standards and Procedures (Appendix E) was developed in conjunction with the SUNYA Security and its very capable Director, James R. Williams. It has been extensively tested and in its present much amended state appears to offer a major adjunct for campus security operations.

Possibly even more important has been the development of a field crime report form which, when used in conjunction with the theory which is presented in this report appears to offer the potential for development into an essential element of a computer-compatible Management Information System. This form was originally developed by the Assistant Project Director, Mark Cunniff, in conjunction with Director Williams from an information assemblage concept arrived at by the Project Director. When project funds were exhausted, the SUNY Coordinator of Security, Platt Harris, was instrumental in arranging for Mr. Cunniff's employment at the SUNY Central Office. The form, of which the first and second sheets are included as Exhibits I and II, was extensively developed at that time with the assistance of State computer specialists. It is now used operationally and has the capacity to enable computer analysis of incidents.

It is the personal and obviously biased view of the author that the most important work for the project is theoretical in nature. A complex administrative theory which at least attempts the specific definition of police tasks, function and image and which leads to a methodology for quantifying the task elements is here adopted to security operations. In the section on programming for security operations, the basic concepts for a sophisticated,

computer-assisted information system adaptable to the needs of individual units and of SUNY Central is presented.

In the late summer of 1975, at the suggestion of Vice Chancellor James Smoot, University Dean Ronald Bristow made available to the author the results of an expensive survey of campus rules and hearing body procedures. The survey, which was conducted by Ms. Thelma Morgan-Silas, an administrative intern working with Dean Bristow, had received excellent cooperation. The material gathered was probably far more useful than the original survey would have been even if it had received full response. In addition, it came at a time when the theorization for the security operation had been completed. Thus, it furnished the necessary closure for the information gathering.

CHAPTER II

SECURITY

The area of Security in the campus system of justice has undergone extensive change and discussion in the past five years. This change was largely precipitated by the campus unrest which the SUNY system experienced from 1968 to 1970. Speaking before the Joint Legislative Commission on Higher Education in 1970, Dr. Harry Porter, the provost of SUNY stated that a "new (security) force, to be coordinated at Albany, will replace the traditional system of campus watchmen which was unable to handle recent campus riots and other forms of violence."¹

Changes in security have occurred. Because of the desire of central administration to avoid interference with local campus affairs, many of these changes appear to have emerged with central direction manifested only cautiously and behind the scenes. There appears to have been what this author would regard as a commendable interest in steering campus security away from full identification with a police image while circumstances demand the assumption of many police functions. It is this phenomenon which clouds the discussion of campus security. So, while there may be more information concerning security operations, the rules for summing up and digesting that information are far from clear.

Recent History of Security

Section 355(2)(m) of the Education Law has empowered the Trustees of the State University since September 1, 1953, to appoint security officers and peace officers. With the recent institution of two levels of security line officer personnel--Civil Service Grade 8 and Civil Service Grade 12--only the Grade 12 may qualify for peace officer status. However, only those Grade 12 security officers--along with the Supervisors, Investigators, Assistant Directors and Directors--who are sworn in as such by the executive officers of the individual campuses are peace officers.

The New York State Code of Criminal Procedure, section 140:25(1) states the following:

A peace officer ... acting pursuant to his special duties may arrest a person for:

- a) Any offense when he has reasonable cause to believe that such person has committed such offense in his presence, and
- b) A crime when he has reasonable grounds to believe that such person has committed such crime, whether in his presence or otherwise.

This is a substantially broader power than section 140:30 of the Code of Criminal Procedure gives to civilians:

Any person may arrest another person: a) for a felony when the latter has in fact committed such felony; and b) for any offense when the latter has in fact committed such offense in his presence.

Thus, one of the most significant effects of the peace officer status is to expand an individual's powers of arrest without a warrant. A peace officer may act without having personally seen the crime so long as he has reasonable grounds to believe a crime has been committed. The peace officer has more protection from a civil tort suit in the event the person he arrests did not commit the crime. He need only show that he had reasonable cause to believe the individual committed a crime.

Up and until September 1, 1971, peace officers also had the authority to serve arrest and search warrants. With the introduction in 1971 of a new Code of Criminal Procedure in New York State, however, peace officers lost this authority. Allegedly, it is response to this development which prompted new legislation on campus security. The upshot of that new legislation, which went into effect on May 24, 1972, was to give the campus security peace officer police officer powers in the performance of his official duties. It is the creation of this curious hybrid--peace officer with police officer powers--

which has probably done much to cloud the nature of the campus security task while adding fuel to the sometimes heated debates which arise over the true status of campus security.

In conferring police officer powers on these campus security peace officers, the law also mandated that these officers undergo the minimum training required for local police officers by the Municipal Police Training Council. On the SUNYA campus in September 1973, a discussion arose as to whether campus security had met the required minimum standards. As a result of that discussion, the security officer's status of peace officer was substantially questioned by student representatives. The SUNYA University Senate accepted the findings of one of its councils that the status of the campus security personnel was not in question in that the training requirements for the SUNY security fully met and exceeded the State mandate.

Summing up, there has been much discussion as to the legal authority of campus security within the past five years, and there exists confusion over the legal status of campus security which permeates the discussion of the campus security relationship to other agencies. Some consideration of these interactions affords the opportunity of seeing how these other agencies view security and, to a certain extent, points out the problems which security confronts in trying to perform its duties.

The New York State Division of Criminal Justice Services requires a mug shot and a set of fingerprints of everyone who is arrested. The arresting officer is responsible for obtaining these items and sending them on to the DCJ. Campus Security does not get the requisite forms directly from DCJ nor is it able to give the information directly to DCJ because it is not a police agency. In each instance, Campus Security has to go through the local police department. The degree of cooperation between Security and the local police department varies

from campus to campus. In any event, campus security officers experience difficulty once they begin to process the person whom they have arrested.

Information concerning stolen property is kept on computer with the State Police. Again, information to or from this system must be processed by a member of a police agency. Since the campus security officer is not a member of a police agency, he must go through a police agency. The extent of cooperation between campus security and the local police agencies again varies. Yet this information should be quickly sent into the system after a larceny has occurred or quickly retrieved when the officer is running a property identification check.

At the Central Office level, there is the matter of having to deal with Civil Service over candidate requirements and retirement benefits. Because Campus Security is not a police agency, it is not automatically assigned the physical requirements which are enjoyed by other police agencies; age limits, physical agility, etc. Thus, a large part of the standard police personnel package must be recreated for the campus security system.

With the revamping of the retirement systems for State workers in New York, it is now an important consideration to security officers whether or not they are police officers because police officers can retire after a shorter period of time with a better pension than the majority of state workers. Presently, security officers are considered as are any other State workers. This can be a source of real irritation since security officers feel that although they are expected to perform police duties, they do not receive the same benefits as a police officer.

While the decision makers in the State University, both at the Central Office and at the local level, have a sincere desire to create a non-militaristic, service-oriented security organization, they would appear to be in some need of

a more positive concept of what they are trying to create. It is not easy to conceptualize that desirable midpoint between the conventional police role which--as will be discussed in considerable detail--has particular drawbacks, and the old pale image of the college security guard.

Over and above this indecision as to the proper police role, the attitude which many university officials have toward crime on campus militates against the development of an adequate definition of the campus security task. There exists among the administrators and indeed among the faculty and students a prevalent attitude that crime (at least when committed by a member of the university community) should be handled informally and that no perpetrator should be ruined for life because of one mistake. While this argument has force when one is discussing disorderly or impulsive conduct or the relatively minor crimes (petty theft, for example) its attractiveness diminishes once we begin to encounter more serious types of crime (rape or robbery, for example). That is not merely an "academic" consideration. Serious crimes do occur on college campuses and many are perpetrated by members of the campus communities.¹

It seems particularly important that the question is not seen as being merely that of choosing between two courses of action which the University may take to meet the contingency of crime on campus. We need not decide between making the Campus Security force a watchman type organization which is to summon external police assistance whenever a crime occurs on campus or, on the other hand, designating the Campus Security force as a police agency which is to handle conventional police matters which occur on campus just as does any other police agency. Another path of development is possible and this report opts for it.

1. In an article appearing in the Chronicle for Higher Education, the reporter notes the belief on the part of most college administrators that non-students are responsible for the majority of crimes committed on campus (Chronicle for Higher Education, October 9, 1973, p.5, col.2). Although the facts which could support or deny such an argument are simply not available, it is probably unrealistic to think most of the crime on campus is being committed by persons who are not members of the campus community.

The State University has a legitimate concern in avoiding the establishment of a traditional type police department. The emphasis there is on control. Too easily it fosters a point of view which is hard line and hostile to students and faculty who espouse controversial ideas. It is not enough to define an agency in negative terms. What is needed from the University is a clear definition as to the course which is desirable for security to take. If it continues with a vague and ambivalent attitude toward security, the University runs the risk of losing control over security and having that control assumed by the courts, the union and strong individual directors. Such a loss of control presents the possibility of the entire security force, or that of isolated campuses, drifting into the traditional model of policing which may well exacerbate rather than ameliorate the problem situations on the campuses. Such a loss of control also presents the possibility of severe discrepancies as to what one may find in the line of security on one campus as opposed to that on another.

The Need for Direction

The State University of New York has shared in an experience seen nationwide, the expansion in size of security forces. Commenting on this development, one author made the following observation:

In short, hundreds of untrained and/or inexperienced men and women were added to campus police forces and student affairs staffs during the turbulent years of the 1960's. During this time of prosperity and unrest, old models were used in the administration of campus law enforcement and to some extent student affairs. The campus police operated under a semi-night watchman-security syndrome, and student affairs personnel functioned in a modified in loco parentis milieu. Again, it is unfortunate that prosperity came due to campus growth and campus unrest and that it came before an adequate philosophy had been generated, particularly for campus law enforcement. Consequently, more personnel and better equipment have in many cases

re-inforced the traditional raison d'etre for student personnel and campus law enforcement, e.g., conveyors and purveyors of negative services.¹

In an article in the Chronicle for Higher Education² the reporter notes the demise of the kindly old character who only writes parking tickets or issues mild reproofs and his replacement by the professional officer who is equipped with the latest material and psychological training. Most security operations in SUNY cannot be typecast into either of these two molds. Each operation falls somewhere in between these two extremes. What needs to be recognized, however, is that each type is not mutually exclusive. A security officer can issue mild reproofs under the proper circumstances and the same officer can also handle a tense conflict situation provided he is competent and he has received the appropriate training and supervision.

Campus security should not become a conventional police agency which vies for exclusive police jurisdiction over its campuses. The campus administration has to view campus security in conjunction with other criminal justice agencies. Whether or not campus security does or does not move toward the conventional police department role, the campus administration must carefully consider the relationship between campus security and neighboring police agencies. Reliance on neighboring police agencies may be necessary to meet certain contingencies and the campus administration has the responsibility for considering how those contingencies will be met. The development that is indicated, however, is endangered by two commonly held assumptions which cluster around the concept of almost exclusive territorial jurisdiction which most police authorities accept as an article of faith.

Territorial police jurisdiction is associated in our society with exclusive jurisdiction and the unspoken premise that even a small unit should be able

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1. Q. S. Sims, Jr., "Student Development and Campus Law Enforcement: Roles and Goals" in The Challenge of New Directions in Campus Law Enforcement (Athens, Georgia: University of Georgia), p. 26.
 2. Chronicle for Higher Education (July 14, 1969, p.1, col.4).

to do everything. In the SUNY system, some campuses might be able to do more than others if only because of their size. For example, the University of Buffalo has a K-9 corps. It also has a force of 90 men. Given such size, the diversion of four men into a specialized unit can be justified. A campus the size of Potsdam where the force is less than 15 cannot afford such specialization. But even where specialization occurs, the campus must give thought to the type of unit it is creating. Such specialized units as a narcotics enforcement squad or a riot squad or an intelligence unit are inappropriate for the university. The campus security force should not be developing the capacity to meet very unusual circumstances, especially when that capacity carries along with it a totally unrealistic price tag.

Nevertheless, the temptation is real and universities succumb. The University of California at Los Angeles increased its security force to 52 members in 1970. Thirty-three of these members were assigned to three riot squads of 11 men each, "one squad to break up the crowd, the second to protect buildings, and the third to make arrests."¹ Hopefully, the results will be excellent, but there is a naive, surrealistic quality to the whole plan. Thirty-three men could do a useful job in handling a single, mildly turbulent demonstration of up to a few hundred people. However, what happens if there are several demonstrations, five hundred angry students? If student violence continues, the script for the next act is already written. The thirty-three men will be swallowed up and the next budget request will be for a hundred. But, if student violence declines, what does one do with a security organization when two-thirds of its members constitute a combat reserve?

1. David E. Rosenbaum, "Colleges Tighten Security on Campus," New York Times, September 15, 1970, p.40.

To assist the university decision makers we offer the following conceptualization of what campus security can be. This conceptualization is based on a police model which has been modified to reflect the needs of the university setting.¹

1. The discussion in the following 25 pages parallels a development first outlined in William P. Brown, "Local Policing--A Three Dimensional Task Analysis," Journal of Criminal Justice, Vol.3, pp.1-16, 1975.

Task Definition

In the 1971 "Order and Justice" report, the author took a strong position that the development of the campus security forces should not be in the direction of the standard police model. It was pointed out that the police model emphasized exclusive police jurisdiction and the unspoken premise that even a small unit should be able to do everything. It was also stressed that the police view (at the time of that writing) seemed to be becoming increasingly hardline and anti-student with the result that student resentment could be anticipated if the local security forces identified with the police image. Overall, the concern was with the police emphasis on control and the author's basic position that the campus security agent could do a more satisfying job by adopting an integrated service and control role.

As with most prediction, the intervening years have justified some of those concerns, reduced others in importance. The general police trend towards a hardline position, almost exclusively emphasizing the anti-crime role, has continued exactly as predicted. What does not seem to have been borne out was the prediction that the student antagonism towards a police image would continue. The evidence seems to be that along with the retreat from the student activism of the '69-'70 years has come a new concern on the part of many of the students with their susceptibility to victimization and a much reduced concern for those who commit crimes. One official noted that no one speaks of "liberating" material. Now, a theft is commonly recognized as a theft.

The situation seems to be seriously changed by the provisions of a 1972 amendment by which at least some of the campus security officers became peace officers. There are still confusions which spring from concurrent

jurisdiction exercised by the campus and at least available to the municipal forces having the campus areas within their jurisdictions. Generally (only three exceptions are noted at the time of this writing) the relationship with the local police is satisfactory but it is on a goodwill and sufferance basis, rather than on the recognition by all of a statutorily defined authority.

At the moment then the question of identity is one which has several layers. At one level there is the question as to the degree to which the university security personnel will identify with a police role. At a somewhat deeper level, there is the reality that some elements of the police role must be incorporated in the final blend which does emerge. The police components of that blend are extremely volatile. It cannot be easily assumed that the campus forces will adopt only those which are desired by the administration. Whatever role does emerge must include several factors which are relevant to the campus situation.

The power of the campus executive or president to decide in what areas and how the campus police will operate. -- Once the security force assumes some variation of a conventional police role, particularly one in which it arrives at what can be considered exclusive jurisdiction for the area of the campus, the heretofore unquestioned authority of the campus executive to determine the security policies may be jeopardized. It is one thing to have an extra security force -- much as would be any industrial security agency -- operate in an area in addition to a local police force having general jurisdiction. That is the law at this time. The Education Law provision is very clear that the local police have the authority to act on the campus although most academics, executives, staff personnel, faculty or students, would prefer that most action be taken by the security agency of the University. There is also

the reality that, although the State Police commonly supplement local police resources, most local departments respond as though they wanted a definitive answer as to their responsibilities rather than coming in on request. There is a question then. If the University executive can make assignments which call on what may be scarce security resources in contrast to whatever action determinents are interpreted by the security personnel, does this constitute interference with a policing function in the college community? It should be clear that to the present time there are no indications of any such conflict. The campus executives in responding to the request of the Chancellors Task Force on Security report general satisfaction with their agencies.

Although general campus executive experience with the security forces has been satisfactory, the existing model of policing must give some ideas as well as examples to the people who work in security. That example offers some rather uncomfortable precedents. There have been many instances -- particularly around union negotiation time -- of police personnel refusing to obey orders for selective or "soft" enforcement. The ticket blitz is so common an occurrence in police departments across the country that it is seldom any longer the cause for editorial comments. While the security executives in the SUNY system report that University security forces have been extremely loyal to their obligations, it can be noted that officers who belong to the same union as do the campus security personnel, and who are members of the Long Island State Parkway Police, have recently carried out a "super enforcement" of traffic rules and regulations. This resulted in a trebling of the normal issuance of summonses. The police union unit representing the Parkway Police contended that its members were paid much less than policemen in the Nassau and Suffolk Counties. It is naive to think that such a potent political weapon, particularly if it wins support will not be used on the campuses.

The politicization of the police has been a nationwide phenomenon throughout the past decade. It has many edges, the impacts of which are not easy to assess. In the municipal police world that politicization has been related to the public concern with crime and one of the more influential documents of the past few years has been the police report of the National Commission on Criminal Justice Standards and Goals. It argued "the fundamental purpose of the police throughout America is crime prevention through law enforcement." (p. 13) Crime is just not an important issue on a campus and any spillover of the politicization-crime emphasis to the actions and voice of the campus security forces must create difficulties.

The creation of a formalized police role which -- in the outside world -- still sits uncomfortably with academic views of rights and freedom must eventually create a measure of division between University forces and the academic community.

Above all, there is an extraordinary factor of uncertainty about the way in which the police role is being viewed in our society. Since that police role is one of the most important models against which the campus security role will be shaped, it is worth our consideration.

During the past fifteen years, the American local police have dropped away from a tradition of local control and more or less anonymity, into a strange complex of forces which are pushing them towards, at the one side, political, unionist involvement, and, at the other, towards membership in a rational, society-serving profession concerned with consistency, rationality and universality.

One could summarize the total impact of a very complex pattern of events as the creation of inexorable pressures prying our local police away from their almost exclusive reliance on local settings for determining purpose and criteria for the evaluation of their work. The thrust is that police actions be open

and consistent, that local rationales be explainable in universal terms. At the same time as these demands for a legalistic and rational conceptualization of policing have developed, there has been a general recognition that the socio-political world from which American policing originally received its form and orientation has fractured into a number of different and sometimes savagely competing subcultures. As a host of knowledgeable students have proclaimed, we have entered a highly pluralistic world in terms of the social and political climate of our time. The demand then is for universalism but that universalism cannot come from the socio-political background of which local policing is a creature; it can only come from analytical traditions of legalism and authority.

What seems needed is a conceptualization of the policing task conceived in accordance with administrative theory. Public administration theory comes in two conventional packages. One is tied to a belief that all public administration must represent a bargaining or political process. There is no "right" except that each side in every bargaining situation assumes a mantle of ethical and practical superiority. Each always maintains a position that it is "right." Where bargaining is not required, the administrative task is to determine what should be done on the basis of the "black box" known as experience. Those holding these views see administration as a combination of politics and anthropology. For them administrative theory must be composed of small, isolated elements. This version of administrative theory is sometimes called incremental administration.

The alternative theory of administration sees the purpose of administration as doing the job for which the agency is established. Police departments, or in the more specialized concern, the security agencies, would be assumed to be established to fight crime, control traffic, help people who are taken sick or meet with emergencies. This is goal-oriented administration.

It should be quickly acknowledged that there is no contention that administrative discretion can be replaced by a formula. If there is a developed theory according to which the best way for campus A to conduct its affairs is to proceed in a certain fashion, the local administrator may still opt for something entirely different. But such a prescription is less likely to be made unless there are good, explicitly referenced reasons, if there is an established theory which can serve as a reference. The ultimate objective, of course, is for a security operation which derives its direction from the need of the campus community. Goal-directed administration is the only type of administration which is capable of comprehensive and objective development, and relationship to the contributions of other disciplines. We either write and think towards goal-directed administration or we must accept the reality that the study of policing can never go beyond the lore of the practitioner.

A task model that we require must have the capacity to represent the security task of the present day in comprehensive and realistic terms. If a comprehensive and clear model of present-day policing can be obtained, it is possible to determine what steps must be taken to move to the rational model which adapts to goal-oriented theorization.

The model must offer a new and acceptable break-down of the elements of established security work. It must be comprehensive in the sum of the task segments described, but each part must be mutually exclusive of the others. If such categories can be clearly defined, we will be better able to deal at a theoretical level with our rather amorphous subject. An analysis of the local policing task accomplished by the author¹ in 1975 is the basis for task analysis presented here.

1. William P. Brown, "Local Policing - A Three Dimensional Task Analysis," Journal of Criminal Justice, 3:1-16 (1975).

A Point of Departure - Current Police Task Categorizations

Most local police departments perform approximately the same kinds of service. They respond to complaints of crime, investigate, arrest, and process cases through the courts. They work to reduce traffic congestion and enforce traffic and other local laws; they respond to emergencies, attempt to settle citizen complaints; they interact more or less successfully with their publics. There are obvious commonalities, and there have been attempts to describe them.

Very broad statements of the local police mission are found in two types of sources. One is in the enabling legislation (usually a municipal ordinance) which authorizes the creation of the police agency. These ordinance provisions are usually restated in the police agency book of regulations. They are similar to that used by the New York City Police Department.

- a) Protect life and property
- b) Prevent crime
- c) Detect and arrest offenders
- d) Preserve the public peace
- e) Enforce all laws, ordinances, and provisions of the Administrative Code over which the Police Department has jurisdiction. (N.Y.C.P.D., 1962, p. 9)

In discussing such statements, the 1973 report, The Urban Police Function, of the American Bar Association Project for Standards for Criminal Justice notes:

The broad and ambiguous language used in the statutes and charters provides a foundation for much of what the police do, but it provides little basis for deciding on the propriety of some specific aspects of police operations, and it provides no basis for setting priorities between and among different objectives when one or more conflict. (p. 48)

Police students have taken somewhat different tacks. James Q. Wilson divided the police task into "law enforcement," "order maintenance," and "service functions."¹ Bittner listed five duties in addition to law enforcement:

1. James Q. Wilson, Varieties of Police Behavior. Harvard University Press, 1968, p. 9.

1. The regulation of various types of businesses that lend themselves to exploitation for undesirable and illegal purposes;
2. the handling of many law violations where the officer wishes to use an alternative to the arrest;
3. intervention to quiet disorder or to aid people;
4. dealing with potentially disorderly groups;
5. caring for incompetents.¹

More recently, Bittner has suggested that the police can be "best understood as a mechanism for the distribution of non-negotiable coercive force employed in accordance with the dictates of an intuitive grasp of situational exigencies."²

In addition to these attempts at comprehensive definition, Professor Wilson and others have attempted to observe, record, and analyze actual police work. In Syracuse, New York, Wilson identified Information Gathering, Service, Order Maintenance, and Law Enforcement.³ Practitioners analyses appear to come up with still larger numbers of tasks. A New Jersey training document enumerated 32 activities,⁴ while an official study in the New York City Police Department identified 45.⁵

Generally speaking, these descriptions speak to two different interests-- the desire to be inclusive without attempting to seek mutual exclusivity among the elements defined (enabling statutes, Wilson, Bittner) and the desire to relate to practical operations (the latter cited authors). The theoreticians, the members of the first group, set up categories which they seem unable to delimit (e.g., "order maintenance," "peace keeping"). Thus, their categories do not have serious operational or theoretical significance. Spokesmen from

1. Egon Bittner, "The Police on Skid Row: A Study of Peace-Keeping." American Sociological Review, Vol. 32 (October 1967), pp. 701-704.
2. Egon Bittner, The Function of the Police in Modern Society, N.I.M.H. Center for Studies of Crime and Delinquency, November, 1970.
3. Wilson, op. cit., p. 18.
4. Ralph Green, Geraldine Schaeffer and James O. Finckenauer, Law Enforcement Training Project - Survey of Community Expectations of Police Service: A Pilot Study. New Jersey Police Training Commission, 1969.
5. George P. McManus (et al), Police Training and Performance Study. Washington, D.C.: U.S.G.P.O. (1970), p. 121

the legal profession are usually more concerned with what the police cannot, rather than what they can do. By attempting to list every possible limitation on police action, they also complicate relatively simple operations. All of the non-practitioners, as they propose general task classifications, lead away from a comprehensible overview. Even for a person with considerable police experience, it is difficult to picture the job they describe. More than that - and of particular concern - non-practitioners picture policing in a manner which offers no way to differentiate between police tasks of different need or dimension. We know that the one-man village police department should be aware of all the implications of the police discretion debate. We know that he should maintain order and protect civil liberties. The 30,000-man New York City Police Department should operate with this same awareness. But the police tasks in the megalopolis differ somewhat from those in the village, and neither department can find much guidance in task definitions which apply equally to both.

Another problem with these statements is that they are closed-system in nature except where they relate to the arrest and prosecution process. They tend to focus on police contacts with the courts, the prosecutor, the parole or probation groups, even the institutions. On the campus the police relationship to their community is much more important than is the police relationship to other official agencies, but the police-community tie is ordinarily dismissed as press agentry or with some pious injunction to keep open the channels of police-public communication. Even when it is desired to concentrate on inter-agency relationships, the "criminal justice system" concept may prove too narrow even for municipal police: The average campus police department spends the great part of its energies in dealing with regulation and service issues. It has far greater need to be seen in open-system relationship with the hospital or local police or court agencies than with the remote prison or parole groups.

In contrast to the general statements of police tasks are the listings empirically derived by the practitioners. Understandably they stress the policeman's view of the matters and have even less open-system awareness than do the products of the academic observers. They are never claimed to be inclusive, and seldom are the findings ordered. Without that ordering, without a relationship of the components to the total mission of the organization, one cannot tie field data into broader theory.

In short, we have no accepted model which can give us enough awareness of the nature of local policing so that we can say this is the job against which a campus security function can be shaped. Our task is to develop a clear picture of what the police do. Then we will note that the security operation fits the same model.

Creating a Model of the Police Task

The ordering assumption which is accepted here is that the campus force as a public agency exists to serve the public interest. This may sound like a truism but it represents a position which is very different from two which are commonly held. Their task is not: (1) to benefit themselves, nor (2) to benefit any political or other power group. The task is to serve the public interest.

Unless it is heavily qualified, a term such as "public interest" is almost meaningless. We propose to give it a specific meaning, to establish an organic rather than only an ethical precept tie between the considerations of public agency which are of primary significance in any study of agency operation. Thus, as the term is used in this paper, a task model ordered to the public interest must relate the public need for agency service to the professionally indicated agency response to that need. ("Professionally indicated" is used here to mean that which the best professional opinion indicates should be done. Actual response could be, of course, very different.) If the

representation of the public need, indicated official response, or their relationship is inadequate, the model is irrelevant.

The description must be comprehensive and delimitable in addition to being public-interest oriented. The task model must encompass all the tasks which are conventionally those of the police; it must fit the reality and the totality of current practice. It must describe what the experienced observers know is there, but in a manner which allows us to visualize the activity with which we are concerned with greater clarity than we have heretofore achieved. If the description is to be useful for administrative and theoretic work, it must propose definable boundaries of the task; if task subdivisions are suggested, they must be significantly differentiated, and the entity within each subdivision should have some obvious, real-world relationship.

We are concerned, then, with community problems and official responses and with their interrelationships. As we examine what does take place, it becomes obvious that reality can be described in static or process terms.

That static relationship allows us to see the results of a simple factoring procedure. We combine a dichotomy of problem with a dichotomy of response and emerge with four kinds of relationship. If we wish to introduce a measure of ongoing operation, we must introduce another dimension, namely task.

At this point, our concern is with description of the police task and therefore our major interest is the problem-response relationship. Thus, we will discuss first the different kinds of problems and the responses appropriate to them. When we have described the various elements of the police task, we can go to the task dimension which will consider what we will call in this paper the "issues," and "incidents" which are the manifestations of the issues.

The general approach which will be followed in this development is that of further classifying the various elements of both community need and official response and then recombining them in the logically possible alternatives.

If the various recombinations of the need-response classifications do produce recognizable segments of police work which are associated with specific administrative concerns, we have in effect produced reconstructions of those segments of police work which are more closely defined than through the descriptions we have had before; and each definition fits in and complements the other definitions obtained by the same process. The process is analogous to the laboratory synthesis of an important but heretofore only partially understood chemical. The logical synthesis of the administrative reality has the additional advantage however that has been indicated above. It yields a total task model composed of complementary but synthesized - and thus better understood - task segments. If the segments are recognizable as analogous to parts of the real-world policing experience, our model is practical, comprehensible and comprehensive.

Each of the two task conceptualizations will be considered separately. For the sake of clarity, the task categorization of kind will be developed first; the task dimension development will follow.

I. The Task Categorization of Like Kind

The following discussion develops the first thesis, that the police task can be considered as the necessity to maintain appropriate relationships between community need and official response in four different and distinct kinds of situations. Speaking only to the structuring of this categorization, we can consider first the problems the police must meet, then the responses they provide and, finally, the relationships between problems and responses.

A. Problems -- If we are to classify the types of problems which the police must meet, one dichotomy seems to distinguish two very dissimilar situations. It is that which distinguishes incidents of victimization from all others. Thus, we have two problem groupings.

1) Problems of individual victimization, either deliberate and violative of the criminal law, and this is called crime; or through accident, and this is designated as emergency.

2) All other public problems to which the police are assigned or for which they elect responsibility.

1. Individual Victimization -- From the citizen's side of the police-citizen interaction, the most important reason for seeking police response is that someone is being victimized, whether by chance or design. In police writings, the word "victimization" has commonly been used to refer only to the victimization through crime, that is, that process in which the rights of a specific natural or artificial person have been violated by an action that (assuming that the perpetrator is legally responsible) is a violation of the criminal law. Usually such crime involves something like an assault on a person, or the theft or vandalism of property. We do, however, also recognize that a person can be a victim of illness, accident or disaster. It is this broader meaning of victimization that is here added to the conventional meaning. Thus, "victimization" as used in this paper refers either to victimization by criminal action or victimization by accident.

2. Other Problems (Community Needs) -- Beyond the cases of individual victimization, the police accept more or less the responsibility to cope with broadly defined issues and the manifestation of others. In the average municipality the most universally recognized such task is the complex routine of keeping order. Order maintenance, as the term is used hereafter, covers all police control activity, exclusive of that concerned with victimizing crime, directed to situations (legally controllable by the police) which disrupt, or have the potential for disrupting the life of the community. The police keep arguments from becoming assaults, the streets more or less clear of order-shattering activity; they report potentially dangerous street conditions, traffic

outages or holes in the street; they pick up lost children or runaways. On the campus, order maintenance has not been a significant factor in the past few years and shows no immediate sign of emerging as significant in the immediate future. However, 1969 and 1970 are close enough in our memories to emphasize that disorders can happen and create serious problems. Contingency planning for disorder is a campus essential.

One aspect of the different nature of the university policing problem is the great importance of such concerns as the parking problem and of the campus equivalent of municipal ordinances. The assumption of the safety function also creates unusual shaping forces on the university as compared to the municipal police.

B. Response -- When the police come into a situation, their first task is to determine whether they should take action and, if so, what action they should take. Many calls are unfounded or dissolve after a few minutes of police questioning. If the police do take official action it is to do one of two things, sometimes both; that is, they are there: (1) to control, or (2) to give service.

1. Control -- Control is ordinarily thought of as enforcing a law or directing people to take some action under the authority that the police have according to that law. Particularly with ambiguous situations, control may involve somewhat questionable - though usually well-intentioned and functional - police warnings, threats or cajolings. Such actions are ordinarily directed to individuals.

The police also have control functions with regard to the entire community. Obviously, they regulate traffic and enforce a variety of statutes. They have an impact on the enactment of laws and regulations. They may recommend that the legislative bodies pass such ordinances.

2. Service -- A large percentage of the police responses are to give help in some victimizing emergency. The ill, the injured, the lost, the incompetent, are represented in those who require police help. Service directed towards the entire community is also important. Even on the campus, the police are, for many people, the group one goes to for information about government or legal process: even there family problems arise which are brought to them for advice rather than control. The municipal police trend of recent years in the development of other helping functions which are less clearly related to courtesies or simple referral will have impact for campus forces. The presence of an office of student services allows a natural channel for the resolution of many problems for which the police in most communities have no equivalent.

G. Relating Problem and Response -- Each of two factors - one concerning the need for seeking police response, the second concerning the nature of that response - is present in any conventional situation where the police and the public interact. Thus, we can classify each interaction on those two bases. First, we can dichotomize the problems which call for police service:

- | | |
|--|---|
| (a) Situations in which police action is predicated on the belief that there has been a victimization of an individual or an institution through an emergency or a violation of the criminal law.
<u>(Individual Victimization)</u> | (b) All other situations. In the main, order maintenance and other situations where community, rather than individual interests are important.
<u>(Community Interest)</u> |
|--|---|

Similarly, the response can be divided as follows:

- | | |
|--|---|
| (c) Situations in which the primary responsibility of the police is control.
<u>(Control)</u> | (d) Situations in which the responsibility of the police is to give assistance.
<u>(Service)</u> |
|--|---|

Since each situation of police-citizen interaction always involves both sets of alternatives, we are dealing with a set of possible relationships which can be represented in the conventional 2 x 2 matrix.

		<u>Primary Problem Police Must Meet</u>	
		(a) Individual Victimization	(b) Community Interest
Primary police response indicated	(c) Control	I Victimizing crime (e.g., U.C.R. cate- gories 1-14)	III Regulation (e.g., Traffic en- forcement & control)
	(d) Service	II Victimizing emergencies (e.g., accidents or natural disasters)	IV Community Service (e.g., providing in- formation)

Figure I - Community Problem - Official Response Relationship

Each one of these four cells represents a different part of the police problem, and each can be used to designate a fundamental cluster of community needs. Because of the either/or classification in both the rows and the columns of the square, each category is distinct from each of the others; yet, all told, the needs they designate constitute the conventional police job. The needs represented in each one of the four cells can be considered as follows:

- I. Victimizing Crimes -- The need for official response to crimes which specifically victimize some person or institution. This can be designated as the victimizing crime component and for practical purposes can be considered as the work required to meet those crimes listed in the Uniform Crime Report categories 1-14 (1. Criminal Homicide, 2. Forcible Rape, 3. Robbery, 4. Aggravated Assault, 5. Burglary - breaking or entering, 6. Larceny - theft, 7. Auto Theft, 8. Other Assaults,

9. Arson, 10. Forgery and Counterfeiting, 11. Fraud, 12. Embezzlement, 13. Stolen Property; buying, receiving, possession, and 14. Vandalism).

II. Victimizing Emergencies -- The need for official response to emergency situations in which there is reason to believe that a person or institution may be unable to cope with some physically endangering or disruptive experience without official assistance, or when law or regulation requires official record and/or response to such situations (e.g., vehicle accidents). The average police officer spends a great deal of time in giving assistance to people who are victimized by some kind of an emergency. A victimizing crime may result in an emergency situation for the victim who is injured or left in endangering circumstances with which he is unable to cope without official assistance. People are involved in automobile accidents; they become sick while in public places and need emergency medical assistance; people die and their property must be protected; people are locked out of their offices or their rooms. In a thousand ways they encounter some sudden emergency and the police, with their 24-hour-a-day, seven-days-a-week availability and their rapid response capacity, are called.

III. Regulation -- The need to prohibit or regulate activities for reasons other than that (as with the violations of the criminal law provisions discussed above) they victimize (in the terms of the criminal law) specific persons or institutions. The most obvious forms of regulation with which the police are concerned involve requiring ordinary citizens to conform to the conventional order-maintaining laws and ordinances. The university police are often meshed into what resembles private security operations because of their peculiar role. They administer the local parking license system, police registrations, sometimes investigate operations at executive request.

More conventional police tasks are also important. As we noted earlier in the discussion of community issues, vehicle and pedestrian traffic must be controlled, roommate or dorm neighbor disputes cooled down. Here, order maintenance and peace keeping are the fundamental concerns. Then, there are other regulatory areas where "law enforcement" is usually seen as the police activity. Arrests and summonses are used instead of direction. Good citizens can be involved here when they violate the traffic or other state or municipal laws regulating conduct which does not specifically victimize someone but has the potential for leading to such victimization. The drunken driver is probably the most obvious case in point. Gun control is regarded with particular seriousness on the campus. Commercial participation in the sale of drugs brings the professional criminal and a certain number of amateurs under the regulatory operations of the security officers.

IV. Community Service -- The needs - not originating in victimization or victimization potential - for official assistance to the community or classes of people in the community. Community service sometimes involves very minor duties such as answering requests for information, but then goes all the way over to such activities as facilitating the provision (at a moderate fee) of an emergency vehicle equipped to aid parkers whose batteries have gone dead in sub-zero weather. Many of the public safety duties, particularly where they involve response to fire or fire hazard situations, can be categorized as community service.

Municipal police officers are often assigned to other and, what ordinarily would be assumed to be, non-police duties. The municipality does have the right to make such assignments and many are rather naturally given to the police with their 24-hour-a-day presence, their ordered appearance, and the transportation and communication facilities which are at their disposal. At this stage of the

development of campus force function, it is important to recognize that tasks which are presently not assigned to or even considered for them, may be usefully given them on a particular campus.

It is important to plan for the recognized police tasks but the possibility of other assignments at the discretion of the campus executive should not be overlooked.

II. Task Definition - The Task Dimension

Within each kind of security task, we distinguish between "the issues" and the "incidents" which are the manifestations of the issues. In this paper the term "incident" is used to designate the individual crimes or emergencies considered in connection with the official response which each evokes; the term "issue" is used to designate the unifying themes or conceptual positions which relate individual incidents in some manner significant to both groups important in our schema, the security agency administration and the campus community. (It is important to recognize that this level of abstraction consideration goes beyond the conventional need in all administration to develop a hierarchy of responsibility and overview so that the work of the agency can be administered. In other words, we are not talking of the conventional levels of organizational problems: the workers', the supervisors', the middle managers', the top administrators'.) There are entirely different sets of community problems and official responses at the incident and the issue levels. We incur great wastes of effort and potential where we do not make that distinction.

Problems -- Problems from the community are usually presented to the security forces in discrete, isolated bits. An accident or a crime occurs and the security officers respond with some, usually predetermined, pattern of activity. We can label each such citizen-agent contact or, as with a crime

and its subsequent investigations, related cluster of contacts, considered both as problem and response, as an incident. Although we will speak of problem and response separately, it is with the recognition that both are, in actuality, related.

When we speak of crimes and accidents, the term incident as defined above has a reasonably precise meaning. We have some sense that a report of murder committed in Maine or an automobile accident which takes place there is pretty much the same as if a murder or accident were reported from Florida. There is a generally accepted meaning given to the words, and there is a belief that there is some indicated response which can be prescribed in relatively universal terms. At least conceptually the victimizations, whether crimes or accidents, exist as realities defined externally to the department. We have compared crime and accident statistics from city to city and we prescribe ways in which they should be met. We are dealing, when we speak of victimization, with something like a broader version of the old concept, malum in se, only here our meaning becomes that of "victimization (rather than evil) in itself."

The concept of the "incident" is not readily applicable where there is not individual victimization, that is, victimizing crime or victimizing emergency. Certainly there are isolated citizen-agent contacts with the regulatory and community service functions. When those functions are studied carefully, the "incidents" which they involve are given intensive consideration (e.g., traffic stops, family fights, etc.). But even conceptually these incidents are defined in vastly different ways from city to city or, in the same jurisdiction, from time to time. The procedures recommended illustrate that the approved official conduct is related to the community need much more than to the needs of the particular citizens involved. Passing a stop sign for a well-managed police department in City A may be appropriately defined as a matter requiring

strict enforcement when a busy or blind intersection is involved. On the other hand, given different conditions, stop sign violations may indicate that there should be a change in approach road design, that an educational campaign should be mounted, or that the need for the sign no longer exists, and the violators, although illegal, are not necessarily unsafe drivers. We are involved, to use again that old but still interesting concept, not with malum in se but malum prohibitum, not evil in itself but that which is prohibited.

Even the situations in which an individual believes that there has been an infringement of a "right" defined for him by a regulation (e.g., a person who is annoyed by a loud radio which probably violates an anti-noise ordinance) or the situations where the police move in on a potential conflict (e.g., a family argument or one between a landlord and a tenant) have a different connotation than does a violation of the criminal law. There is no "dark figure" for family fights or people stepping on the park grass. Usually, good police intervention in the situations of potential conflict is thought of as smoothing over the problem situation. The park ordinance has served its purpose when enough people stay off the lawns so that the grass has a chance. The individual aggrieved by his neighbor's radio may be referred to court, with his "right" considered as a basis for a civil rather than a criminal action. Even if an officer does not take arrest or summon action, the basis for the action is annoyance to the community, not the aggravation of an individual.

Then there are collectivities or classes of problems which must be considered at the broad level. The "problem of burglary" on a campus is more than just the sum of scores of smaller problems which each of the individual burglaries represent. Study of the collectivity may reveal patterns of burglary; the public can be alerted to reduce the vulnerability to such crime. The burglaries in this illustration are illustrative of incidents which can be

grouped because they have certain similarities in terms of the problems they present to administration. We label such collectivities or classes (considered, of course, in terms of both need and response) "issues." There are different levels of issues and quite obviously they can be conceptualized in many different forms. Some police agencies try for more or less definite awareness of the broad issues underlying the incidents they must meet, but, with the notable exception of the crime problem, the pressure on them is to deal with incidents rather than with the broadly conceived underlying issues or problems.

Response -- Just as with problems, response is usually to discrete situations. It is about such incidents that we build the day-to-day life of the individual policeman and influence the public life of the individual citizen with whom he interacts. It is about those concerns that the police task with individuals is shaped. To meet them, administrators establish standard operating procedures supplemented by policy guidance and training, so that the police can satisfactorily meet many situations without a detailed description.

When our focus shifts to the broad issue, the response need is for a program which may include procedural specifications such as standard operating procedures. This implies the need to make an intensive study of the whole issue rather than to have our consideration focused only on the individual incidents and the extraneous facts which may surround and sometimes cloud our understanding of the specific incident. With the broader view we can check to determine whether there are classes of individuals involved in the incidents which are the manifestations of the issue. We can study the procedures, the records, the distribution of resources to meet the pattern of incidents. We can use prevention activities. We may even be able to go outside our agency to obtain the help of other government or private units which may be able to contribute to a broader problem picture.

Over and above the more extensive consideration which issue awareness can bring, it allows the advantages of the so-called "engineering" and "education" approaches. Here the effort is (or at least should be) to deal with the entire community or with whole classes of people in the community in terms of the needs that may become evident in the problem consideration. With the engineering approach, we try to influence the environment in a way which will decrease the likelihood of crime or accidents occurring (e.g., better street lighting, traffic signs, etc.); with the education approach we attempt through exhortation to reduce the willingness of potential victimizers to attempt to carry out their victimizations and, hopefully, to decrease the vulnerability of potential victims to victimization.

Relating Problem and Response -- In each of the four police task areas there are isolated situations and there are broad problems for which the community needs the help of the police. The police respond with specific measures for the isolated cases and with programs or elements of programs which are more or less appropriate to the broad problems. Figure II illustrates this relationship.

INCIDENTS

ISSUES

<u>Problem</u>	<u>Response</u>	<u>Problem</u>	<u>Response</u>
Individual crimes or emergencies; Other citizen - or agency - initiated occasion for contact.	<u>To Individual Situation</u> Incident evaluation, direction, referral, warning, summons, arrest, assistance; Notification of other authorities; <u>Record</u> for case file, accountability, resource distribution for optimal response.	Crimes or emergencies in general terms. Other problems assigned to or accepted by the agency.	<u>To Broad Problem</u> Problem study, Program determination and implementation, including procedural specification, resource allocation, engineering, education; <u>Record</u> for classification of problem, verification and evaluation of response determination of corrective feedback. <u>Determination</u> of evaluative criteria in terms of impact on problem.

Figure II -- Problem-Response Potentials for Incident and Issue

The relationship between problem and response in terms of the process (incident-issue) dimension is less complex than that we observed when we were bringing together the two dimensions of public need and official response and developing the four task areas. The basic rule seems to be relatively simple. Incident response should be thought of as effective for incident problems; issue responses should be thought of as effective for issue problems.

Function and Image

Campus police share one basic problem with their municipal counterparts: in the past decade they have moved from a tradition defined, and thus imperceptibly defined, function to one of complexity and, at this stage, confusion. There are, however, significant differences. The problems of function definition for the municipal police is confused by the great emphasis on, and politicization of, the crime issue. "Crime on the streets" is the concern of most municipal agencies. The issue for the campus is quite different.

The members of the campus security forces face a more basic identity problem. Crime is important but it has never reached the proportions where the "crime fighter" police image was in serious contention. The issue has been rather in what is widely perceived as a denigrating connotation to the use of the word "security" in any title. One officer noted that the word "guard" always seemed to be attached--even if unvoiced--to the security label. The connotation of watchman seems widely accepted.

There was (and is) a strong belief on the part of many in the campus forces that the police label would solve all problems and, as we have noted, the 1972 legislation moved in this direction, but the statewide criminal justice establishment has shown some reluctance to give their campus counterparts recognition as full police officers. Despite their designation as peace officers in the Education Law, the lack of inclusion under Section 1.20 of the Criminal Procedure Law apparently causes some problems. Some municipal police officials do not accept the campus security officers as police officers and this creates difficulties as much to the spirit as to the proper functioning. Where the acceptance is given it is largely on the basis of personal contacts between the campus officials and the local police, judges and prosecutors.

The designation of Public Safety officer appears to have value in this controversy and is being considered by Central Office, many of the campus units and in the deliberations of the Chancellor's Task Force on Campus Security.

The actual job title is important but it is in itself a relatively empty designation until it is given content. In the next few pages a more definite prescription will be developed based on the task analysis just presented. Before that, however, it may be useful to review some of the conventional statements of police function to determine what they have to offer.

James Q. Wilson, working in the mid-60's, found that over the years the police departments he studied had evolved styles of operation which he fitted into three major models, the legalistic, the watchman and the service styles.¹ Typically, the particular type of policing in a community had ordinarily developed in a decades-long interaction between the police agency and the local socio-political power structure. Generally, the relationship was reasonably satisfactory, at least to those whose voices counted in that power structure. In a sense, the police function, the formal prescription for the police task, and their image, the stereotypes of the police group held by its members and by its public, were at least generally consistent with the power structure expectations.

Strong forces have been acting to change those locally determined patterns during the last fifteen years. There have been inexorable movements towards universalism. Supreme Court decisions, knowledge industry and computer demands, all have pushed towards the development of a common set of beliefs as to what constitutes good police practice. Possibly even more important, however, has been the growth in power of an attention-grIPPING crusade which has won over large parts of both the American public and the American police. Scores of millions have been spent in attempting to restructure those old service,

1. Wilson, op. cit., passim.

watchman or legalistic worlds towards the concept that "the fundamental purpose of the police throughout America is crime prevention through law enforcement." (National Commission on Criminal Justice Standards and Goals 1973, p.13)

The results do not seem to have been satisfying to any great degree. Crime continues to grow at a rate which mocks the exaggerated claims that have been made for police effectiveness in being able to prevent it. Those protesting the crime-fighting role include not only the once silent groups which were never within the old power structure consensus but also the police themselves. For many police executives and for many police officers, the public voice of today does not seem to reflect satisfaction or any recognition of police achievement by their communities.

Among the more obvious reasons for these difficulties are that we do not have the necessary replacements for the traditional relationship which once charted a course for, and the expectations on, the police function. In place of a world satisfied with many very different local definitions of the police role in society we are faced with a two-fold problem. First, we must reconcile uniformity and diversity. The growth of need for both universalistic criteria and a common definition of the police relationship to society requires a universalistic statement of police function. The needs of different localities for different relationships to their police even under universalistic statements of function are legitimate and must be worked through. Both the power and the protest structures create new permutations of the community demands towards which police function must be structured.

The other side of the problem is concerned with the image which the police present. The public reacts to an image of what the police are; the police officer shapes his life largely on the basis of his image of what the police are. In the days of tradition the varying images of the police held by either the public or the police could be chosen from a limited range of

stereotypes which were geared reasonably well to the expectations of the community and the agency. But we have been breaking out of that era where tradition and local preference established the main guidelines for police activity, that era when questions of direction were not important because tradition supplied the answers without even raising the questions. We seem to be moving into an era in which police function and image are constantly becoming more closely tied--and exclusively tied--to crime fighting. The emphasis on crime has changed that comfortable balance. The public image of the police as crime fighters tilts--during days when the War is not going well--into a blame for failure in matters over which the police have very little control. The self-image of the policeman as a crime fighter interferes with the provision of the vital service functions and confuses the personal value systems of the officers involved.

The problem seems to have been growing in intensity, at least in the last fifteen years. It has some aspects which merit our consideration. It bears repetition that the present pressure from both the campuses and the organized campus security personnel is not for the crime emphasis. However, the immediate future is unclear and the politics which has pushed municipal policing into the identification with crime could swing the campus argument. The crime fighter emphasis should be nailed down so that it does not emerge in academe.

Up to fifteen years ago, the police agencies were rather traditional societies. The push of the New Frontier, the first of the major federally inspired interventions, was towards stimulating change in some of the deepest, most inconsistent and hardest to change police patterns in our society--those which related to the racial problem. This federal intervention was among a number of forces which acted to break up the old traditional patterns of law enforcement. Other tradition-fracturing forces included the Supreme Court decisions which changed long existing arrest and search and seizure procedures;

the computer which began to demand a consistency which had never before been expected, and the whole impact of the university/research establishment as it began to study the problems of crime and the criminal justice system.

For a variety of reasons the police establishment emphasis and society's expectation of what it should accomplish shifted from the improvement of minority/local government relations to crime fighting. Crime has been the issue since the early 70's and both the broad police macro-system (that conglomerate of police practitioners, academicians, foundation workers and government representatives who share a common concern about police problems) which was being established during that period and the thousands of local socio-political systems which were once all important in guiding their police agencies, came to have their major emphases defined almost exclusively in relation to crime.

The process by which crime fighting gained its preeminence with both the professionals and with the public at large was political and emotional, rather than logical. By the 70's, policing had changed from a tradition-directed occupation to a crusade with a powerful symbolic goal, crime fighting. In the days when the end of the Viet Nam conflict and the problems of Watergate left Americans with great and depressing but politically unanswerable moral questions, the crime fighters--from the national to the local levels--established stranger-to-stranger crime as national priority number one.

Problems with the Crime-Fighting Goal -- The crime fighting goal offers important returns to the police. It fits in with a historic and romantic police self-image, the fighting lawman; it deemphasizes the many service activities which the police would like to have taken over by other groups. Most importantly it ties to the public fear of crime which has been growing in recent years and leads to a great outpouring of popular support from many in the community. Since the supporters represent political power, the total result

has been heavy financial backing and a vocal but uncritical approbation from the law 'n order segment of the society.

However, there are problems with this type of ideological backing. The American police are now in the position where some of their best leaders are coming to the realization that they cannot win if they are to be judged only on the basis of their crime fighting effectiveness. The symbolic goal of crime fighting with which the police establishment has acknowledged linkage shows the police in a more and more discredited light. Police action can do little to stem, let alone reverse, the crime trends.

Evaluation against an unkind scale may be the most obvious problem with the crime fighting goal, but there are others. The ideological positioning that takes place on the crime fighting issue leaves the police with presently powerful supporters but, on the other hand, it tends to leave them ideologically opposed to many of the youth, the liberal element in society and, possibly most importantly, to minority groups. The crime fighter's role is exacerbating the problems of interclass and interracial police relationships which must assume greater importance in the days ahead. L. Alex Swan, Chairman of the Department of Sociology and Anthropology at Fisk University, recently noted that the blacks in America were "viewed as people seeking to change those arrangements of the power structure that have held them in bondage. The job of the police, a law-and-order group, is to keep things the way they are." We can not that it: hardly needs emphasis that this combination of failings would be far more dangerous and dysfunctional on the campus than in the larger society..

In all, it should be recognized that there is no intention in this argument to say that victimizing crime is not important. It is a vital problem of our society. The difficulty that we have gotten into is that we have taken

1. L. Alex Swan, "The Politics of Identification," Crime and Delinquency, 1974, p. 119.

the crime issue out of all context so that much of what is said in relation to it has little bearing on what society actually requires. There are no easy answers to crime and certainly those answers which sound most satisfying in that they give us an emotional release from the pressures created by a very frustrating problem are probably the most questionable of all. We need to know a great deal more about crime but it must be brought into relationship with other police tasks and with a realistic appreciation that the police ability to control crime at the present level of technology is very limited, no matter how much additional support is provided.

If the development of the problems associated with the crime-fighting goal can be accepted, it stands reasonably clear that when they concentrate unduly on crime, both the academics and the practitioners of policing neglect other important areas which the police cannot abandon. This emphasis leads to role conflict problems which reflect in police morale and performance. Also, and quite obviously, to a very large extent it neglects the interest of the average citizen, the one person who as the potential victim might best be regarded as the focus of our concern. The Women's Rights Movement has been dramatically successful in highlighting the problems which have always been recognized as the lot of the woman rape victim or witness. The insights coming from their efforts serve to highlight the reality that victims in general have been more commonly looked at as elements in the investigation and prosecution process than as the essential consumers whose satisfaction was of prime importance.

With the press towards the definition of the police task as crime fighting, gaps have developed among community, agency and employees' expectations concerning both police function and image. We can consider them in order.

Function

Function specification is not difficult when we make the basic assumption that the police and, in our concern, the campus officer function is to meet certain tasks in society and when we agree on the nature of these tasks. In the extensive task analysis, which has been presented, we have noted that the police task consisted of four distinct subtasks (victimizing crime, victimizing emergency, regulation and community service) resulting from five areas of individual or community need. Since it is premised that the function of any public official is to meet the needs of society which are assigned to him or her, the police function can be assumed to be meeting those five community areas of need:

1. By far the most important need is for assistance in dealing with individual victimizations, whether through criminal action or emergency. These are the prototypical police tasks of dealing with victimizing crimes (UCR categories 1-14 can be considered an operational equivalent) or victimizing emergencies (such as accident or illness) affecting individual victims.

2. Potential for individual victimization through crime or emergency. Involved here are such sanctioned activities as illegal arms possession (the potential for criminal or emergency victimization) or intoxicated driving statutes (the potential for victimizing emergencies). This and the following three community need statements are the basis for the regulation and community service subtasks.

3. Community victimization -- The campus officers participate in the preparation and effectuation of contingency plans for major emergencies. They enforce laws and rules protecting the welfare of the campus community.

4. Goal directed but non-victimization related activities -- On the campuses, traffic direction and parking enforcement has become an extraordinarily

important task. The safety obligation which is now being considered throughout the SUNY system is also significant. Here the distinction between the campus and the municipal forces seems most obvious. Municipal police do not generally engage in safety operations and there is movement away from their participation in the parking problems.

5. More enforcement or support -- The support of custom or morality through law (e.g., race- or class-biased legislation, sabbath laws, 'victimless crimes', 'status offenses') or police assistance is a major time consumer and problem developer for the municipal police. The campus seems free from pressure to move into morality enforcement.

These needs must be considered at the practice level of the individual incident to which the campus officer responds and at the conceptual level of the issue; the unifying theme or position which relates individual incidents in some manner significant to the agency administration and the public.

Towards An Alternative Image--Victimization Reduction

Although we have noted that--particularly in its present mold--the emphasis on crime fighting is dysfunctional, there is no intention of disputing the importance of the crime victimization problem. Even on the campus that is important. However, the campus officer must spend most effort on other matters and they should be taken into account. The problem is to develop a substitute for crime fighting as the symbolic goal. We need a professional symbolic goal which is not class- or race-biased, one which can be related to both the control and service functions of the campus officer. Of great importance on the campus, the goal we suggest must not automatically divide the police from the liberal academic world; we need an encompassing, meaningful, non-abrasive purpose statement capable of becoming a standard around which campus officers can build the support of the university community. What seems to be required is a terse

statement which can be related to both the control and service functions. The strictly service goal which has been suggested by some police agencies as a substitute for crime fighting is much more applicable to the campus forces but even that does not seem to have the range or the emotional appeal to take over this task.

If such a statement is possible, it should be at least visible in the very nature of the police task. In the task analysis the campus officer job was presented as comprising four subtasks which were occasioned by relating control and service approaches to four community needs (more support is not a major campus concern): individual victimization, the potential for individual victimization, community victimization, and non-victimization-related but goal-specified activities.

If this analysis can be accepted, the broad nature of police work seems reasonably clear. Since both control and service efforts can be occasioned, and since both control and service distinguish different but important segments of police work, it is obvious that the general function of policing cannot be stated in terms which relate to either control or service exclusively. Obviously, if we are to develop an overriding concept or quintessential statement of function which can serve as a standard around which a new image of the campus version of policing can coalesce, it must be capable of subsuming both control and service approaches. Also, it seems desirable to direct attention to the needs of law-abiding people in the campus community, the people who must support the campus officers and for whose benefit campus policing exists.

As we look at all of the campus officer tasks we note that what are probably the most important are those concerned with individual victimization either through crime or emergency. For these categories the professional obligation would seem to be, respectively, to reduce the total impact of criminal victimization and of emergency victimization on the individuals involved.

As we go to the remaining community needs (dealt with in the regulation and community service functions), we can note that for the next two most important areas we are concerned, in one case, with the potentials for victimization of the individual and, in the second, for the victimization of the community as a whole.

The last category (non-victimization-related but goal specified) is important in terms of time consumed and day-to-day impact on the life of the community. Still, it does not have the sometimes life and death significance of the first three.

Of the four societal needs to which the campus officers must respond the three most socially important relate to victimization. Thus, the police task, even in the university setting, would seem to be particularly concerned with reducing that victimization. The problem, then, is not just to fight crime or just to give service or even to do both. The problem, the overriding function and a suggested symbolic goal for the campus forces--as well as for their municipal brethren--is VICTIMIZATION REDUCTION.

Programming

The task of programming for any agency is always a compromise between two extremes. At one end, the ideal, the agency determines the problems which it might face, tallies its resources and then works to determine the best usage of those resources to meet the problems which are occasioned. At the other and probably more conventional end of the spectrum, programming is largely a matter of doing what was done in the preceding year with some attempt to adjust to obviously different factors in the environment. In such a procedure, important legal decisions and the union contract may be the most significant change forces.

There are considerations which almost automatically push towards a mixture of the two possibilities. The most advanced and sincere administrative theorists would want to recognize that the program must be based in the reality of the past experience. One cannot immediately change over a whole way of operation without incurring a great many costs. What can be considered the politics of the situation is also important. Every administrator faces a situation where there are more demands on the resources than there are resources to meet them. Accordingly, it becomes essential that decisions be made as to which allocation will take precedence over another. Almost automatically there will be pressures and every administrator must recognize the reality of those pressures. Often the result is that a kind of activity for which there are few advocates will be given a lower priority than another activity which is being pressured for even though it may have less utility for the overall benefit of the campus. Obviously, such reality cannot be ruled out and there is no real reason to seek such a millenium. What is hoped for here, however, is that a need can be spelled out in enough detail so that it will be considered in the pressure equation.

At this point we can go back, to determine the basic needs, to our concepts of the incident and the issue. Every agency must be able to program for

incident response and should be able to develop at least some programmatic response to the issue need of the specific community. More than just the allocation of resources is needed. In addition to the assignment of personnel to the particular tasks, it is essential that they have a requisite body of policies and procedures so that they can meet the needs of their work in a uniform and efficient manner. Then, training becomes essential. The best resources teamed with the best policies can be ineffectively used by poorly trained personnel.

Incident Response

The vast body of work which the campus forces must accomplish is in response to signals from the environment which indicate that some specific action is needed. The environmental signals are particularly important for the two types of activity we have considered as being involved with individual victimization. When victimizing crimes are committed or when individuals are exposed to some emergency which requires that they seek assistance, the agency must be able to respond. A different situation is involved with the regulatory and service activities. Here it becomes essential that the campus define the problems which must be met and tailor the incident response to those definitions. In other words, there is a fundamental difference between the cases which involve individual victimization and those which do not. The signals for response to individual victimization are defined externally to the agency. The signals which indicate a need for regulatory or service responses are defined within the agency. An illustration will make this clear.

An automobile accident or a coronary attack has approximately the same meaning whether we are speaking of the college at Canton or of the University Center at Farmingdale. We know that help must be summonsed, that individuals must be relieved from a serious plight. The situation is quite different with a matter such as parking or such service activities as the provision of

emergency repair vehicles for motorists who encounter engine trouble on the campus. In the latter case the University force must be able to make some determinations as to what they wish to do or about the service to motorists in difficulty before they can decide the nature of the signals to which they will respond and the proper response. In short, the programming for regulatory and service tasks must be based on issue consideration; the programming for individual victimization whether through crime or accident, must consider the incidents and the issues individually, although hopefully in a related fashion.

Incident Response

Ordinarily, unless there are significant changes in some of the contributing factors, the types of incidents to which the University force must respond vary only in rather small degree from year to year. A change of 20% in one year in the number of crimes of one particular sort or of the number of emergencies would--if it were not involved with some readily understandable factor such as a dramatic increase in registration or the emergence of a protest movement such as that which swept across the campuses in '69 and '70--be extremely unlikely. Even if some change was taking place, the administrator on a campus should not be forced to rely on yearly statistics. With computer-produced summaries he would ordinarily be able to note the trend shaping up over a period of months. Usually, incidents are quite predictable and they are seldom of such number as to be beyond capacity. For most campuses there seems little question but that the conventional patrol allocation on each tour is quite capable of handling the incidents which do arise. There seems no report of the inability to get a reasonable response and a spot check of a number of campuses indicates that their response time compares in a highly favorable manner to that which could be anticipated from the police of the adjacent community. If improvement is to be achieved, it would probably come

from a more intensive study of the requirements for the improved response to the incidents as they occur on the particular campus. This, in effect, calls for the study of the issues of which the incidents are the manifestations.

Programming for Issues

Issue consideration, the determination of the background situation in terms of broad concepts, allows us to group large percentages of the specific incidents which occur on a particular campus in categories which allow for study and the development of answers which can give improved response for the individual incidents which the issues represent. It is a necessity if sophisticated response is to be achieved. Although it is possible to develop a very finite number of groupings, it is important to recognize that there is the need for several levels of categorization. We have already referred to the first level which results in the delineation of four separate police tasks. As will be noted in the continuation of the development the division into the four task areas allows us to recognize very substantial differences in the way which information relevant to each of the four areas can be processed and considered.

A second level below the four-part division is also important. For the victimizing crimes (as we have noted, U.C.R. Categories 1-14) the intermediate level is the U.C.R. designation, e.g., homicide, robbery, etc. For the remaining three categories the intermediate level of problem categorization should at present time refer to existing classifications such as accidents, traffic violations, etc.

Our main concern is in the final or third level of subcategorization which allows us to determine the issues which are of particular operational significance. As will be demonstrated, there are two indicated paths to issue determination. For the victimizing categories (victimizing crime and victimizing emergency) a case has been made in research by the author (in publication

at this time) for what is called there response-specific issue determination. This is the grouping of the various incidents under each of the intermediate categories into a subcategory which is distinguished by the fact that all of the incidents in it require approximately the same response. The regulatory and service tasks are best handled through a considerably different method of issue determination.

Subcategorizing the Incidents of Individual Victimization -- With the incidents which result in individual victimization the immediate and prime administrative concern is that the individual incidents be effectively treated. Therefore, our process for determination of the relevant issues towards which programming should be directed, insofar as it concerns the areas of individual victimization, requires that we work from the incidents. As we have noted they are situations which are defined externally to the responding police or security organization. These incidents fall into two major types. The victimizing crimes, those in U.C.R. Categories 1-14, constitute a problem that is serious even on the campus although ordinarily campus crimes are far more heavily concentrated in the areas of theft than in the areas of interpersonal violence. The emergencies which victimize individuals are also important. Even on the campus there are serious accidents, people become violently sick, others require assistance for some other more or less serious individual emergency. The process of issue determination for these matters works from the individual incidents. In other research by the author, the argument has been made that the important concern for the administrator is the response which the incident occasions. It is that response to individual needs which, in its collectivity, represents the large part of the campus organization's response to the broad problems of crime or emergency.

Most incidents which do occur are similar to other incidents which have previously occurred and for which an appropriate response pattern has been

determined and mandated. Project personnel worked extensively with the campus force at SUNYA to develop a detailed manual (Appendix A) containing standard operating procedures which enable an officer to categorize the incidents which occur and follow a pattern of response which is appropriate. Incidents for which there is no guidance are very rare indeed. Procedure, however, usually is not pulled together in ways which facilitate the enumeration of the various incidents into the categories which call for these specified patterns of response. Still, it is these incidents which can be, in effect, standardized.

If we know, for example, that all of the emergency situations which are occasioned by the fact of injury or illness to a person on the campus are handled through one of three basic procedures, we can subcategorize the incidents of illness and injury into three categories based on the pattern of response which is called for in each specific incident. For each pattern we can determine a standard resource allocation. We would know that procedure A requires an average expenditure of 45 minutes of personnel time, procedure B requires only 25, while procedure C takes an hour in the average incident. If we divide these incidents of injury or illness into these three categories, then we have achieved a working base which allows us to do two things. We can obtain an indication of the anticipated number of these problems since the experience of one year usually is reasonably close to that of the next. If we can predict number and category, the number multiplied by the standard resource allocation gives us an indication of the amount of effort required. A simple time analysis allows us to determine the extent of the anticipated emergency incident problem and the estimated resource allocation need with which we can program.

Issue Determination for Regulation and Community Service -- We have noted that the incidents in the non-victimizing situations have different definitions and different implications from one place to another and from one time to another. Only when we have defined our local meaning does it make much sense

to talk about an average traffic violation. What we must recognize is that the regulatory actions and our decision that we will render various types of service to members of the community are actually determined on the basis of an administrative consideration that a particular problem exists, that it will be indicated by certain signals from the environment and that specific patterns of response will be followed. We recognize that the patterns of response will vary. Every person who has worked in traffic enforcement, for example, knows that with relatively few exceptions (e.g., drunken or seriously dangerous driving) it is simply not efficient to attempt for universal enforcement. We have what has been called selective enforcement and it is the task of the administrator to determine what should be acted upon at any particular time.

The question then comes as to whether these determinations as to the pattern of enforcement or service supply should be or can be determined objectively or must always be made on the basis of public relations or the more obvious forms of pressures for police action. Obviously, it seems desirable that objective determination should at least be sought after.

When we examine the types of problems which demand an answer under the regulation and service activities, we can recognize that the ability of the campus forces to follow what would seem to be the desired pattern of issue determination is considerably greater than that which exists for their municipal brethren. The objective determination for regulation and service should be based on the determination of the underlying problem which the regulatory or service effort is designed to meet. We do not, for example, engage in traffic enforcement merely to give out a quota of tickets. Our need is to decide when traffic enforcement is necessary and when the energies of the campus forces could be better directed elsewhere. Traffic control activities are required ordinarily for three specific reasons. The most serious in theoretic terms

(but one which is not usually important on a campus) is for the reduction of accidents. The most serious traffic problem on the campus is for the control of parking which often involves such other considerations as the interference with fire or other emergency vehicles and may involve the destruction of lawns or other areas not designed for parking. The final reason, usually one of relatively minor importance on the campus but of considerable significance in the external community, is for congestion control. In a large city, a coordinated approach using the appropriate enforcement, engineering or educational activities may considerably reduce the amount of time it takes an average vehicle to move from one section of the city to another. In terms of the commercial costs to individuals who must drive for a living, the total cost of congestion may amount to the equivalent of millions of dollars in a single day in a large urban community. Each of these three needs can be considered in terms of objective criteria as to its seriousness and the need for official action. We can, once we have determined an acceptable baseline, engage in education efforts or enforcement efforts or possibly engineering (e.g., placing barriers in areas where parking has been a problem and where no parking is allowed).

In many regulatory or service activities the degree of problem cannot be as objectively determined as with traffic but it is possible for the administrator to make an educated guess which, if it is recorded, can serve as an objective statement of the problem and provide a target for consideration as to the relative needs for the various efforts which can be directed against it.

In some instances, particularly those which involve the so called victimless crimes, the legislative intent, to the extent that it is spelled out, is in the form of a great many specific laws which do not allow for a clear determination of the way in which the enforcement activities can be exercised. The conventional response is not to determine problem but rather to vary the degree of enforcement effort by varying the amount of personnel resource devoted

to the particular concern. In rough terms, this is the way the average police department responds to such problems as prostitution, gambling or drugs. Usually with such more enforcement activities, the types of prevention or other issue-significant effort which are available and constitute so important a part of the issue response for most other regulatory or service concerns, simply are not available. Fortunately, the victimless crimes are not an important problem on the campus. Most of the SUNY units do have regulations which prohibit gambling and which regulate the consumption of alcohol. Almost all have taken rather complex stands explaining the stiff drug laws of New York State and pointing out that the University has no alternative but to cooperate with local law enforcement where drug violation is uncovered. However, with the exception of the alcohol control provisions which have obvious disorder ramifications, the campus efforts are not pushed towards the victimless offenses and are seen to be rather infrequently applied there. They are not a major concern on the SUNY campuses.

In these last pages we have given some idea of a way of problem determination which is applicable for the two major types of campus force problems, those which involve victims and those which do not. Figures III and IV illustrate the problem determination process.

The Incident Report

It is obvious from the preceding discussion that it is vital that the campus force obtain evidence as to the incidents in which it must take action. For those matters which involve victimation, these incident reports can, if they are properly analyzed, allow the necessary information to be pulled together by the computer. In the process it is possible to have a number of the official reports which the campus forces must make to the Federal Bureau of Investigation and to the Department of Criminal Justice Services also produced automatically.

Information as to all incidents involving individual victimization

Non-incident input affecting issue concerns (e.g., laws, trends, data on victim or victimizing groups, techniques, experience)

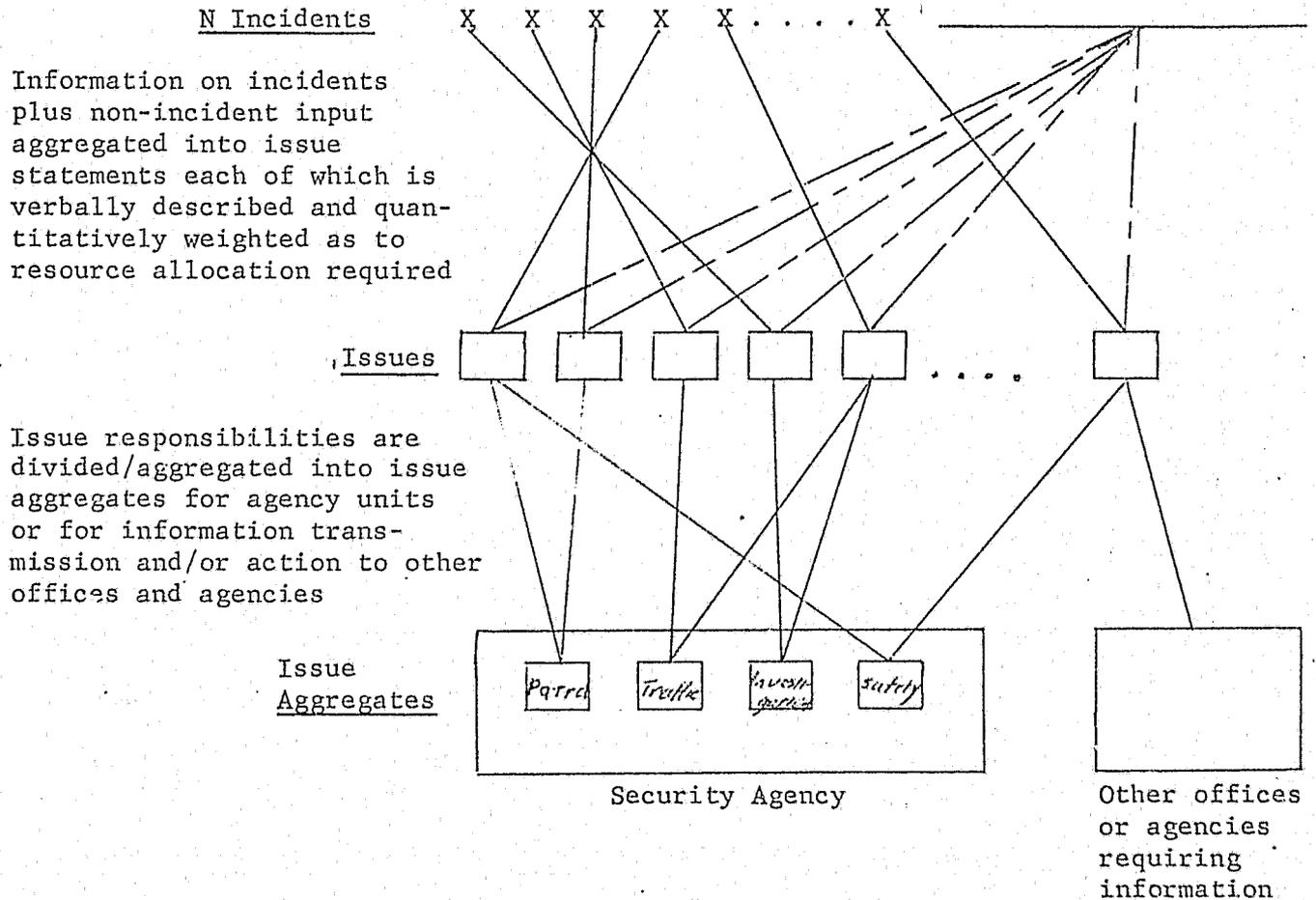


Figure III
Problem Determination
Victimizing Crime - Victimizing Emergency

1. Information indicating legislative or executive intent (e.g., laws, orders, statements of intention, court interpretations)
2. Information indicating nature and extent of problem with which an issue is concerned (e.g., for traffic enforcement, the number and locations of traffic accidents)
3. Information as to general and local police experience with the regulatory and service tasks (e.g., professional techniques of enforcement or assistance, professional standards)

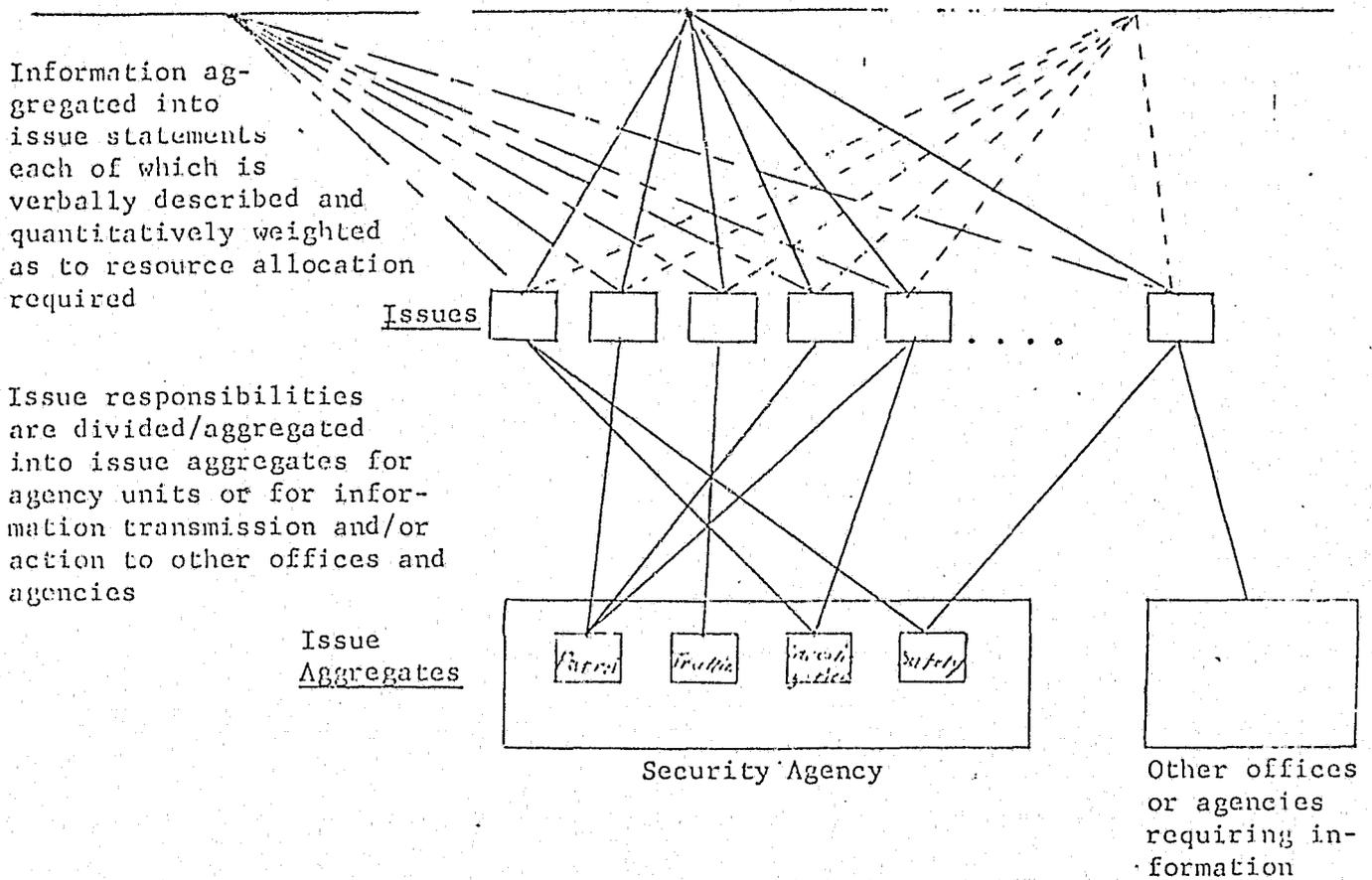


Figure IV
Problem Determination
Regulation and Service

When this problem was first considered by the author, the need was seen as a process which could allow for the recording of the information about the incident so that it would serve both the needs of a case record and of an information source allowing for compilation of information about the issues and as to the kinds of activities which had to be recorded for the reports to the Federal Bureau of Investigation and the Department of Criminal Justice Services. Work was carried out with the local SUNYA security force which resulted in a check-off form for reports of crime. This proved reasonably satisfactory but these initial events were brought to a much more sophisticated point when the Assistant Project Director (Mark Cuniff), at the termination of his work on the project, moved to the Office of the Coordinator of Security Services for the University and under his direction developed a much improved form which has been extensively developed in the last few years by the Coordinator. This form is shown in Exhibits I and II. Exhibit I is the face sheet of the "State University of New York Crime Report;" Exhibit II is the very ingeniously contrived second sheet which allows the information recorded by the campus officer to be placed in a ready form for machine tabulation.

Once incident information is coded in the prescribed fashion, it is only a matter of programming to allow the necessary official reports to be produced automatically as well as to enable the issue determination for the specific campus to be more rapidly and effectively processed. At present, computer-assisted issue determination is in a rudimentary stage. Certainly there will be the need for a great deal of consideration at the particular campuses to determine the shape of the issues which are significant for them. This is particularly true for those which involve victimization where the incident analysis is, as has been previously noted, all important.

STATE UNIVERSITY OF NEW YORK
CRIME INCIDENT REPORT

1. Campus Code 28 If other than Penal Law: 1. V & T 2. P.H.L. 3. Environ. 4. A.B.C. 5. Other Is this incident related to another criminal incident: 1. yes 2. no

2. File Year No. Sequence I.D. Section Cite If yes Year No. Sequence give I.D.

3. Penal Sect. Cite Subs Is this incident being reported to the DCJS by another Pol. Agency: 1. yes 2. no

4. Status of Report: 1. New 2. Change 3. Delete Was there more than one crime committed in the incident: 1. yes 2. no

5. If Report of Incident came thru office, Method: 1. Person 2. Tel. 3. Letter 4. Other Building Location Code:

6. Officer's Name & No. _____ Date of Signal: Mo. Day Yr. Time M Dispatch Radio: 1. yes 2. no

7. Nature of Response 1. Emerg. 2. Prompt 3. Routine Time of arrival at scene M Time Scene cleared M

8. Additional Personnel 1. Yes, by Dispatcher 1. Yes, by Request If yes no. of pers. Were existing procedures adequate for responding to incident 1. yes 2. no

9. If Victim: 1. Single 2. Multiple Number If multiple, enter one name in this section and enter all others on victim's supplement form

10. Injury Suffered: 1. Personal 2. Property 3. Both Name _____

11. Victim's status: 1. Student 2. Patient 3. Staff 4. Officer 5. Univ. 6. F.S.A. 7. Research Found. 8. Vendor 9. Other Local Address _____ Tel. _____

12. Victim's Race 1. W 2. B 3. Amer. 4. Oriental 5. Other Mo. Day Yr. Home Address _____ Tel. _____

13. Sex 1. M 2. F D.O.B. _____ Did the victim witness the crime 1. yes 2. no

14. Offender known to victim: 1. Yes Rm.mate 2. Yes Acquaint. 3. Yes Other 4. No E.u/k

15. Reporter of Incident 1. Patrol 2. Inves. 3. Victim 4. Other If other, Name _____

16. Did Reporter witness the crime 1. yes 2. no Address _____ Tel. _____

17. Specific Place of Occurrence _____

18. General Area of Occurrence: 1. Dorm 2. Hall 3. Union 4. Academ. 5. Library 6. Admin. 7. Bldg. 8. Road 9. Lot 10. Grounds 11. other

19. Date of incident: Mo. Day Yr. Time M Date: 1. Actual 2. Est. 3. u/k Time: 1. Act. 2. Est. 3. u/k

20. Nature of Offense: 1. Vio. 2. Misd. 3. Fel. Circumstance: 1. Actual 2. Attempt Evidence Available 1. yes 2. no Witness Avail. 1. yes 2. no Enter details on narrative

21. If burglary or car theft, door: 1. locked 2. unlocked 3. u/k Forced Entry 1. yes 2. no If larceny Cred. Card involved: 1. yes 2. no

22. Type of Larceny: 1. Lifting Shop 2. Purse Wallet 3. Locker From 4. Bike 5. Auto From 6. Auto From 7. Parts 8. Bldg. From 9. Machine From 10. Drugs 11. Other

23. Value of Property - \$ only Money Jewelry Equipment Clothing Furniture Other

24. Stolen

25. Recovered

26. Value of Property Damaged: \$ _____ If falsely reporting an incident Bomb 1. Throat 2. Alarm 3. Other Bldg. Evacuated 1. yes 2. no

27. If force Used: 1. Gun 2. Knife or Cutting Instru. 3. Other Dangerous Weapon 4. Physical Force 5. Intimidation 6. Telephone Threat 7. Other

28. If Drugs: 1. Heroin 2. Cocaine 3. Marijuana 4. Synthetic Drugs 5. Barbiturates, Speed, etc. 6. New 7. Paraphernalia

29. Disposition: 1. Pending 2. Arrest 3. Arrest Other Charge 4. Closed Victim refused to press charges 5. Closed Exceptional Clearance 6. Refer to Campus Jud. 7. Other 8. Unfounded

30. If Arrest. 1. single 2. multiple Number If multiple, enter one name in this section and enter all others on recent supplement form

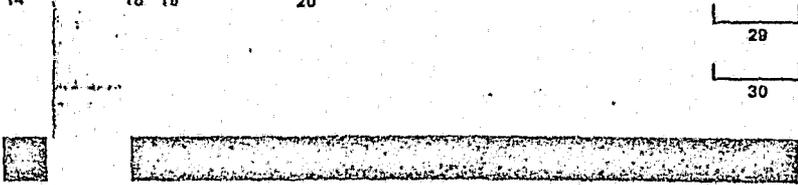
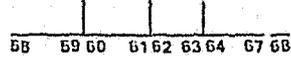
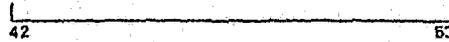
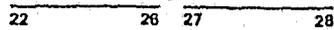
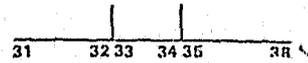
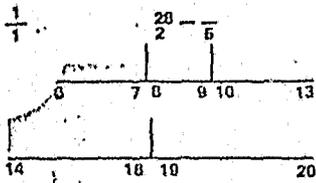
31. Subject's Name _____ Arrest Warrant? 1. yes 2. no Appearance Ticket Issued 1. yes 2. no

32. Address _____ D.O.B. Mo. Day Year Sex: 1. M. 2. F.

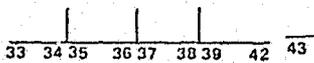
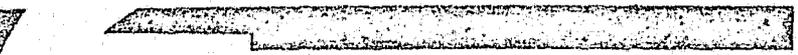
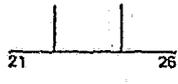
33. _____ Tel. _____ Race: 1. W. 2. B. 3. Spanish American 4. Oriental 5. Other

34. Supplementary Forms used 1. yes 2. no If Yes, identify in narrative

Subject's Status: 1. Student 2. Student 3. Non-Resident 4. Other



2
1 2-13 Same as Card No. 1



3
1 2-13 Same as Card No. 1

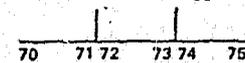
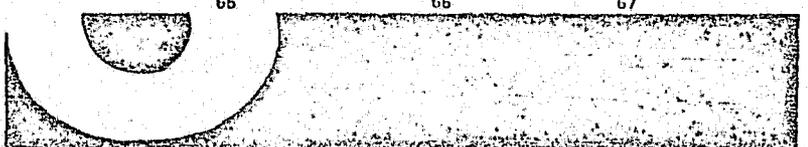
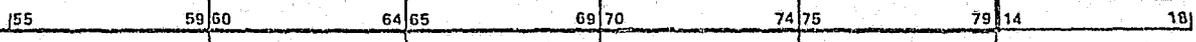


Exhibit II

The frame of reference under which security is operating will determine to a large extent how data as to campus incidents and issues is interpreted. There appears to be a widespread attitude that crime data is the significant indicator and that its main value is in determining increased manpower allocation to security rather than more selective use by security. Practically speaking, this transforms to the position that an increase in crime merits an increase in manpower.

There are a number of concerns which need examination before this equation of more crime equals more men can be accepted as that which is desired. To begin with, crime statistics represent only those crimes which are reported to the security department rather than bearing necessary relationship to the actual crime problem on the campus. A change in attitude toward the security department by members of the campus community may do more to account for an increase in the crime rate than the actual increase of crime itself. There is also the matter of how crime is reported on the campus. Research into reporting methods on one campus showed what is probably a fairly common problem; many crimes reported to representatives of the Student Affairs Office were not reported to the security department. Beyond these factors there is a serious question as to the value of personnel increase with many types of crime. It is unlikely that the presence of more security officers will deter crime if that crime is occurring in places where security officers cannot routinely patrol, e.g., dorm rooms.

Crime data are an important tool to the security director. It is necessary, however, that he, as well as the rest of the campus community, recognize their limitations and their often unrecognized potentials. Fluctuations in the crime rate may call for such other responses as the educational

or engineering approaches to a particular crime problem. An educational approach might be taken where there is a considerable theft problem in the dorms because of the students leaving their doors unlocked. Instead of attempting to radically shift conventional patrol activity, security may want to conduct an educational program which would stress the need for students to keep their rooms locked when they are vacant. Engineering approaches might apply with a problem such as the vandalization of vending machines. Moving the machines to a more public area and thus increasing their visibility might have the effect of lessening their susceptibility to vandalism.

Crime, however, is only one phenomenon to which campus security must respond. Campus security renders services and performs duties which assist in the safe operation of campus facilities. There is the need, therefore, to develop measures which can assist the security director in generating information on these services and duties. A useful data collecting form has been developed (Exhibits I and II) and is in use in the SUNY system but more research is needed before the full potential of this form can be realized.

Training

Every security officer who is at the grade 12 level (Campus Security Officer II) must complete the same number of hours of training as are required by State law for any municipal police officer in New York State. The training level has increased considerably over the past years, with the present requirement being for 285 hours and the proposal by the SUNY Coordinator of Security that a 320 hour program be offered in the future.

Most of the instruction closely parallels that given to all police. In the 1974 program, eight hours were devoted to such administrative procedures as orientation and testing. The largest segment of the program (79 hours) was concerned with "police procedures." This was an assortment of presentations dealing with the conventional police problems encountered in day-to-day operation. It ran the gamut from the consideration of patrol techniques and field note taking and reporting through the different procedures for dealing with the common problem situations. Thus, there were discussions of crimes in progress, disorderly conduct and domestic complaints, intoxication, impaired driving and accident investigation. A large segment of this block was concerned with criminal investigation, a kind of survey of the investigator's art. There were lectures and discussions of investigation techniques, information development, interviews and interrogations, physical evidence, injury and death cases and then, more specifically, of the modus operandi involved with most of the major crimes. This section also included a segment on juvenile procedures.

The next largest section of the course (65 hours) was concerned with what were called police proficiency areas. The largest bloc (23 hours) dealt with firearms training. Fourteen hours were devoted to arrest techniques, ten to the problem of emergency assistance for persons requiring first aid.

Then there were a series of rather isolated technique discussions ranging from traffic direction and control, through emergency vehicle operation, courtroom testimony, crowd and riot control, surveillance, and bomb threat response.

Forty-four hours were devoted to basic law. This dealt with some elements of Constitutional Law but most of the time was spent in discussion of criminal procedures (21 hours) as well as of the kinds of offenses found in the Penal Law, the Vehicle and Traffic Law, and the law with respect to juveniles.

Supervised field training accounted for 40 hours of the total. Here the training reverted to the old apprenticeship-type instruction. The trainee was sent out with an experienced officer to accompany him on patrol and in meeting the various tasks to which he may be assigned.

Twenty-three hours were devoted to community relations. Here the emphasis was on "human relations training" and several capsulizations of the broad social science-oriented knowledge which are generally assumed to be essential for all police. Thus, seven hours were spent on "basic psychology for police," four hours on minority group relations, and three hours on "the police and the public." Seven hours were devoted to role playing to instruct in human relations. Finally, two hours were devoted to news media relationships.

An interesting segment of this training program was the so-called "elective annex." This was a fourteen hour section directed to topics assumed to be of special significance to the Campus Police Officer. One four-hour bloc was titled "the campus peace officer and the campus community." It presented "specific and detailed instruction... to define and illustrate elements essential to building and maintaining a positive and constructive

climate for campus security - campus contacts." In another four-hour section communication and human relations was discussed. Two hours were directed to the relationship of campus peace officers with the student population. Another two-hour segment was directed to the problems of the economically disadvantaged students on the campus and in a single hour the discussion of the role of the campus peace officer in the State University was discussed.

As one examines the content of the training sessions, it is somewhat difficult to pick clear threads of development and it is obvious that the program (which is fundamentally that given to all New York State Municipal Police Officers who are not trained more extensively in their own police departments) represents an agglomeration of facts and opinions which have been pulled together on the grounds of rough estimates of their utility for the police (in this case, the campus) officer. Campus security cannot be faulted for not having gone further beyond the existing training requisite in the police field as a whole, but it should be recognized that there is particular need to develop the educational objectives of training and to relate these to the task and function definitions, one example of which has been presented in the preceding pages.

Investigative Techniques

Criminal investigative techniques present some of the most persistently difficult conflicts between the academic ethos and the law enforcement ethos. The keeping of information files, sophisticated surveillance techniques, the cooperation with external intelligence or narcotics units are all activities in which crude or inappropriate investigative action can create the suspicion that a police state is being established. The approval of the position of "campus security specialist" and the authorization for the employment of persons in this category (announced in Chancellor Boyer's letter of January 4, 1971, to the Presidents of the SUNY units) brought these issues of role and control right onto the SUNY campuses.

Unquestionably, there is a need for criminal investigation on the campus. It would be very surprising if, in these large university communities, there were not some students who had become quasi-professional thieves or vandals. Then, as we have noted, persons from off the campus frequently enter with criminal intent. All told, there are scores of cases each year in which thorough, time-taking investigation can lead to solution. A good investigator can pull together seemingly unrelated facts and occurrences into a blueprint for action which can reduce the impact of crime on the campus.

But there are problems. Some of the most serious derive from the nature of the major product in which the investigator deals--information--and from the police tradition as to the handling of information. It holds that the investigator's most valuable resource is his supply of information: the data he collects belongs to him personally, and he is relatively free to use it or pass it on to build his information system. The average investigator works alone with very little reliance on central processing of facts. He uses information as a kind of capital, bartering what is valuable to others for their

potential help in future situations or even trading off with violators for their cooperation by failing to press minor charges or those involving crime areas for which the investigator is not responsible.

Then there is the traditional police-criminal equilibrium. The typical criminal investigator in an American municipal police force lives in a symbiotic relationship to a criminal world. He may be perfectly honest, but a large part of his stock-in-trade is his ability to live off the crime world rather than to destroy it. This is a tolerable, even need-serving, accommodation in the broad society, for the police serve as a buffer group between the upper and underworlds. Such accommodation, however, calls for hidden linkage. The police administrator cannot always officially know that his investigators exercise in their dealing with criminals a degree of discretion which police officials are seldom prepared to defend. Thus, there developed the American police tradition of an insulating device. The investigator was assigned to and responsible for results obtained in his handling of specific cases rather than for the way in which he conducted his investigations or for the suppression of crime or criminals. The man who got results in a good percentage of the cases assigned to him was the man who was rewarded. Unless there were extraordinary, publicized infractions or improprieties, there would seldom be any concern about how results were achieved. Thus, in addition to the problems created by information misuse, there is the tradition of isolated, unsupervised work--measured only in terms of results, no matter how obtained--which militates against the effective, supervised activity that investigators can accomplish.

Informers--here the term is used to mean paid and usually criminal sources of information--are an entirely different problem from those who supply information because of their public spirit. The latter sources should be

rewarded in terms of appreciation and facilitation of their performance in a difficult role. Careful consideration, however, should be given to the information which they supply. Paid informers, on the other hand, may be necessary, but they have extraordinary limitations and even dangers. Informants are often unreliable, sometimes criminally so.

Undercover agents have sometimes performed very valuable services. However, they have the same disadvantages as informers and in fact the two categories often blend. Manufactured information may pay off as well as the real. Criminal action may be stimulated rather than reported.

The problems which an undercover agent can present to a campus are illustrated by an incident at Kent State in the Spring of 1973. In an attempt to get a particular group of students to undertake a criminal course of action, an undercover agent was teaching them how to use an automatic weapon. The undercover agent was eventually unmasked and when knowledge of his activity became public the students--and a great many others--were understandably aroused. The security director lost his job and the administration lost credibility with the student body.

The need for security to get involved with criminal informers and undercover agents is not particularly compelling. There is a very limited need for police intelligence gathering on a college campus. The type of criminal activity which calls for investigative techniques such as informers and undercover agents--terrorism, drug trafficking, gambling and other organized criminal activity--is of such a nature that it requires a broader than campus response. When it is a problem activity, the proper response would seem to be to refer the matter to a police agency which has a wider jurisdictional scope. Police intelligence gathering with respect to political groups and the people who are affiliated with them is hardly appropriate in an atmosphere which

espouses free inquiry. Furthermore, this type of activity is fraught with constitutional and legal issues centering around the rights of free speech and freedom of association.

What a person says or does should be of no concern to the security department unless his statements or activities relate directly to a criminal matter which he is contemplating or which he has already carried out. The security director, much as his police chief counterparts, is continually receiving and evaluating information as to contemplated or accomplished criminal acts. He must evaluate the reliability of the reporter and, when there is grounds for suspicion, he should seek whatever additional information may be available to determine whether or not there exists reasonable cause to believe a crime is about to happen, or has happened.

The campus president and the security director do not have to fear any rebuke for the proper exercise of the investigative role. As the judge in Anderson v. Sills states:

The basic approach must be that the executive branch may gather whatever information it reasonably believes necessary to enable it to perform the police roles, detectional and preventive. A court should not interfere in the absence of bad faith or arbitrariness... An injunction against police information gathering should not be blanket, but should specify the forbidden material.¹

The concerns which have just been noted also apply to the use of scientific adjuncts to investigation (e.g., cameras or electronic devices to collect information). In May, 1970, a faculty member on the Albany campus, angered at what appears to have been a justified, although quite naive, use of motion picture cameras by security personnel, asked the Vice President of the campus about possible files of security-taken pictures. The Vice President gave an unqualified answer that there were none. The complaining faculty

1. 56 N.J. 210, 265 A. 2d 678 (1970).

member introduced a motion, which was sympathetically received by many members of the faculty, to ban the use of security cameras on the campus. The resolution was defeated with this author speaking in opposition. The point made then was that one cannot adopt a neo-Luddite approach. Cameras were used instead of armed men, and results were generally good. The problem is to control possible abuse.

The Scranton Commission notes that there are:

compelling reasons to keep intelligence operations at the lowest possible level consistent with peace and security, to entrust intelligence activities to officers whose sensitivity and integrity are above suspicion, and to allow such activities to be undertaken only under strict guidelines and with close supervision. In the long run, clandestine police work can be no more scrupulous than the department and men who carry it out.¹

The need for investigation is real, but the business of investigation is the collection of information. Information is a source of power. Power requires control if it is not to result in tyranny. If investigators are to be used, they should, as is the practice in the Federal Bureau of Investigation, be carefully supervised as to the procedures and activities rather than results. The Security Chief must be responsible to the unit President, and the President to the University community concerning what work investigators do and how they do it.

The Relationship to External Police Departments

The discussion of this matter involves not only the issue of police presence on campus but also the issue of neighboring police agencies assisting campus security in processing evidence and cases. Neighboring police agencies can enter the campus: to patrol; to investigate; or to quell a civil

1. The Report of the President's Commission on Campus Unrest (Washington, D.C.: Government Printing Office, 1970), pp.5/41-5/42.

disturbance. The security department also needs local police assistance to receive information from and to give information to the Division of Criminal Justice Services and the State Police as well as to have them run laboratory tests when necessary.

Although local or State Police forces do not ordinarily patrol the campus area, the law specifically states that SUNY property is within the jurisdiction of the political subdivisions in which it is located. While they are on University property, the police have all the arrest powers they have anywhere else within their spheres of authority. No member of the SUNY community should believe that he has special immunity from any provision of the law because of academic status or because he is on University property.

Over and above the obvious fact that under New York State law the police cannot be denied the campus, there are two points which should be considered:

- a. The first relates to one of the unspoken premises apparently held by many academics. They maintain that a law such as the one prohibiting marijuana smoking is stupid, even immoral. Therefore, the university administration must take Hobson's choice of either cooperating in its enforcement (anathema to the academic) or providing a sanctuary for those who would "turn on" (illegal and unworkable). The usual answer, of course, is agonizing and drifting. With nothing definite, everybody is unhappy. But why make the choice or slip into the non-choice? The University has abandoned in loco parentis with respect to dormitory regulation. We should recognize that the same situation applies to these controversial laws. The student

argument is with society--not with the University. The University cannot and should not establish a sanctuary: the University should direct its security activities to violation areas important to its safety and order.

- b. The second argument concerns whether or not police presence on campus (individually, not in platoons) is necessarily bad. There are value judgments here and an enormous range of possibilities. Insofar as individual, non-disorder-connected arrest is concerned, serious problems are not very likely to occur. However, the alternative of campus rejection of such police activity is illegal and cannot be seriously entertained. The real problem situations, those involving student-police confrontations, have, in the past, happened after the campus authorities had to call for massive police assistance. Such cases would come about whether or not the campus security had general law enforcement power.

The determination that the campus security forces should not enforce the "soft drug usage," "morals," or "gambling" offenses would not in any way legalize or give approval to such offenses. Information on serious criminal matters beyond the capacity of the security force (e.g., a hard drug sales ring reaching into another city) which comes to the attention of that force should be passed on to an appropriate police agency. The responding state, local, or federal police should get every cooperation.

Such a position would leave unquestioned the actual legal situation under which local or state police are completely free to carry out investigations and make arrests for serious crimes beyond the resources of the

Security Force and for such offenses as narcotics or gambling. Theoretically, they also have the power to patrol and make arrests on campus for the same offenses as would the campus Security Force. In fact, local and state police forces are much too expensive a resource for their communities to allow such action. No harm, however, would seem to be occasioned if such activity did occur.

There appears to be general acceptance of the position of the American Bar Association that:

The interests of the public and higher education will be best served by entrusting the primary responsibility for the maintenance of order on the campus to the universities when they are willing and able to perform the function....primary reliance should be placed on university disciplinary personnel for the maintenance or restoration of order and the prevention of further disturbances.¹

Unfortunately, it seems that the University can realistically go only so far in meeting emergency conditions with its own forces. The President's Committee on Campus Unrest has suggested: "When criminal violence occurs on the campus, university officials should probably call for the assistance of law enforcement agencies."² That somewhat oversimplified statement can be amended to take into account the fact that most large universities must develop some capacity for handling "criminal violence" in the day-to-day safeguard of their precincts.

Most SUNY executives have probably prepared contingency plans. Certainly they should have. Major emergencies--a serious fire, an explosion of great magnitude, an airplane crash--can happen on University grounds. As '69-'70 proved, campus disorder is a possibility. The latter problem is probably more serious. At some point, disorder must be stopped, but that point

1. Report on Campus Government and Student Dissent, American Bar Association. Chicago: American Bar Foundation, 1972, p.19.
2. Op. cit., pp. 4/32, 4/33.

at which action is required is not always easy or possible to specify in advance. The executive who oversimplifies his published statements about the actions which will trigger severe response invites ingenious attempts to make it appear that he has over-responded. However, not having contingency plans can cause even more severe complications. Plans hastily thrown together in a time of crisis are seldom of maximum value.

Among the problems are the implications of the loss of academic community control when external forces are brought in. The loss or substantial weakening of administrative control is almost inevitable once a neighboring police agency has been summoned. As an Ohio State Highway Patrol memorandum noted: "It must be understood by university administrators that when committed, the O.S.H.P. will exercise whatever force is deemed necessary by its commanders to control the situation."¹ The Ohio Patrol statement is refreshingly and unusually clear. Their position is the only one that is likely to be found-- unless there has been enough preparatory work so that emergency can mean cooperation rather than surrender. Even if the control of the situation passes from university hands to the police, there is often room for imaginative and cooperative planning before and even during disorder periods. No police official wants to be remembered as being responsible for another Kent State or Jackson State.

One important preparation for working with the police in emergency protest situations is the development of clear and publicized statements by the administration which point out the reality that the university is part of the general community and, as such, is served by law enforcement agencies which are part of the general community. When a campus executive calls in the outside police to handle disorder or relies on the use of the court injunction

1. The New York Times, September 15, 1970, p.1.

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1 OF 6

which may have to be enforced by the outside police, the police presence is fully justified. Faculty, staff and students should know that the police have been vested with the university's considerable power to maintain or restore order.

Beyond the matter of external police presence on campus, there is also the matter of external police cooperation with, and assistance to, the campus security department. As noted earlier, this cooperation and assistance is especially necessary with regard to getting information into and out of both the Division of Criminal Justice Services and the State Police. Circumstances vary from campus to campus. The fact of the matter is that this cooperation and assistance is not immediately forthcoming from all neighboring police departments and there is no way to compel it. The ability of the Coordinator's office to assist the local campus on this matter is limited to giving advice as to how to proceed and whom to contact. Since the Coordinator's office is not always in a position to know the kinds of contact which may have already occurred between the campus security department and the neighboring police department and since the security relationships with local administration of justice agencies should be coordinated with the relationship between the university and the local government structure, the development of security-police contacts is properly left in the hands of the local campus and it is an area which should receive the close scrutiny of the campus executive. If a poor relationship exists on routine matters, no miracle is going to occur which makes these neighboring police departments sensitive to the campus' concerns when they are summoned to quell a disturbance.

Cooperation and contact between security and the neighboring police departments does not have to be limited to criminal law or civil disturbance matters and it should not be in one way only. Disasters such as floods, severe

storms or power failures can occur in a nearby community. Campus personnel and transportation or communications equipment can be an important and remembered aid to a neighboring police department in meeting such disasters. Obviously, the whole university image benefits from such assistance. This is another relationship which benefits from advance planning. Circumstances may never arise wherein campus security can assist the neighboring police department, but the offer of assistance can indicate that security is willing to give as well as to take assistance.

There are, for example, facilities and services which the University can offer to the local police establishment. Often the facilities for training are immeasurably better at a university setting than those found in the local police organization. Sometimes university personnel with specialized language or laboratory skills may be of great assistance. It is well for the campus security operation to be brought into the negotiations through which such services are offered. Police agencies are ordinarily well aware of their "friends." The wise university security administrator does well to try to serve as a bridge through which these services, often available for the asking, can be brought to the attention of his municipal police associates.

CHAPTER III
LAW ON THE CAMPUS

SUNY is a creature of the State of New York,¹ a state-wide network established "to carry out certain of its governmental functions in respect of higher education."² For certain purposes, the State University of New York is an integral part of the government of the State.³

The Board of Trustees of SUNY has been granted wide discretion by the legislature and in the exercise of such discretion "the Board (has) power to establish a policy to guide the administration of a far-flung state college system, providing of course that such policy is not arbitrary or capricious."⁴ As a general rule, courts have been reluctant to interfere with the discretion of the University. "Courts may not interfere with the administrative discretion exercised by agencies which are vested with the administration and control of educational institutions, unless the circumstances disclosed by the record leave no scope for the use of that discretion in the manner under scrutiny."⁵ Thus, the courts would not interfere with a State University policy which outlawed national fraternities on State University campuses,⁶ or with a private university which abolished in loco parentis rules,⁷ or with a private university that expelled four students because two of them married in a civil ceremony while two acted as witnesses.⁸ However, the courts have been more willing to interfere in cases

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1. New York Education Law, §351, 352.
 2. People v. Branham, 53 Misc. 2d 346, 278 N.Y.S. 2d 494 (Sup. Ct. Alb. Co. 1967).
 3. Ibid.
 4. Kugler v. Board of Trustees of State University of New York, 45 Misc. 2d 239, 256 N.Y.S. 2d 409, 411 (1964).
 5. Lesser v. Board of Education of City of New York, 18 A.D. 2d 388, 239 N.Y.S. 2d 776, 779 (1963).
 6. Beta Sigma Rho v. Moore, 46 Misc. 2d 1030, 261 N.Y.S. 2d 658, aff'd. 25 A.D. 2d 719, 269 N.Y.S. 2d 1012 (1965).
 7. Jones v. Vassar College, 59 Misc. 2d 296, 299 N.Y.S. 2d 283 (1969).
 8. Carr v. St. John's University, New York, 34 Misc. 2d 319, 231 N.Y.S. 2d 403, rev'd. 17 A.D. 2d 632, 231 N.Y.S. 2d 410, aff'd. 12 N.Y. 2d 802, 235 N.Y.S. 2d 834.

involving freedom of speech. Thus, a public college cannot require that use of school facilities must depend on the speaker's views being compatible with the aims of the college,¹ nor can a State University bar a speaker from a campus merely because he is a communist.²

The Inherent Authority Doctrine

In Schuyler v. State University of New York at Albany³ the argument for the authority of the University to maintain order was based on two ground: the inherent authority doctrine and statutory powers. In regard to the former, the court said:

The administrators of a college or university possess an inherent authority to maintain order on its campus and freedom of movement thereon for invited guests, students and members of the school staff; the power to discipline, suspend and expel students whose conduct is disruptive thereof being a necessary attribute of the government of educational institutions to be exercised in sound discretion and not arbitrarily or capriciously....⁴

Taken at face value, this statement clearly means that in the absence of any written rule a university administrator may act within his authority when he perceives the existence of disorder, to restore order. Although he must act reasonably, the circumstances may require that the administrator either personally use force, or order others (e.g., campus police) to use necessary and legal force to preserve the life, safety and freedom of movement of invited guests, students and members of the school staff. Such legitimate authority to use force also extends to the protection of property from willful destruction. Although, of course, the administrator is not authorized to use force where it is not necessary, nor more force than necessary. No administrator need fear legal reprimand for

1. Buckley v. Meng, 35 Misc. 2d 467, 230 N.Y.S. 2d 924 (1962).

2. Egan v. Moore, 36 Misc. 2d 967, 235 N.Y.S. 2d 995, rev'd. 20 A.D. 2d 150, 245 N.Y.S. 2d 622, aff'd. 14 N.Y. 2d 775, 250 N.Y.S. 2d 809.

3. 31 A.D. 2d 273, 297 N.Y.S. 2d 368 (3d Dept. 1969).

4. Ibid., 297 N.Y.S. 2d at 371.

reasonable measures taken to maintain order or protect property. It was held to be clearly within the purview of the powers of a Dean of Students to announce over a microphone that students and faculty who are standing between ROTC cadets and presidential reviewing stand during Parents' Day activities were violating demonstration guidelines and should remove themselves from the field.¹ Could the Dean thereafter have ordered the demonstrators to be forcibly removed? Under the inherent authority doctrine it would appear that if the students' activities were reasonably viewed as a disorder, then a minimal use of necessary force could be used. Of course, the meaning of disorder is not always clear where violence is absent. If the term disorder were to be limited in meaning to acts of violence which create or threaten injury to persons, or physical imprisonment or intimidation, or purposeful destruction of property, then many activities which go beyond the area of minor nuisance could not be so controlled.²

Unfortunately, the determination of what constitutes disorder is based on human judgment, hopefully enlightened by prior policy determinations. Is a loud demonstration in favor of Bobby Seale a disorder? if it is conducted outside a dormitory complex? at 2:00 A.M.? if it lasts for three hours?³ Is it a disorder when a student in a peaceful demonstration carries a sign reading "Fuck! Verb!?"⁴ Is it a disorder for a student to shout obscenities during a demonstration? during

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1. Powe v. Miles, 407 F. 2d 73, 77-78 (2d Cir. 1968).
 2. See the "Rules and Regulations For Maintenance of Public Order on Premises of State Operated Institutions of the State University of New York Adopted by the Board of Trustees of State University on June 18, 1969, and amended by the Executive Committee of the Board of Trustees on July 10, 1969," (hereafter cited as "Trustees' Rules") Rules No. 3(e), (f), (g), (j) and (k). The Trustees' Rules are reprinted in the Appendix to the Student Guidelines 1969-70. See also Crary, J. C., "Control of Campus Disorders: A New York Solution," 34 Albany L.R. 85, 86-87 (1969-70); (hereafter cited "Crary").
 3. The Supreme Court has attempted to define the permissible limits of public demonstrations in Cox v. Louisiana, 379 U.S. 536 (1965) and Cox v. Louisiana, 379 U.S. 559 (1965).
 4. Goldberg v. Regents of University of California, Rptr. 463 (1967).

an academic procession? Is any breach of the Penal Law automatically a disorder?¹ Clearly, administrators in today's tense atmosphere cannot wait for the courts to settle every possible case. Any doubts as to their actions in such cases cannot be settled by formula. The catchword is reasonable, but since the final arbiter is the court, an administrator can never be completely free of fear that his actions might be held to be unreasonable. At present, however, such attacks on administrative actions are unknown. The reluctance of courts to interfere with college administration, and the existence of the inherent authority doctrine add up to a permissive climate for reasonable administrative action. It should be stressed that administrative discretion also applies to non-application of the law. The administrator commits no violation of the law if he does not invoke the law against a violation. His problems in such rejection of an action alternative may be tactical or political, but they are not legal in nature.

It seems likely, in the absence of grossly unreasonable action on the part of college administrators, that students could expect no reasonable return from time consuming and costly lawsuits to bring college administrators to account for their actions. The fact is that almost all of the lawsuits brought by students against universities during the last ten years were brought to stay later disciplinary action against such students. The Schuyler case says that the university not only has the inherent authority to preserve order but also to discipline, suspend and expel students whose conduct is disruptive. This authority cannot be exercised arbitrarily or capriciously, and in exercising it,

1. See Dixon v. Alabama State Board of Education, 294 F. 2d 150 (1961), Knight v. State Board of Education, 200 F. Supp. 174 (1961), at 179: "If the regulation of April 8, 1960, means that a student convicted of any criminal offense regardless of its nature and seriousness should be automatically dismissed, and if the regulation so construed should be deemed a reasonable one, then there would be merit in the defendant's argument that the discipline committee was vested with no discretion and that its sole function was to determine whether or not the plaintiffs had actually been convicted of a criminal violation. ... But is this the correct construction of the regulation? The Court is satisfied that it is not.

"In the first place, the unreasonableness of such a construction argues strongly against it. There are countless convictions for violations of the criminal law which do not necessarily reflect seriously upon the person so convicted...."

it is now well established that the state university must afford the student a measure of due process guarantees. In a later section we will detail those procedural guarantees as applied to the disciplinary hearing while another will be largely concerned with substantive rules, i.e., the limits of the university's inherent authority to discipline.

Statutory Powers

The Schuyler case enumerated a second source of the State University's authority:

In addition, by statute, subject to the general management, supervision and control of and in accordance with the rules established by the State University trustees, the operations and affairs of each state-operated institution of the State University ... are supervised locally by a council which has the power, with respect to the institution it serves and, subject to the approval of the trustees, to make regulations governing the conduct and behavior of students, as well as the care, custody, and management of lands, grounds, buildings and equipment (Education Law §356, subs.1, 4(g)).

Two months after the Schuyler case was decided, the New York State Legislature's "Henderson Law" took effect. That statute (Education Law §6450) required every college or university in the State to adopt and file rules and regulations for the maintenance of public order on the campus on pain of losing state financial aid. Such rules are to govern the conduct of students or any person found on the campus. They provide for the ejection of violators who are not members of the University and other disciplinary action for students and faculty. Finally, the statute stated that it should not be construed to limit or restrict the freedom of speech nor peaceful assembly. This law is unusual in that a basic legislative and executive function--the maintenance of public order--has been delegated to colleges, many private, who heretofore have not been granted such broad powers. While the Henderson law has been challenged in the courts and is theoretically

subject to constitutional attack, there seems no strong evidence that a constitutional challenge to it would be sustained in the courts.

Due Process

In 1968, the United States District Court for the Western District of Missouri sitting En Banc issued a "General Order on Judicial Standards of Procedure and Substance in Review of Student Discipline in Tax-Supported Institutions of Higher Education."¹ This determination was unusual in the scope of its review and discussion of the legal process on the campuses of the publicly supported universities. It is included in its entirety as Appendix B. Equally unusual is the manner in which this rather general and broad statement has not been seriously altered through the court actions of the intervening years. A "Shepardizing" of this case shows that as of 1975, there were 40 citations to this case and none of them changed it substantially. A number of cases have upheld the right of public institutions to enforce even dress codes, a matter which is no longer of interest in any publicly supported institution of higher learning, with the exception of the military academies. The instances in which university action has not been upheld, usually referred to matters in which there was a clear case that a hearing was not held prior to the imposition of some penalty. In Marin v. University of Porto Rico² it was held that a regulation authorizing summary suspension of students without prior notice or hearing denied due process and that regulations prohibiting pickets, marches, meetings and other demonstrations within the university without advance approval of university authorities were unconstitutional prior restraints on freedom of free expression. Other regulations prohibiting improper or disrespectful conduct in the classroom were held to be impermissibly vague. However, this decision did find that a regulation forbidding the interruption, hindering or disturbance of the regular tasks of the university or the holding of duly authorized activities was neither impermissibly vague nor overbroad.

1. 45 F.R.D. 133.

2. Marin v. University of Porto Rico (377 F. Supp. 613, 1974).

The general finding seems to be that whereas the private university "is for the most part free of the limitations of the Constitution,"¹ the public university is subject to Constitutional limitations, although these are rather imprecisely defined. In a 1975 case, Goss v. Lopez,² the Supreme Court held that students facing temporary suspension for a period of up to ten days were entitled to protection under the due process clause and that that clause required that "such a student be given notice of charges and an opportunity to present his version to authorities, preferably prior to removal from school, but there were instances in which prior notice and hearing were not feasible and the immediately removed student should be given necessary notice of hearing as soon as practicable."

It seems almost unquestionable that the provisions within the State University units covering rules and judicial process are not liable to be attacked successfully under the provisions of the United States Constitution.

The question of the conformity of the State University regulations to the applicable State laws raises some points which merit continued attention in the future. Section 8 of Article IV of the New York State Constitution specifies that "No rule or regulation made by any state department, board, bureau, authority or commission shall be effective until it is filed in the Office of the Department of State." The aforesaid Schuyler decision found that "the rules of the State University governing student conduct thereat relate to the 'internal management' of the University, are confined to the University, affect only the students therein and do not affect the public in general or govern the conduct of or impose burdens on the general public and, therefore, were not ineffective even if unfiled." In consequence, the State University Counsel no longer files the general rules governing student conduct with the Secretary of State. Although this failure to

1. A.B.A. Journal. February 1970, p.125.

2. Goss v. Lopez (95 S.Ct. 729, 1975).

list may be authorized by the Schuyler decision, it does leave an anomalous situation in that the university-wide rules (the Trustees' Rules, rules regulating traffic and gun carrying on the campus) are continuously updated, while the current edition of the Official Compilation of Codes, Rules and Regulations of the State of New York contains (Sections 501.1 - 549.4) some 93 pages of individual campus rules and regulations amended through 1969. Comparing these regulations with those actually issued at the various university branches shows that the 1969 listings have only historical interest. It is basically impossible to obtain an up-to-date description of campus rules and judicial systems without checking each institution's catalogue.

Under both case and statute law and the specific provisions of the Trustees' Rules, the University must extend due process procedural rights to any student accused of violating either the Student Guidelines or the Trustees' Rules. These rules are more restrictive than are those discussed in the aforementioned "General Order ... Education."

Essentially, due process means fundamental fairness. Legally, the essence of due process comprises: (1) notice that a charge has been made, its nature, and details as to when a hearing will be held on it, and (2) a fair hearing which may be conducted before the appropriate campus judicial body or before a Hearing Committee established under the rules adopted by the State University Trustees on April 10, 1970, for "The Maintenance of Public Order on Premises of State Operated Institutions of the State University of New York."

The actual court-sustained requirements for student hearings are comparatively few in number. The Trustees' Rules do provide that certain features be incorporated into the hearing procedure. These include:

1. Written notice of charges and reasonable attempt to serve the notice which must be served not less than ten nor more than fifteen days before the date of hearing.
2. Upon demand, a list of witnesses to be called by the University and copies of their statements.
3. The right to representation by counsel.
4. The right to confront and examine witnesses.
5. The right to produce witnesses and documentary evidence in the student's own behalf.
6. The right of the student to request a closed hearing.
7. That a transcript of the proceedings be made. (The student apparently has a right to purchase a copy of the transcript, although in the single case that has been heard by the SUNYA Hearing Committee a copy of the transcript was automatically supplied to the defendant without cost.)
8. The right to a written report containing the findings.

Usually counsel is not involved in other than Hearing Committee cases, although the student may have (but not be represented by) an advisor of his choice. In at least two major cases at Albany during the late '60s an attorney served as a student advisor in a hearing. Under present rules, one of these cases would be assigned to the Hearing Committee; the other, involving an alleged sexual assault, would probably be referred to the criminal courts. There is no requirement that the University notify the defendant of witnesses to be called, and hearings are usually closed. Stenographic notes of the hearing are not made.

In discussing due process, it is necessary to distinguish between those hearings which deal with serious matters which may result in suspension or expulsion and those hearings which deal with minor matters which may result in a reprimand. The Goss v. Lopez case can be taken as a 1975 statement by the Supreme Court that it requires the due process formalities only in the cases involving the more

serious penalties. It is in connection with these more serious cases that the following rather legalistic observations pertain.

Involved with the campus judicial proceedings are issues such as the fifth amendment protection against self-incrimination, the matter of double jeopardy and the matter of appeal. These matters have not been definitively discussed by the courts but the campus should devote some attention to them since an abuse of the principles involved in these matters can destroy the credibility between the administration and the campus community.

With respect to self incrimination, one Supreme Court case, Garrety v. New Jersey,¹ held that statements made at an administrative hearing similar to a college disciplinary hearing are not admissible as evidence at a subsequent criminal proceeding. As to the matter of having the student testify against himself on a matter of no criminal law concern but only of administrative concern, there is no constitutional protection. The fact that it is not constitutionally binding, however, should not necessarily keep the campus from writing it into its procedures. The discretion exercised by the campus on this matter ought to be done in such a manner as to gain the support of the campus community and not to lose that support.

As for the matter of double jeopardy, this issue has to be discussed in the context of the appropriateness of the campus' rules. Quoting from Van Alstyne:

There may be a double trial only when:

- 1) there are clear and distinct interests peculiar to each community which seeks separately to impose its own jurisdiction over the alleged offender,
- 2) these distinctive interests have not been adequately fulfilled on the trial and punishment process of any of the other communities asserting jurisdiction.²

1. Garrety v. New Jersey (385 U.S. 493, 1967).
2. Van Alstyne, Prof.

Laws and Rules

With the recent transfer of the New York City Community Colleges to the New York City control, the SUNY system includes 32 community colleges and 33 State controlled educational institutions. Over 230,000 students are on these campuses and in the State operated campuses alone there are about 34,000 faculty, staff and service personnel. Obviously, rules and laws are needed to preserve order within this large, mobile, and at least statistically speaking, young population. We are inclined to think that these regulations which do govern the activity of the SUNY facility inhabitants are those which are adopted by the campus governing bodies. However, there are thousands of federal, state and local regulations which apply at least theoretically.

It is important to recognize that the laws and ordinances of the federal, state and local authorities represent an important resource which should be fully utilized. Admittedly, it is often possible to consider violations by University personnel or students as violations of University-defined rules and when this is satisfactory, the practice is generally acceptable. However, the University does well to act upon the realization that the campus is not a sanctuary from these externally defined rules and that there is no support for a dual system of justice on the campus. Rather, what is important is a unified system which recognizes the responsibility of all members of the University community to obey the law as well as the University-defined regulations. There is considerably more than just a matter of administrative or academic community convenience involved. The member of the University community who commits burglary, serious theft or serious assault is not a suitable candidate for a local hearing. The welfare of the campus community demands that such cases be considered by the properly defined criminal justice authority in the larger community.

It is also important to recognize that the perpetrators of a great many of the most serious violations on the University campuses are not members of the University community. Almost every campus which is adjacent to an urban area knows the problem of criminals and delinquents coming in from that area to exploit the University's conventional welcome to those who are its neighbors.

In considering the whole question of the utilization of these external laws, it is important to recognize that the University security forces share jurisdiction with those external law enforcement agencies which police the areas in which the University facilities are found and, generally, University interests are less than fully protected when there is this intervention under pressure. What the campus community is reluctant to do by way of enforcement may well be put into the responsibility of those authorities who are external to the campus. The need, thus, is for the University community to scrupulously police its own affairs and wherever possible to develop an atmosphere of cooperation with the local authorities. This is no guarantee against external intervention on the University campuses but it does reduce the likelihood.

Conversely, it is important to realize that the University security forces do not have what is sometimes said to be the implicit obligation of the external police agency to enforce all laws and there is particular need for this distinction to be recognized when we are speaking of the minor offenses. The SUNY campuses have generally taken strong positions that they will not allow violations of the drug laws and have often reminded their students and staff that those laws do apply,¹ but a host of minor, sometimes merely mores-supporting regulations need not be enforced. The important thing is that the campus executive should have full authority to regulate enforcement priorities for incidents which are well below felonious or campus disorder level.

1. The pamphlet approach used on the Old Wesbury campus could serve as a model of clear and effective communication on the drug problem.

In addition to the problem of general enforcement policies, there is an important consideration as to whether cases in which an arrest could be made should be so enforced or whether the referral for campus consideration is adequate.

On campus, cases handled other than through external courts result in warning or are referred to a campus judicial body or to a campus official. The latter course is usually followed when the offender presents evidence of emotional or mental problems or when some type of assistance seems obviously indicated.

The Assistant Project Director has studied this problem under its more conventional Criminal Justice title, "Diversion."

Diversion on the Campus¹

...the term "diversion" refers to formally acknowledged and organized efforts to utilize alternatives to initial or continued processing into the justice system. To qualify as diversion, such efforts must be undertaken prior to adjudication and after a legally proscribed action has occurred.²

Among the authorities which have supported research writings on diversion are: 1.) the American Bar Association; 2.) the National Council on Crime and Delinquency; and 3.) the Law Enforcement Assistance Administration.

In its book of standards on policing, The Urban Police Function, the American Bar Association makes the following recommendation:

The process of investigation, arrest, and prosecution, commonly viewed as an end in itself, should be recognized as but one of the methods used by police in performing their overall function, even though it is the most important method of dealing with serious criminal activity. Among other methods police use are, for example, the process of informal resolution of conflict, referral, and warning. The alternative methods used by police should be recognized as important and warranting improvement in number and effectiveness; and the police should be given the necessary authority to use them under circumstances in which it is desirable to do so.³

In a monograph prepared under contract from the National Institute of Mental Health, the National Council on Crime and Delinquency discusses models which would divert offenders from the criminal justice system. One such model involves petty offenders.

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1. Abstracted from a Working Paper prepared by the Assistant Project Director.
 2. National Advisory Commission on Criminal Justice Standards, Corrections (1973), p.73.
 3. American Bar Association, The Urban Police Function (1972), p.11.

All persons arrested for petty offense such as family disputes, nonserious disturbances of the peace, loitering or trespass, or public drunkenness, would be brought initially to a neighborhood office where the officer would check the police "blacklist" of multiple offenders who are not to be handled by the informal procedure. A person would be blacklisted if he has been detained and released by the police or prosecutor three or more times in the past year or if he has failed to appear for a prosecutor's or family relations hearing during the past year. A blacklisted offender would be formally booked and presented in court for prosecution.¹

A more recent writing on diversion takes the form of a recommendation from a commission which the Law Enforcement Assistance Administration sponsored.

Every police agency, where permitted by law, immediately should divert from the criminal and juvenile justice systems any individual who comes to the attention of the police, and for whom the purpose of the criminal or juvenile process would be inappropriate, or in whose case other resources would be more effective. All diversion dispositions would be made pursuant to written agency policy that insures fairness and uniformity of treatment.²

The principle of diversion has gained acceptance. To a certain extent this acceptance is due to disillusionment with the criminal justice process. The criminal justice process can be destructive. Unguided discretion can be equally so. The need is to develop reasonable guidelines and to acknowledge that discretion exists.

While diversion from the criminal justice system can take place at a number of junctures, the focus of concern here is diversion prior to the arrest stage. Diversion at this juncture involves the exercise of discretion by a law enforcement officer concerning the decision whether or not he is going to effect an arrest against someone who has broken the law.

1. E. Harlow, Diversion from the Criminal Justice System (1971), p.21.

2. National Advisory Commission on Criminal Justice Standards, Police (1973), p. 80.

Law enforcement administrators have made limited attempts to instruct line officers that they are not to enforce certain victimless crimes such as the selling of flowers on public roads.¹ These attempts have their limitations. Rarely are such instructions in writing because of the controversy which they can stir up. In addition, there is no systematic approach to the issue of diversion. Isolated offenses which the law enforcement administrator chooses due to a particular set of circumstances become the core of the diversion effort. Finally, these attempts not to enforce the law are oriented toward getting rid of a problem by inaction rather than towards responding to a problem with action. Non-enforcement may or may not resolve the problem with which the law enforcement agency is confronted. Non-enforcement, however, is only one of a number of alternatives which are available to the law enforcement agency.

Due to the lack of guidance from his superiors, the law enforcement line officer is generally left to fend for himself. Because of this lack of supervision, each officer devises his own personal criteria for assisting his decision making process with respect to when it is appropriate to make an arrest. Thus, the propriety of the criteria under which each officer operates does not come under the formal scrutiny of the officer's superiors. Conventionally, then, the law enforcement supervisor cannot adequately measure just how, when and with whom the line officer exercises his discretion at the arrest stage. The agency keeps no official record on this phenomenon since the agency does not officially acknowledge the existence of discretion at the arrest stage.

The line officer's exercise of discretion constitutes diversion as defined at the introduction to this paper when the law enforcement agency has formally recognized the officer's discretion and then created alternatives

1. Ibid., p.93.

to criminal justice processing as channels for the exercise of the line officer's discretion.

Despite their importance, the University relationship to the externally promulgated laws and ordinances is rather quickly explored. The questions which seem to require greater elaboration concern the activities of the University and its constituent campuses as they exercise the quasi-legislative powers involved in rule making.

Substantive Rules

Most litigation arising out of student-university conflict concerns the expansion of due process rights available to students who are disciplined by the university for various forms of misconduct. In recent years, they have been relatively few in number and court attention has been directed more to adjudication than to the rules under which the charges are drawn. On the SUNY campuses, the student is subject to two sets of rules: those adopted by the Board of Trustees and those adopted by the SUNY Council of the campus, in addition to the provisions of the criminal and civil law.

Legitimacy: Rule Enactment

Morris B. Abram, President of Brandeis University, posited three courses open to the university in times of disorder: capitulation, use of outside force or internal management. Regarding Abram's preferred course, the last on the list and that towards which this study is directed, he said:

The university can attempt to set agreed limits as a community, and try internally to enforce this code. Such rules must originate primarily with the students and faculties. They must be a statement of necessities as seen by the persons to be governed, and they will, it is hoped, have an internal validity which makes them almost self-enforcing.

This legal and philosophical ideal is at least as old as Plato's Republic and, although rarely approached, it is a fitting ideal for campus rules. Although the legitimacy of rules (i.e., their acceptance by the majority of the community as just and by the minority as justified) depends mainly on their content--their internal validity and rightness--an important aspect of legitimacy is the way in which the rules are adopted.

A sound code of rules must reflect the needs and customs of the community. In a non-totalitarian, heterogeneous society these include a tolerance of diversity. Barring the existence of an omniscient lawgiver, the process of democracy is deemed to be the best way to achieve such rules. These ideals are fully recognized by the University Council in the Guidelines established by the Board of Trustees, §500.1, 500.2. (Exhibit 3)

Section 500.1 Policy. (a) The State-operated institutions of State University are located at diverse campuses throughout the State which differ in size and character.

(b) The trustees of State University recognize the need for local participation, flexibility, and responsibility at the various campuses with respect to the establishment of regulations governing student conduct and behavior.

(c) The trustees recognize that among the goals to be pursued by the State University is the encouragement of the independence, maturity and ethical sensitivity of the student, and that this can best be achieved where the educational program is complemented by an appropriate pattern of student governance which respects freedom of inquiry and expression and is administered in accordance with due process.

(d) Section 356 of the Education Law recognizes the need for local participation on the diverse campuses by establishing councils for each State-operated institution, with power to make regulations governing the conduct and behavior of students.

Historical Note

Sec. added, filed July 31, 1967 to be eff. immediately.

401 ED 7-31-73

500.2 Standards. The several councils of the State-operated institutions of higher learning of the State University of New York shall promulgate or review and ratify regulations governing the conduct and behavior of students, subject to general guidelines established by the chancellor, and in accordance with law and such other rules or policies as the trustees may from time to time establish; such regulations to be published and made available to the whole academic community of that campus and shall be given full force and effect as rules and regulations of the State University applicable to that campus and shall be filed with the office of the Secretary of State. The chancellor of the State University of New York shall, from time to time, cause to be reviewed the regulations established by the councils for consistency with rules and policies of the State University trustees and shall report thereon to the board of trustees at such time and in such manner as it shall direct.

(a) *The manner in which regulations are developed.* In order to encourage, maintain and assure adequate communication with and participation by the administration, faculty and students at the respective campuses, the council shall act after consultation with the chief administrative head of its campus and with representatives of faculty and students in promulgating or in reviewing and ratifying regulations on student conduct. In the regulations, the council may confer upon student groups, faculty committees, administrative officers, or combinations thereof appropriate responsibilities concerning student conduct and behavior. Authority for the administration of regulations at a campus shall rest with the campuses' chief administrative officer.

(b) *The recognition of the rights and responsibilities of students.* The regulations shall recognize that students have within the law, the right of free expression and advocacy and that the State University seeks to encourage and preserve freedom of expression and inquiry within the entire University. The regulations shall also recognize the obligation of each student to conduct himself lawfully, maturely and responsibly and shall take into account the responsibility of the University to maintain standards of student conduct essential to the orderly conduct of the University's function as an educational institution. The ways in which students or student groups may use the name of the University or identify their association with it shall also be provided for in the regulations.

(c) *The need for due process.* Where regulations govern student disciplinary proceedings, they should reflect the basic concepts of procedural fairness and should make certain that no student shall be expelled or suffer other major disciplinary action as defined by the council for any offense, other than failure to meet required academic standing, without being first given appropriate advance notice of the charges against him and a hearing before an impartial body or officer as established by the council or chief administrative officer at such campus. While a formal judicial hearing is not required, the hearing should be of such nature as to give the hearing body or officer, as the case may be, full opportunity to hear both sides of the issue in considerable detail. The student may waive in writing the requirements of a hearing.

Historical Note

Sec. added, filed July 31, 1967 to be eff. immediately.

Scope

A university's primary responsibility is to provide an opportunity for learning experiences. Its rules, therefore, should be addressed toward preserving an atmosphere in which a learning experience can take place. The university need not become an enforcer of morals for society nor need it become the enforcer of all laws so long as it is willing to cooperate with community agencies which enforce the law. A university should not attempt to institute rules in which it has little legitimate interest.¹ The facts seem to indicate the desirability of specifying its interests and producing rules to meet only those interests.² (Oregon experience--it can be done.) Areas which involve important public interests rather than educational interests should be left to public authorities.³

If a university limits the scope of its rules, its rules may be found reasonable even though they touch significantly on constitutional rights. In Moore v. Troy State⁴ the court found that

the college... has an 'affirmative obligation' to promulgate and enforce reasonable regulations designed to protect campus order and discipline and to promote an environment consistent with the educational process. The validity of the regulation authorizing search of dormitories thus does not depend on whether he has 'contracted' it away; rather its validity is determined by whether the regulation is a reasonable exercise of the college's supervisory duty.

The State University of New York is given a broad mandate for formulating rules. Section 356 of the Education Law empowers the Local Councils (local board of trustees) to make regulations governing the conduct and behavior of

1. Thomas C. Fischer, Due Process in the Student-Institutional Relationship (Washington, D.C.: American Association of State Colleges and Universities, 1970), p.8.
2. Hans A. Linde, "Campus Law: Berkeley Viewed from Eugene" (54 California Law Review, 1966, pp.40-72), p.50.
3. Fischer, op. cit., p.9.
4. Moore v. Troy State (284 F. Supp. 725, N.D. Ala., 1968).

students and Section 355 gives the Board of Trustees the power to make rules for the government of the State University and its institutions. Liberally interpreted, the University and its units may write rules for any area they please. Given the set of circumstances outlined here, it would seem more appropriate for the University and its units to limit its rules to the following areas and to explain just what contingencies it is trying to cover with its rules. The legitimate areas of concern are: academic matters, housing, regulation (especially disorder and parking), social behavior, and organizational activities.

Academic matters can best be handled by each department or school within the institution. This area would relate to such matters as cheating or copying papers (buying papers is now an offense under the Education Law), etc. Such rules would not concern the academic ability of the individual student. Matters of tampering with official records are essential for consideration. While minor instances may be dealt with at a department level, more serious problems require a consistent and firm university policy.

There is a gray area covering academic standing and personal conduct. Lai v. Board of Trustees of East Carolina University¹ demonstrates a problem which may arise. Lai, a student, was denied application to student teaching-- a requirement for a teaching degree. He had been arrested in New York City for possession of marijuana, a charge which was ultimately dismissed. The court found that the decision not to allow the student to teach was not based solely on his having smoke marijuana but on the "accumulative situation" which also brought into play: (1) his academic status; (2) his academic record; and (3) his attitude toward the law. The aforesaid Paine case appears to support such practice.

1. Lai v. Board of Trustees of East Carolina University (330 F. Supp 904, 1971).

The question arises as to whether illegal, off-duty conduct should be considered in the decision to allow an individual to continue in an academic program. In point of fact, other than where the incident raises obvious community security questions, no SUNY campus appears to follow such precedent, but for general purposes it would seem advisable to require that the University show some overwhelming educational or campus security interest before it would allow such a factor to determine the removal of a student or his restriction. The burden of proof should be on the institution, not the individual.

In the area of housing, the University is basically playing the role of landlord and the contractual role seems clearly called for. In carrying out such functions, the University does have its role as a landlord to consider but the basic concerns are safety and order maintenance. Order maintenance overlaps social rules--loud noise, visitor regulations, etc. One major source of irritation between the University and the student with respect to housing is the matter of room search. The University should work on getting a statement concerning room inspections which will meet safety and maintenance needs without compromising the privacy of the student.

In running its physical plant, the University needs regulatory rules. The most serious problem is that of parking and, more generally, traffic control. Aided by legislation which puts teeth into the campus parking regulations, parking enforcement has become a major part of the university security work and a major income producer. It should be noted that in connection with the parking regulations, as contrasted to the rules for order maintenance, the Central Administration has shown no reluctance to file the regulations adopted by the various units of the State University with the Secretary of State. This of course does much to assure their legality.

Another important regulatory area is crowd control, not only for demonstrations but also for major sporting events and other similar activities. There is also the question of facility use. These rules are directed toward the smooth and safe flow of people and goods on campus. The university does not have free, unfettered discretion in formulating regulatory rules especially with regard to matters involving First Amendment rights--namely, speakers and demonstrations. The university cannot come up with rules which prohibit certain people from using university facilities or from using megaphones because the university disagrees with what they have to say, although it is quite clear that reasonably specific rules providing the necessary protection for academic business will be upheld.

The regulations must be applicable to all. As far as keeping demonstrations within control, the university may take such drastic action as banning all assemblies and rallies so long as the ban is temporary.¹ The university may also take action to place reasonable restrictions on demonstrations "to protect safety and property, maintain normal operations, facilitate campus traffic and the like."² The Marin case decision upheld the right of the university to forbid the interruption, hindering or disturbance of the regular tasks of the university or duly authorized activities thereat.³

There was one case which attempted to hold the university responsible financially for any lost class time due to demonstrations. The father of a New York University student sued to get back tuition for class time his son lost due to a demonstration. Ultimately the courts found in favor of the university.⁴

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1. Hainston v. Pitchess (323 F. Supp. 784, 1971).
 2. Sword v. Fox (466 F. 2d 1091, 1971).
 3. Marin v. University of Porto Rico (377 F. Supp. 613, 1974).
 4. Paynter v. N.Y.U. (319 N.Y.S. 2d 893, 1971).

Another area of concern is that of organizations which are recognized by the university and thus allowed the use of university facilities. There have been two controversial matters involved here: recognition versus non-recognition of an organization; and the freedom of the student press. Since they involve First Amendment rights; namely (1) freedom of speech and (2) freedom of the press, these have received more attention than such problems as controlling expenditures of clubs, disciplining clubs for misconduct, etc.

If the club in question exists only to encourage social interaction, that club does not enjoy constitutional protection. SUNY banned national fraternities from campus, permitted only those which were strictly local and autonomous. The action was upheld.¹

In the control of other types of activity, the university is more restricted. Denial of recognition would require a showing of a substantial threat to a state interest. In a case involving the University of Connecticut and the Students for A Democratic Society, the University originally left the burden of proof with S.D.S. to show that it did not pose a threat. S.D.S. did not satisfy the University and the lower court upheld the University's position.² The Supreme Court, however, in a unanimous decision, overturned the lower court decision and in so doing placed the burden of proof where it belongs, on the University.³

The purpose of rules governing campus organizations should be to regulate the organization, not those who belong to it. In other words, if action is taken against the organization it is subjected to some sanction such as permanent or temporary suspension of charter, social probation, denied use of facilities, etc. If the object of the action is to discipline an individual, he should be disciplined under the appropriate codes governing individual behavior.

1. Webb v. S.U.N.Y. (125 F. Supp. 910, 1954).

2. Students for A Democratic Society v. Univ. of Connecticut (445 F. 2d 1122, 1971).

3. U.S., 1972.

The problem with campus press has received some coverage in Chronicle for Higher Education. One direction is to have student papers financially independent of the university so as to avoid the problems of censorship. The A.C.S.U. supports the position where the college press is physically and financially independent of the colleges.

Since campus organizations employ the university's name, the university should make clear that whenever they make a statement under a university-related name, it should be prefaced with the qualifier that the position in no way represents the official stand of the university. No unauthorized group should be allowed to imply that it is speaking for the university.

As far as personal conduct goes, the campus should restrict itself to those areas where it can make a case for the behavior's interfering in the running of the university. Much of this behavior is probably already covered in the penal code, such as theft, loitering, trespass, fraud, falsely reporting an incident (false fire alarm), etc. The burden here is for the university to show the relevance of the misbehavior to university operations.

Specificity of the Rules

Up to now the burden has been on the student, not the university, in contested cases surrounding institutional rules. Courts do not take an active stance in striking down substantive institutional rules as overly vague or broad. So long as the institution is able to show that the rules are reasonably related to a lawful purpose, they stand. Still, there are considerations which argue for institutional caution in rule making. The institution has to show that rules governing behavior have some relation to a substantial educational interest. The traditional argument of inherent authority is no longer above scrutiny. In addition to the erosion of the inherent authority position, Judge Revis in

1. Chronicle for Higher Education, November 6, 1972, p.5.

Dixon v. Alabama has seriously undermined the rights-privilege distinction with which colleges have defended their position. He noted: "... it is necessary to consider the nature of both the private interest which has been impaired and the governmental power which has been exercised."¹ This principle was further expanded in Soglin v. Kauffman.² This case subjected college rules to the test of vagueness and overbreadth. Since college personnel authorities defend vagueness as essential to campus codes, one must wonder in which areas rules may remain vague and for how long. The fact of the matter is a new legal relationship has been developing between the institution and the student over the past five years. In loco parentis arguments and contractual arguments (with respect to tax-supported institutions, in particular) have diminished in their utility as far as the courts are concerned.

Much of this discussion seems quite academic for SUNY. University wide rules seem as specific as they are reasonable but the University must in this matter keep abreast or even ahead of the times. Appellate courts and state legislators are pushing more to see that rules are made more explicit and relevant to an institution's operations. They have done this by reviewing specific rules or by mandating certain rules to be formulated and followed. The fact that these external bodies are reviewing institutional rules and in some instances demanding clearer positions from the university must be recognized.

As with most of the issues surrounding campus discipline, the cases which draw the most attention are those which involve constitutional questions. When the courts look at constitutional issues with regard to the actions of a tax-supported university they do not appear--at least to a non-law-trained observer--to distinguish between governmental and proprietary state action. When acting

1. Dixon v. Alabama (294 F. 2d, 150, 156, 1961).

2. Soglin v. Kauffman (418 F. 2d, 163, 1969).

as a proprietor, a university must follow standards of fairness because it is a state action.¹ The State University acts under the color of law and is, therefore, subject to the 14th Amendment proscription against interference with personal liberty.²

Most of the court cases involving vagueness involve rules constricting First Amendment rights. In Soylin v. Kauffman,³ the court held that a catch-all "misconduct" rule which "serves as the sole standard violates the due process clause of the 14th Amendment by reason of its vagueness or, in the alternative, violates the First Amendment by reason of its vagueness and overbreadth." The more recent Marin decision clarifies this point even further.

In Stacy v. Williams,⁴ the court found existing rules governing speakers on campus to be unconstitutional. With the university's failure to promulgate new ones, the court promulgated its own set of rules for the institution.

In New Left Education Project v. Board of Regents of the University of Texas,⁵ the court found the university's limiting solicitations to only those authorized by the administration without any standards governing the issuance of such authorization were invalid as licensing regulations affecting First Amendment rights without adequate guidelines. A simple opinion as to what is either acceptable or unacceptable is no longer sufficient on its own face. The university needs to set standards against which it can measure the questionable conduct. Those standards have to be specific when they restrict First Amendment rights.

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1. William W. Van Alstyne, "The Student As University President" (45 Denver Law Journal, 1968, pp.582-611), p.591.
 2. "Freedom of Political Association on the Campus: The Right to Official Recognition" (46 N.Y.U. Law Review, 1971, pp.1149-1180), p.1151.
 3. Soylin v. Kauffman (295 F. Supp. 978, W.D. Wisconsin, 1968).
 4. Stacy v. Williams (306 F. Supp. 963, Mississippi, 1969).
 5. New Left Education Project v. Board of Regents of the University of Texas

In Duke v. State of Texas,¹ the court noted that such terms as "persons having no legitimate business" on campus, or "any undesirable person" (emphasis added by the court) "do not give the fair notice of proscribed conduct required by the Due Process Clause and that they give unbridled discretion to administrative officials is evident."²

In Corporation of Haverford College v. Reeker³ the court mentioned the following considerations which a court should take into consideration when determining vagueness:

1. Nature of the rights being threatened by the uncertainty
2. Probability that the threatened right will be infringed
3. Potential deterrent effect of risk of such infringement (Nature of the penalty)
4. Practical power of the federal court to supervise the administration of alleged vague scheme
5. The extent to which the subject area necessitates verbally imprecise regulations.

All of the above should help the court to determine the legitimacy of the government's intrusion on an individual's rights, especially First Amendment rights.

One commentator made the following analysis of appellate court review of the issue of vagueness:

- (1) the approach in Missouri where the question of vagueness and overbreadth are discussed but then dismissed without much analysis, ruling consistently in favor of the regulations

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1. Duke v. State of Texas (327 F. Supp. 1218, 1971).
 2. Ibid., 1201, 1218, 1228.
 3. Corporation of Haverford College v. Reeker (329 F. Supp., 1196, 1971).

- (2) where courts have applied the doctrine of vagueness and overbreadth but with this qualification-- standards need not meet the same standards of clarity required of criminal codes (he sees most courts falling into this category)
- (3) where no distinction is made as in Sword v. Fox (he sees this as the developing trend)¹

In addition to the courts, the university can expect intervention from state laws or agencies. Mortimer foresees the necessity in the '70s for colleges to codify their internal procedures and policies to conform with the rulings of administrative and legislative agencies and the courts. Presumably this codification will specify behavior for which administrators, students, and faculty can be held legally accountable.² New York State has passed an Administrative Procedures Act (Chapter 167, Laws of 1975) which becomes effective September, 1976. This act only indirectly affects rules, the major thrust being toward hearing body procedures, but there is the inherent need to be specific. The hearing body must be presented with a rule and evidence that the rule has been violated. There remains the question as to whether this law will apply to the students of the university and disciplinary cases involving them. However, the statute seems so worded that it is questionable that it will have effect on university regulations or judicial provisions so long as they apply only to the internal governance of the university.

Oregon passed an Administrative Procedures Act in 1959. The University of Oregon accepted the concept that the law applied to them in their handling of students with respect to admissions, suspensions, and other significant benefits and penalties.

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1. Christine Drucher, "School Regulations and the Rulemaking Power of the University" (15 St. Louis Law Journal, 1971, pp.467-490), p.484.
 2. Kenneth P. Mortimer, Accountability in Higher Education (Washington, D.C.: American Association for Higher Education, 1972).

The University of Oregon did not squarely resolve on what legal premise it would act. It chose to design disciplinary hearings that would duplicate the procedural rights of the A.P.A. to the fullest extent possible in a system of campus tribunals, and hope that the fairness of the system would postpone indefinitely a legal challenge to any respect in which it might depart from the exact A.P.A. process.¹

In a sense, Oregon saw a challenge and acted in a positive fashion. It followed the principle of the law but kept the principle within boundaries which would work on campus. Oregon's rules became specific, its procedures expanded and bestowed rights on students.

The legal requirement for clarity is not established. The courts are still inclined to go with the university. It seems less and less likely that it will be feasible for the university to concern itself only with legality.

Americans often become so obsessed with questions of constitutionality that they give insufficient attention to consideration of wise policy... A wise university may well make a prudential judgment that it ought to give its students greater freedom, or more procedural protections, than the constitution demands of it.²

It is a fiction that universities cannot adequately inform the students of all rules and limit sanctions to rules specifically adopted. Broad rules are geared toward stimulating the exceptions. If a preference for broad rules prevails, then it is very likely for students to perceive university regulations as nothing but a basic system of threats.³

In speaking of a case involving campus disruption, the judge in Reeker noted that "it would be nearly impossible to itemize every form of conduct which

1. Linde, op. cit., p.46.

2. Charles Wright, "The Constitution on Campus" (22 Vanderbilt Law Review, 1969, pp.1027-1088), p.1027.

3. Campus Tensions: Analysis and Recommendations, Report of the Special Committee on Campus Tensions (Sol M. Linowitz, Chairman). (Washington, D.C.: American Council on Education, 1970), p. 21:

might result in disruption of the peace of the university, but careful draftsmanship can make use of generic and modifying terms to delineate the sort of campus conduct that would not be permitted."¹ "For most purposes, it is feasible for a college to describe its standards with sufficient clarity and to publish those standards in a form readily available to its students."² "In making standards, the university should limit its responsibility to the maintainable limits of its power and authority, and communicate this intent clearly and positively to its publics (students, parents, alumni, public at large). Only then will the university avoid being the scapegoat for all of the country's ills."³ The university should not allow itself to be placed in the position that it has the authority to correct any situation which any interest group (faculty, student, public, Board of Trustees) thinks to be abhorrent for personal reasons. The university must limit itself to its proper domain of action.

Over and above meeting legal requirements and maintaining good relations with the campus community, the administration should want relatively specific rules so that campus administrators will have some guidelines to draw upon when disciplinary problem situations develop.

Broad rules are as much a disservice to the campus administrators as they are to the campus community since the campus administrators do not know how to react if the situation to be dealt with is vaguely covered in campus rules. Vagueness in rules is one aspect of what one author called the "under-administered" nature of the university.⁴ The university is geared to the avoidance of problems

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1. Corporation of Haverford College v. Reeker (329 F. Supp. 1196, 1971), p. 1204.
 2. Report of the American Bar Association Commission on Campus Dissent. American Bar Foundation: Chicago.
 3. Thomas C. Fischer, Due Process in the Student-Institutional Relationship. Washington, D.C.: American Association of State Colleges and Universities, 1970, p.26.
 4. Joseph R. Gusfield, "Student Protest and University Response" in The Annals of the American Academy of Political and Social Science (Vol. 395, pp.25-38, 1971), p. 36.

and not to the response to problems. The university tries to please everyone and if a particular matter/needs addressing, it probably will be unless the administration views it as a potential source of trouble.

The university needs an unambiguous rationale for dealing with rule violations. Not all violations should be lumped together, every infraction apparently allowing the potential sanction of expulsion or suspension.

To meet the element of protection which is inherent in any set of rules, the rules must be in existence and operative before an incident occurs and not devised in haste after the fact.¹ In formulating its rules the university must pay close attention to the stand it is taking and be willing to stick with the stand it takes. The stand should not be changed without a sufficient alteration in circumstances. In order to carry out self evaluation of the effectiveness of its rules, a university has to make a statement concerning what its specific goals are. If rules cannot work on a day-to-day basis, then the university is at least in a position to try to do something when a crisis situation develops.

Formulation and Amendment

While determining goals and establishing their validity are important aspects of rule making, an equally important consideration is the process by which rules are made. The cry still echoing from the sixties is that of participation. Participation has been viewed as the legitimizing element for campus rules. The recommendation for establishing committees composed of faculty and students to formulate rules is present in almost every writing on campus disorder. Participation is seen as a self-fulfilling phenomenon in as much as the mere introduction of participation is seen as solving any problem already afoot on the campus. Such optimism must be tempered.

1. Fischer, op. cit., p.7.

The responsibility of running the campus lies with the campus administrators. They receive their salary to perform that function. They simply cannot committee away one of the more important aspects--rule making--of their responsibility. While the university administration does have the responsibility, that does not mean there is no room for campus community participation. One element of that responsibility would be seeing to it that the community needs are being met. Soliciting the opinion of the campus community should help the administrator in making up his mind what has to be done. As much as possible the rules which are formulated by the university should enjoy maximum community support..

Community support, however, may be hard to find on campus. There is the very real possibility that unanimity will not be found among administrators, faculty and students, since within these groups there may well be substantial differences in opinion.

The administrator of the campus must be careful not to slight his responsibility with regard to rule formulation and amendment. Rules that are acceptable to all are not necessarily legal nor are they necessarily practical in that the university may simply not have the resources to enforce them. Rules need to be evaluated for their clarity, fairness and adequacy in meeting foreseeable circumstances.

Rule Enforcement Procedures

The particular campus agencies which enforce campus rules are many. The Department Dean or Chairman, security officers, housing office employees and Student Affairs office personnel enforce different rules. Because of the diverse enforcement structures on campus there should be built into the administration a coordinative and review capacity to see that priorities are being met and enforcement procedures are proper.

Public infractions of the various campus rules present less of a problem from the perspective of detection than do covert violations of the rules. This is an expected development since this is what holds true for any community. Common sense and a limited amount of fixed procedures can generally get an administrator by on obvious infractions. The matter of hidden infractions, however, calls for further thought and examination.

One major area which draws attention in the enforcement area is that of dorm searches. There is an essential conflict between the proprietary interests of the university to investigate infractions and the students' interest in maintaining privacy. This is a high visibility issue and one which a university is likely to encounter more frequently than disruptions or first amendment issues. Referring back to an attitude earlier expressed, the prevailing consideration here should not necessarily be limited to legal considerations but community relations considerations as well.

Presently, one cannot say that the Fourth Amendment and the concomitant principle of the exclusionary rule applies to campus dorm searches for administrative purposes. The courts have been willing to uphold the university officials in their reasonable searches when those searches are conducted by a supervisor charged with the responsibility of maintaining discipline. The courts hold to the theory that a student can waive his Fourth Amendment rights in his housing contract which demands his acceptance of reasonable and necessary searches.¹

The context in which we are working here is that of administrative searches, not criminal law searches. The assumption is that if the university is looking for incriminating evidence, it would have to proceed through the normal criminal

1. Richard C. Katliff, Constitutional Rights of College Students: A Study in Case Law. Metuchen: The Scarecrow Press, Inc., 1972, pp.730-31.

law processes; i.e., search warrant. The fate of criminal evidence obtained through an administrative search is that of exclusion. (See for example: People v. Cohen 292 N.Y.S. 2d 706 (1968).)

Administrative searches, however, have been subjected to Supreme Court scrutiny. In Camara v. Municipal Court, 387 U.S. 523 (1967), the court struck down the legitimacy of warrantless administrative searches in public housing units.

In summing up this matter of searches, Ratliff made the following observation:

... it would seem safe to conclude that this unsettled area of law involving the tax supported college campus: (1) the student's waiver of the right to privacy in his dormitory room is unenforceable and will fade into disuse, (2) existing case law does not support a student claims to the same privacy in his dormitory rooms as he enjoys in a private residence, but the law in recent years has moved steadily in that direction and will no doubt continue to accord the student greater protection; and (3) since the 4th and 14th amendments restrain (?) official actions only, evolving case law applicable to dormitory room privacy has thus far been applied only to dormitories operated by tax supported colleges.¹

For the university to say that its proprietary rights are overriding or that it has obtained a waiver of Fourth Amendment rights through the dormitory contract are no longer hard and fast justifications for any administrative search. While the university may have some legitimate interests to look after, it must exercise a certain amount of restraint in seeing to it that dorms are safe to live in. The university should be able to describe in advance what its interests are and then prescribe the procedures which staff members are to follow if a room is to be searched. This is in line with the A.A.U.P.'s Statement on the Constitutional Rights of College Students:

1. Ratliff, op. cit., p.154.

Except under extreme emergency circumstances, premises occupied by students should not be searched unless appropriate authority has been obtained. For premises such as residence halls controlled by the institution, an appropriate and responsible authority should be designated to whom application should be made before a search is conducted. The application should specify the reasons for the search and the objects or information sought.¹

The most explicit statement which we have seen covering the matter of explicitness of conditions concerning room entry and search and the procedures to be followed has come from Kent State. Unfortunately, these rules were not self-instituted on the part of the university. There was the threat of a permanent injunction against the university's conducting any further searches on campus. The university responded in a positive manner to this court pressure and came up with a statement covering the university's interests and, at the same time, accommodating those interests of the students' Fourth Amendment rights. The university distinguished between room entry and room search. Room entry covered maintenance concerns and emergency situations. Procedures were prescribed, namely advance notice to the students for maintenance repairs, work would be done while a student was there. Room search was for suspected violations of safety codes. Procedures called for review of the request of a room search.

Basically, what the above procedure attempts to achieve is the same goal which the criminal law attempts to achieve with search warrant procedures; i.e., to have an independent, impartial judge review the evidence to determine whether or not the state has the necessary justification to infringe upon an individual's rights.

1. Ibid., p. 152.

Board of Trustees Rules and Regulations

Just how appropriate these rules are for campuses in the SUNY system is subject to question. The rules were formulated to meet the requirements of legislation which was passed more as a reaction to campus unrest than out of concern for university operations. The basic thrust of the legislation is control: control by the university over the campus community. Control is certainly a valid response to disorder. Whether it is the most appropriate response is a matter for debate. To a certain extent it is a pious response to the legislative pressure in that it gives the impression that it is doing something without ever asking whether what it is doing adequately meets the circumstances at hand. The rules are redundant of already existing authority as far as rule formulation goes. State institutions always had the authority to formulate rules which would assure their continuing operation. Whatever was not covered in the rules but was a serious enough threat to close an institution must surely have been covered in one of the statutes in effect in the State of New York.

Conclusion

The university should not be overly broad in regulating behavior on campus. The university should limit itself to deviant behavior which disrupts the academic atmosphere and that alone. In those cases where the disruption is extreme (robbery, drunken driving) the university should not attempt to preempt the State law. The university can limit the scope of its rules but such activity requires more thought and attention than has previously been given to the matter of discipline on campus. Leadership is called for on the part of the campus executive because if leadership is lacking there, the direction of the campus disciplinary rules will be left in the hands of someone outside of

the university setting (judges, legislators, etc.). The university executive ought to be in the position of knowing what has to be done and to work out programs which can work in the university setting. The problem with outside intervention is that the rules which are thus imposed may not take a practical form for a university setting. Instead of assisting, such intervention generally hamstring the university.

The Campus Judicial System

It can be noted by referring to the complete text of the "General Order on Judicial Standards of Procedure and Substance..." that the specified requirements for a campus judicial system are very few in number. The court held that the "students should be given an opportunity for a hearing in which the disciplinary authority provides a fair opportunity for hearing of these students position, explanations and evidence." (45 F.R.D. 147, incorporated in this report as Appendix B)

The discussion as to the decline of paternalism and its replacement by an open or legalistic approach (seen under two manifestations, the formal and informal) is particularly applicable to the problem of the student judiciary. In 1970 when the preliminary monograph was being prepared, the choice seemed to lie between paternalism and extremely formal, quasi-judicial procedures, but that choice no longer seems necessary. Now, it seems obvious that paternalism simply is not an alternative while highly formal procedures are both unnecessary and dysfunctional. Different degrees of informalism seem called for and mature informalism is supported in the court reviews of campus judicial conduct.

Thus, most units of the University have a largely informal system for responding to the violations which occur on the campus and for which the security/executive decision is that arrest is not indicated. More formal procedures are worked in in the Hearing Committee determinations and are available for more serious but still campus-heard procedures at some of the institutions. The Hearing Committee procedures (discussed below) provide the pattern which the formal hearings follow.

For the vast majority of cases, however, appropriately legal, but informal, procedures are followed. There is no longer any serious concern that

such procedures will be rejected by the courts on appeal or will be incapable of meeting the situations where the accused attempts a more legalistic approach, possibly marked by the bringing in of an attorney or the refusal to answer questions. Now there is general agreement that once the University has met the due process requirement it does not have to allow the formal trappings. The lawyer need not be heard and, if the accused does not participate, the decision can be made on whatever other evidence is available. In short, there is no easy way in which an informal hearing procedure (the kind which the University is well able to handle) can be rendered ineffective by the defendant.

The defendant's alternatives--if he does prefer a more formal hearing--are quite restricted. The courts will not accept a case until the existing judicial structure has taken action (assuming, of course, no "capricious or unreasonable delay," etc.) and from the pattern of higher court examination of the cases over these past few years, it seems clear that overthrow of campus decisions will only occur in instances of extremely arbitrary action or where those basic safeguards as enumerated in the decisions which have been quoted are not met.

Still, there is a clear mandate that even informality must conform to the court imposed standards. The kind of relatively structured procedure used for more serious (but not Hearing Committee) cases at Buffalo or on the much smaller campuses at Cortland or Alfred does not differ from the paucity of stated provisions at several of the University units in terms that are harsh, questionable or imposing great effort on the unit administration. In effect, a meaningful difference in formalization of procedure is specified and available. It allows for effective administration at the same time that it avoids the problems relative to formalism with which the A.A.U.P. attempted to deal:

AAUP - VI Procedural Safeguards

The administration of discipline should guarantee procedural fairness to an accused student. Practices in

disciplinary cases may vary in formality with the gravity of the offense and the sanctions which may be applied. They should also take into account the presence or absence of an Honor Code and the degree to which the institutional officials have direct acquaintance with student life, in general, and with the involved student, and the circumstances of the case in particular. The jurisdictions of faculty or student judicial bodies, the disciplinary responsibilities of institutional officials and the regular disciplinary procedures, including the student's right to appeal a decision, should be clearly formulated and communicated in advance. Minor penalties may be assessed informally under prescribed procedures.¹

The more formal and thus usually more recorded procedures often have a long-time influence on the future of the person being tried. It should also be noted that once the legalistic approach is taken, it is much easier to use the existing--and very available--external legal system. With all its disadvantages, however, the formal hearing has the great advantage of safeguarding the rights of the accused. In at least some cases, administrative willingness to demonstrate that it is trying to be fair is at least as important as the case itself. The more formal approach seems indicated for cases which involve such complex rights as freedom of speech, assembly and expression or where serious penalties can result.

The Hearing Committee

Although each of the units of the State University has some established procedure for hearing charges against students, the most defined series of regulations are those promulgated by the Board of Trustees of the State University of New York and applicable to all units of the State University. The rules for the "maintenance of public order" were originally designed in 1969 as an answer to the student demonstrations and, probably even more insistently, the legislative and popular demand that definite University action be provided. The prohibited conduct which, at least theoretically, occasions the invocation

1. Richard C. Ratliff, Constitutional Rights of College Students: A Study in Case Law. Metuchen: The Scarecrow Press, Inc., 1972, p. 229.

of the Trustees' rules is of the type which might be involved in a student demonstration. Thus it is a violation of these rules to cause physical injury to any other person or to threaten to do so for the purpose of compelling him to do or to refrain from doing that which he has a lawful right to do or not to do. Physical restraint is also included, as is the damage or destruction of property, unauthorized entrance into private offices or to any University building or facility, the refusal to leave any building or facility after being required to do so, the obstruction of free movement of persons and vehicles, the obstruction of lectures, classes and meetings, or the deliberate interference with the freedom of any person to express his views, the possession of dangerous weapons without the written authorization of the chief administrative officer and the willful incitement of others to commit any of these acts.

(8 N.Y.C.R.R., part 535.3)

The procedures for "Notice, Hearing and Determination of Charges Against Students" are set forth in considerable detail in paragraph 9 of the Trustees' Rules. (See: Exhibit IV on the following pages.)

9. Notice, Hearing, and Determination of Charges Against Students.

a) The term "chief administrative officer," as used in these rules, shall be deemed to mean and include any person authorized to exercise the powers of that office during a vacancy therein or during the absence or disability of the incumbent.

b) Whenever a complaint is made to the chief administrative officer of any state-operated institution of the university of a violation by a student or students of the rules prescribed in this part (or of any rules adopted by an individual institution supplementing or implementing such rules) or whenever he has knowledge that such a violation may have occurred, he shall cause an investigation to be made and the statements of the complainants, if any, and of other persons having knowledge of the facts reduced to writing. If he is satisfied from such investigation and statements that there is reasonable ground to believe that there has been such a violation he shall prepare or cause to be prepared charges against the student or students alleged to have committed such violation which shall state the provision prescribing the offense and shall specify the ultimate facts alleged to constitute such offense.

c) Such charges shall be in writing and shall be served on the student or students named therein by delivering the same to him or them personally, if possible, or, if not, by mailing a copy of such charges by registered mail to such student or students at his or their usual place or places of abode while attending college and also to his or their home address or addresses, if different.

d) The notice of charges so served shall fix a date for hearing thereon not less than ten nor more than fifteen days from the date of service which shall be the date of mailing where necessary to effect service by mail. Failure to appear in response to the charges on the date fixed for hearing, unless there has been a continuance for good cause shown, shall be deemed to be an admission of the facts stated in such charges and shall warrant such action as may then be appropriate thereon. Before taking such action the Hearing Committee, hereinafter referred to, shall give notice to any student who has failed to appear, in the manner prescribed in paragraph (c), of its proposed findings and recommendations to be submitted to the chief administrative officer and shall so submit such findings and recommendations ten days thereafter unless the student has meanwhile shown good cause for his failure to appear, in which case a date for hearing shall be fixed.

e) Upon demand at any time before or at the hearing the student charged or his representative, duly designated, shall be furnished a copy of the statements taken by the chief administrative officer in relation to such charges and with the names of any other witnesses who will be produced at the hearing in support of the charges, provided, however, that this shall not preclude the testimony of witnesses who were unknown at the time of such demand.

f) The chief administrative officer may, upon the service of charges, suspend the student named therein, pending the hearing and determination thereof, whenever, in his judgment, the continued presence of such student would constitute a clear danger to himself or to the safety of persons or property on the premises of the institution or would pose an immediate threat of disruptive interference with the normal conduct of the institution's activities and functions, provided, however, that the chief administrative officer shall grant an immediate hearing on request of any student so suspended with respect to the basis for such suspension.

g) There shall be constituted at each state-operated institution a Hearing Committee to hear charges against students of violation of the rules for maintenance of public order prescribed by or referred to in this part. Such committee shall consist of three members of the administrative staff and three members of the faculty, designated by the chief administrative officer, and three students who shall be designated by the members named by the chief administrative officer. Each such member shall serve until his successor or replacement has been designated. No member of the committee shall serve in any case where he is a witness or is or has been directly involved in the event upon which the charges are based. In order to provide for cases where there may be such a disqualification and for cases of absence or disability, the chief administrative officer shall designate an alternate member of the administrative staff and an alternate member of the faculty, and his principal designees shall designate an alternate student member to serve in such cases. Any five members of the committee may conduct hearings and make findings and recommendations as hereinafter provided. At any institution where the chief administrative officer determines that the number of hearings which will be required to be held is, or may be, so great that they cannot otherwise be disposed of with reasonable speed, he may determine that the Hearing Committee shall consist of six

members of the administrative staff and six members of the faculty to be designated by him and of six students who shall be designated by the members so designated by him. In such event the chief administrative officer shall designate one of such members as chairman who may divide the membership of the committee into three divisions each to consist of two members of the administrative staff, two faculty members and two students and may assign charges among such divisions for hearing. Any four members of each such division may conduct hearings and make recommendations as hereinafter provided.

h) The Hearing Committee shall not be bound by the technical rules of evidence but may hear or receive any testimony or evidence which is relevant and material to the issues presented by the charges and which will contribute to a full and fair consideration thereof and determination thereon. A student against whom the charges are made may appear by and with representatives of his choice. He may confront and examine witnesses against him and may produce witnesses and documentary evidence in his own behalf. There may be present at the hearing: the student charged and his representatives and witnesses; other witnesses; representatives of the institutional administration; and, unless the student shall request a closed hearing, such other members of the institutional community or other persons, or both, as may be admitted by the Hearing Committee. A transcript of the proceedings shall be made.

i) Within twenty days after the close of a hearing the Hearing Committee shall submit a report of its findings of fact and recommendations for disposition of the charges to the chief administrative officer, together with a transcript of the proceedings, and shall at the same time transmit a copy of its report to the student concerned or his representative. Within ten days thereafter the chief administrative officer shall make his determination thereon. Final authority to dismiss the charges or to determine the guilt of those against whom they are made and to expel, suspend, or otherwise discipline them shall be vested in the chief administrative officer. If he shall reject the findings of the Hearing Committee in whole or in part he shall make new findings which must be based on substantial evidence in the record and shall include them in the notice of his final determination which shall be served upon the student or students with respect to whom it is made.

(Exhibit IV) - Procedural Requirement, Trustees' Rules (p.2)

It was held in the matter of Hanger v. State University of New York at Binghamton¹ that these rules and the procedures which they prescribed could also be applied to a situation where a student allegedly took part in assaulting and injuring several players on the opposing team, an official and other students. Thus it would seem that the hearing procedures of the Trustees' regulations could apply to a great number of the relatively serious violations on the campus.

In point of fact the Trustees' Regulations are rarely invoked. The procedures are carefully and well designed but their implementation is guaranteed to create difficulty. Hearing Committee action draws great publicity on the campus and even in the outside world. It draws impressive legal talent. In the one Hearing Committee case heard on the Albany Campus, and involving a relatively minor charge, the opening statement by the legal representative for the respondent, a nationally known authority on constitutional law, opened with a most impressive statement which refers substantially to alleged violations of respondent rights under the New York State Constitution. The author was Chairman of the Hearing Committee and the Committee members when they reviewed the conduct of the case expressed their approval with the conduct and determination. Still, on balance this was not the kind of a case to be meaningfully heard before a campus judicial group.

The Trustees' Rules seem to be almost unused and it is obviously Central Office policy that they remain so. One campus (name withheld) reported great difficulty in obtaining Central Office direction and assistance in setting up a hearing board. The resulting course of action--or, in the terms of highly legalistic procedures, inaction--is probably in the best interests of all concerned.

1. 39 A.D. 2nd 253 (1972).

Student Judiciary -- Serious Cases

Most of the University units have a student or faculty-student body which considers relatively serious cases and which can recommend expulsion or suspension. For such groups the relatively formal process prescribed by the Trustees' Rules can be considered for incorporation into the hearing procedure.

These include:

1. Written notice of charges and reasonable attempt to serve the notice which must be served not less than ten nor more than fifteen days before the date of hearing.
2. Upon demand, a list of witnesses to be called by the University and copies of their statements.
3. The right to representation. While the representative will in many cases be an attorney, the procedures should remain non-legalistic.
4. The right to confront and examine witnesses.
5. The right to produce witnesses and documentary evidence in the student's own behalf.
6. The right of the student to request a closed hearing.
7. The requirement that a transcript of the proceedings be made. (The student apparently has a right to purchase a copy of the transcript, although in the single case that has been heard by the Hearing Committee a copy of the transcript was automatically supplied to the defendant without cost.)
8. The right to a written report containing the findings

The procedure specified for the operation of the Judicial structure and the Student Conduct Committee at the Alfred State College are enumerated in the Student Conduct Code (pp.10-12) and are included as Exhibit 5 (immediately following) as an example of a relatively formal system which does apparently meet the need.

Operation of Judicial Structure

1. The process begins with the report of an alleged breaking of the Code of Student Conduct or any action involving damage to persons or property.
2. The Dean's Office has the right to determine whether psychological factors are involved and, if so, in consultation with the Human Development Center remove the accused students from the Judicial process at any point.
3. If in the opinion of the Dean's Office, a verdict of guilty could result in suspension or expulsion the case will be brought to the attention of the College Advocate.
4. The College Advocate examines the case and reports all pertinent information to the Dean of Students. The Dean of Students then decides if the case warrants further action. If further action is justified, the case will be referred to the appropriate hearing body.

STUDENT CONDUCT COMMITTEE

There will be a Student Conduct Committee, the highest judiciary body of the College. It is responsible for hearing and considering cases of a sufficiently serious nature that might lead to expulsion or suspension from college. The Committee's role is to hear cases and make their recommendations for disciplinary action, suspension or expulsion to the Dean of Students.

The Student Conduct Committee shall consist of the following: three(3) members of the faculty appointed by the Chief Administrative Officer, three (3) members of the administration appointed by the Chief Administrative Officer, and three (3) students designated by the members named by the Chief Administrative Officer. In addition, there shall be up to two (2) members of the faculty, two (2) members of the administration, and two (2) students functioning in an alternative capacity and appointed in the same manner as described above. The College Senate will provide the Chief Administrative Officer the names of student candidates recommended for consideration and designation to the committee.

Each member shall serve until his successor or replacement has been designated. No member of the committee shall serve in any case where he is witness or is or has been directly involved in the events upon which the charges are based. Any seven (7) members of the committee providing there be at least two members from each category may conduct hearings and make findings and recommendations as hereinafter provided. The chairman of the Committee shall be one of the committee's faculty or administrative members appointed by the Chief Administrative Officer.

Notice to Appear at Hearing:

1. Notice to appear at hearing comes from the Office of the Dean of Students.
2. Notice should contain a written statement of the specific charges.
3. Notice should indicate time and place of hearing.
4. Notice must be given one week in advance of hearing.

Exhibit V - Operation of Judicial Code
and Student Conduct Committee,
Alfred State College, SUNY.

Source - Student Conduct Code

5. Notification to student of the time and place of the Student Conduct Hearing will be delivered to the student by Security. The student will be asked to sign a form. A copy of this form will be sent to the Chairman of the Student Conduct Committee by the Dean of Students.
6. Copies of this notice shall be also sent to each member of the Committee, the Office of the Dean of Students, the student's Divisional Chairman, Department Head, his Faculty Advisor, Head Resident, and his/her parents.
7. A student may waive written notice if he has a reason to desire an immediate hearing. He will then be told the specific charges against him by the Chairman and Chairman of the Student Conduct Committee.
8. If a student chooses to waive the right to a hearing, the disposition of the case would be determined by the Dean of Students, the student's Divisional Chairman and Chairman of the Student Conduct Committee.
9. If a student refuses to attend or fails to appear before the Student Conduct Committee Hearing, the Dean of Students will recommend to the President of the College that the student be immediately suspended from the College. The suspension would be lifted only after a consultation among the President of the College, the Chairman of the Student Conduct Committee and the Dean of Students Office and the student.

Pre-Hearing Meeting

Present at this meeting which will be called by the Dean of Students will be the student who is in violation of the Code, the Advisor - if any, the Advocate and/or the individual that brought the original charges, Dean of Students or his designate and the Chairman of the Student Conduct Committee or his designate. This informal meeting will establish the "Ground-rules" for that particular hearing and include limitations or explanations of the following:

- A. Number of character witnesses.
- B. Number of letters of reference.
- C. Number of factual witnesses.
- D. Emphasize this hearing is an administrative hearing.
- E. Emphasize the penalties that may be recommended by the Student Conduct Committee.
- F. The required procedures that we insist must be complied with.
- G. Answer any questions regarding the up-coming hearing.

Hearing:

1. A formal judicial hearing is not required. The Committee on Student Conduct is given opportunity to hear both sides and examine all relevant facts and circumstances.
2. The student may bring an advisor of his choice to the hearing. This advisor shall not be a member of the bar.
3. The student shall have opportunity to present his defense against charges. He may produce any evidence he desires.
4. The student shall have full opportunity to question witnesses who appear against him and make statements in answer to written statements submitted against him.

5. The Committee on Student Conduct is impartial and no member shall be a witness against the student or engage in formulating the charge. No member may hear a case in which he is involved.

The Committee on Student Conduct may recommend one of the following:

1. The student is innocent; case is dismissed.
2. The student is guilty but because of special circumstances no action is to be taken.
3. The student is guilty and the case is referred back to a lower board. If this decision is reached, three members of the Student Conduct Committee will meet with three members of the lower board to decide the penalty. In a case involving the Campus Judicial Board, the advisor to the Campus Judicial Board will act as Chairman with the right to vote only to break a tie. In a case involving an Area Judicial Board, the Area Coordinator will act as Chairman with the right to vote only to break a tie. The three members of the Student Conduct Committee should be one faculty, one student and one administrator.
4. The student is guilty and may be suspended from the college.
5. The student is guilty and may be expelled from the college.

Record:

1. A sufficient record of the proceedings will be kept for review. This record should be a taped recording which should be kept in the Dean of Students Office for a period of five years or until the student graduates.
2. Disciplinary records should not be forwarded on transcripts unless the disciplinary action relates to the student's eligibility for re-enrollment into the institution. Intra-institutional use should be restricted to the Office of the Dean of Students who will allow their use to other officials in the institution when necessary to the discharge of their official duties.
3. A written report of the hearing containing recommendations for appropriate disposition of the matter shall be sent to the Office of the Dean of Students to be transmitted to the President of the College for action. The decision of the President shall be final.
4. The student shall be notified in writing of the action of the college by the Office of the Dean of Students.
5. Copies of the action of the college shall be sent to all persons notified of the original charge.
6. A copy of the action of the college shall also be placed in the student's folder in the Dean of Student's Office.
7. If a student is expelled or suspended from the college, the Registrar will not be notified for twenty-four hours so that the student may appeal if he so desires. As soon as the appeal procedure is ended, the Dean of Students will notify the Registrar who will, in turn, notify the instructors of the student.

Preparation for Judiciary Membership

Membership in the campus judiciary seems widely accepted as a possible, even desirable, volunteer activity. It does create a number of problems for the volunteers in that they are asked to leave the anonymity of the peer group and assume a judgemental position with regards to individuals who were of that group. Several centers have adopted some form of manual for members of the campus judiciary to inform them of their new responsibilities. The manual adopted at Cortland is a good example and its description may prove of some value to students of the campus judiciary.

It begins with a rationale for the institution:

Without doubt, the most important reason for the utilization of a student judicial system would be its ability to handle individual discipline. There should seem to be little or no justification for including a student judiciary structure in the disciplinary system if the end result was a performance inferior to that of other methods of handling discipline. It must be remembered that regardless of the means by which discipline is processed, the ends remain the same: to redirect the behavior of the student violator into acceptable patterns and/or the protection of the rights of the other members of the college community.

The essential advantage of the student College Court, then, lies in the inherent advantages that seem to accrue when students attempt to influence the attitudes and subsequent behavior of other students, through a formally constituted judicial mechanism. Often peer influence, exercised through the judicial process, can be more effective in redirecting the behavior of students than can any other method of discipline exercised by other people. Involvement in and knowledge of the judicial system also serves to increase students' sense of responsibility to other students and the community and, in such a way, helps to encourage self-discipline.¹

The argument is then made that the typical college student is in a transitional stage between adolescence and adulthood. In college he must learn how to deal with the freedoms and responsibilities of his new world and in particular that the college community requires a higher degree of social

1. "College Court Manual, 1974-1975," Cortland College Student Association, p. 2.

control than does the typical residential community. "... scholarship is still normally a lonely task, requiring quiet reflection free from disconcerting disturbances."¹

It is argued that often the student is "saturated" with adult advice and is particularly needful of the understanding and assistance of his peers who through the judicial system can demonstrate "the attitudes and beliefs that govern acceptable behavior."²

The point is clearly made that some cases (illustrated as the psychologically or emotionally distressed) must be handled by staff. The formal implementation of this responsibility by the Division of Student Affairs is described. The procedure for selecting College Court members is discussed. The final injunctions speak to conduct.

The role of the College Court member at those times when he is not participating in a hearing is also of vital importance. As has always been true of any position of leadership, one cannot demand of others that which one will not do himself. The manner in which the individual Court member conducts himself in his daily behavior may be as important to the success of the student judiciary as the way the Court hearings are conducted. Whether one will choose to set an example is really not a debatable issue. By virtue of accepting the responsibility of Court membership, one becomes an example. The real question is the positive or negative characteristics, the "quality" so to speak, of this example. It is probably even safe to say that although the behavior of the Court members is of critical concern, the kind of behavior that he condones or discourages is also important. Let there be no misunderstanding. When difficult decisions are made, second-guessers will look for clinks in the College Court armor. Be also assured that well-earned respect will always transcend performance geared to gaining popularity and leading to lack of confidence and disrespect.

As a final word, College Court members should remember that there is no substitute for such basic qualities as fairness, honesty, objectivity, and good judgment. Remember, too, that quality leadership is rarely offered or accepted a la carte. At its best, leadership is a full-time responsibility in which

1. Ibid., p. 2.

2. Ibid.

high standards are personified by the group leaders. The best guarantee for a competent student College Court system is for it to be manned by competent individuals.¹

The Manual includes a code of "Ethical Standards" which is included in its entirety:

ETHICAL STANDARDS

The purpose of action taken by the College Court is to assist the individual involved in redirecting his behavior and energies along more acceptable lines.

College Court meetings should be conducted in an atmosphere of friendliness, with only enough emphasis given to formal procedure to maintain an air of dignity. It is the responsibility of each College Court member to observe the following ethical standards:

1. Information regarding any student's disciplinary status is not to be discussed with anyone (roommate, friends, etc.) outside the college Court meeting. Likewise, any information given in confidence at a judicial hearing should not be discussed outside the meeting.
2. The disciplinary record of any student is not to be disclosed or discussed outside the College Court meeting.
3. When talking with a student, College Court members should refrain from making accusations or statements of any kind that cannot be supported.
4. In cases involving individual discipline, the vote of each Court member is confidential. The vote of the entire Court, however, is shared with the student when he is informed of the Court's decision. Information regarding majority and minority opinions should be shared with the student and are to be recorded as part of the hearing.
5. All decisions of the board must be upheld by all members of the Court, even though there may be dissenting opinions.

It is particularly important to remember that College Court members become, in a sense, role models for the other members of the campus community. Therefore, it is especially important that members both uphold and obey the regulations and policies of the College. Should a referral be pending against any Court member, that member will be suspended from Court participation until his case is resolved.

Violation of these standards is cause for an individual's removal from the College Court.²

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1. Ibid., p. 3-4.
 2. Ibid., p. 5.

CHAPTER IV
RECOMMENDATIONS

The University-Student Relationship

Much of what we think of as right or reasonable with regard to order maintenance on the campus is shaped by the mutual roles of the students and the faculty or staff. Until the '60s, there was little argument. The university stood in the relationship of a parent. It was in loco parentis. Rules were vague and authoritarian, and discipline was assumed to be administered to press the offenders to become rule-abiding, as well as to maintain order in the institution.

In loco parentis identified the theory that the college or university stands in the position of the parent in its relationship with students. It follows that the student is a legal infant with no more "rights" against the school than he has against his parents. This relationship might be unobjectionable if the courts were to require that a school assuming to act in place of a parent act as a wise and enlightened one. But such would be beyond judicial determination.¹

Experience with in loco parentis has shown that it was often not in the best interests of the student. Often it has been used to ventilate personal biases or to achieve institutional objectives rather than to protect the student.

The model of in loco parentis also loses its force when one is confronted with demographic information on the age and marital status of students attending a university. Nation wide, few students are under 18. In fact, the mean age is 21 years and a good number of students are over 25.² Most college students fall between the ages of 18-21. Although these age groups are young, society has nonetheless deemed fit to give the vote to 18-year-olds and a great many of them fought and died as adults. While they may be young, they are seen as being citizens responsible for important duties.

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1. Richard C. Ratliff, Constitutional Rights of College Students: A Study in Case Law, Metuchen: The Scarecrow Press, Inc., 1972, p. 44.
 2. William W. Van Alstyne, "The Student as University Resident", 45 Denver Law Journal, pp.582-611, 1968, p: 591.

The concept of in loco parentis might better serve as the college administrator's view of his counseling role than for his disciplinary role. In loco parentis is not viable when disciplinary action has to be taken or rules written. Interference with individual conduct should be on a defined rather than ad hoc basis. This does not mean that administrators have to remain aloof from students in activities other than those dealing with discipline. A fatherly, or brotherly, approach may be more in order than a strictly legal one in planning course programs, counseling, etc.

The legal death of in loco parentis is most apparent with regard to student constitutional rights, especially First Amendment rights--campus speech, press and political activity. The extent to which in loco parentis has died in respect to other institutional relationships to students is a subject still open to scrutiny.

There are a number of models which a university may adopt in defining its relationship to the student body. Among these models are the contract model, the status model, the fiduciary model, and the constitutional model. A more extensive discussion of these models may be found in Ratliff's Constitutional Rights of College Students but there is some value in describing them briefly.

The status model operates under the principle that one's status, i.e., student, faculty member or staff, determines what rights and duties each member of the campus community possesses. These rights and duties are seen as having developed not through written rules but rather through custom, tradition, and usage.¹ Early on, Goldenhoff v. Albany Law School,² was decided on the basis of this model. In that case, the judge upheld a dean's discretionary decision to expell a student for his Socialistic views because the dean found them

1. Ratliff, op. cit., p.48.

2. 198 A.D. 460, 191 N.Y.S. 549.

undesirable.¹ The prognosis for success in such a case today is not good. Such a discretionary decision would come under close judicial scrutiny.

The contract model has been given a rather skewed interpretation by university officials. This theory has been used more to meet university needs than student needs. This is true today especially with regard to housing "contracts." The contract model has been used more to deny student rights than to protect them. A note in the Harvard Law Review pointed out that if a university follows a real contract model, there might be hope of its working equitably:

A rigorously followed contract theory could provide a means for creating and preserving student rights. For example, the burden of proof would always be on the institution. The putative misconduct of the student is, after all, an alleged breach of contract; the imposition of sanctions by the institution should, therefore, be regarded as attempted rescission or as a penalty set forth in the contract. Otherwise, putting the burden of proof on the student forces him to prove a negative fact, that his conduct in no way violated the university's regulations. Likewise, since the terms of the contract are dictated, the law of contracts of adhesion would provide the proper standard for interpretation. Accordingly, the burden of proof would be on the institution.²

The fiduciary theory, while being a status-type model, operates to achieve the well-being of another in matters connected with the undertaking. A fiduciary model is characterized with one party having dominance over another (university over the student) and the existence of confidence between the two parties. The fiduciary (the superior party--the university) has the burden of proof in showing the validity of any transaction involving the subject matter of the confidence. The fiduciary also has the burden of showing the transaction to be fair, just, open, and reasonable, and that the fiduciary has not obtained any undue advantage in the relationship.

1. Ratliff, op. cit., p.49.

2. "Developments in the Law: Academic Freedom," 81 Harvard Law Review, 1048, 1146, 1968.

The constitutional model is the most recent approach which was ushered in by the Dixon decision.¹ This model holds that the "student-college relationship is a citizen-state relationship in the case of tax supported colleges..."² As a result, students enjoy the same procedural protections as any citizen in his dealings with the state especially in regard to a student's exercising his constitutional rights.

The contract model, fiduciary model, and the constitutional model all have a common quest for a more clearly delineated relationship between student and university on the matter of discipline. Due process with its sense of fair play is the common goal of these models. In a way, their thrust is toward legalism. This is legalism in the sense that what the university can do to its students with respect to their behavior is limited. These models are addressed to the problem situation which allowed "the university (to become) an entity of its own, possessed of its own drive for self perpetuation and self-fulfillment," and in the process the university made decisions on academic and disciplinary matters which were best for itself but not necessarily the best for the individual student.³

Legalism is the inevitable price of a mass operation.

"... (a) wise university will hold itself strictly within the law of the campus and give the benefit of any ambiguities to the student rather than exploiting them for itself--a principle we think elementary in construing an insurance policy--even if it means failure in some painful episode."⁴

The development of legalism does not mandate impersonal relationships except in areas where rights are importantly involved. Legalism does not necessarily mean formalism and much of the effort which has supported in loco parentis

1. Dixon v. Alabama State Board of Education (294 F. 2nd 150, 1960).

2. Ratliff, op. cit., p.51.

3. Ibid., p.22.

4. Hans A. Linde, "Campus Law: Berkeley Viewed from Eugene," 54 California Law Review, 40-72, 1966.

could have been more usefully addressed to the needs for rights-recognizing but informal procedures. It is quite clear that the university must extend due process and the Supreme Court has not gone beyond what seems to be a very reasonable demand for the basic elements of a fair and comprehensive statement of student rights and responsibilities.

For some time in the '60's, it appeared that students accused under one or another campus-enforced regulation could resort to legal maneuvering which would make useless the informal processes of the campus judiciary. The experience of the past several years has not justified this concern. On the one hand, the courts have upheld the power of the university to insist on informal proceedings. On the other hand, it has become apparent that the student ordinarily fares much better on the campus than in the local magistrate's court or in the courts of civil jurisdiction. Expulsion is practically unheard of in the SUNY system: suspension is rare and the university records are conventionally limited in the amount of time in which the record of a "guilty" finding will be maintained or reported.

In all, the student-university relationship probably should be developed in differing fashions for different but necessary types of interaction. Where rights are involved, the constitutional model is demanded but it recognizes that other needs must be met. In Peters v. University of New Hampshire,¹ it was held that it was no deprivation of student rights to make distinction in access to a university-supplied parking privilege between students and faculty. This was, in effect, the status model. Finally, it is clear that much of the business of the student-university relationship is based on the contract model and it also is significant.

1. 289 A. 2nd 396, 1972.

If in loco parentis is dead, there are a host of superior replacements. Counselling, in particular, shows healthy development as a professional alternative to paternalism. Even student assistance projects which--usually with some official support--do offer students emergency aid, are more humane and, probably, more effective than the paternalism of yesterday.

At the other end of the scale of university-student relationships is the question of student participation in University governance. This has been particularly evidenced in the student participation throughout the '70's in the rule-making and judicial processes on the campus. As we have noted, there has been some contention that a logical development would be for the University presidents to relinquish some of the complex of investigative, prosecutive and judicial powers which, at least in theory, they possess. Although the actual powers have been so hedged by the participative and consultative forces as to be quite limited, it would seem useful to adopt the general court position that these powers are necessary and should not be changed. When legal rights have been carefully protected, the administrative efficiency potential which is implicit in executive control should be retained and developed.

The Role of the Central Administration

The Central Administration has taken a role of extremely low visibility in relation to the problems with the administration of justice on the various campuses. This apparently reflects the desire to avoid any unnecessary interference with local autonomy and the realization that the campus administration of justice has been a fruitful area for student participation in the governance of the University. The rules and the judicial systems which have evolved at the various campuses are uneven in their degree of detail and in the quality of the products obtained but in the main they seem satisfactory and they do achieve the important benefit of increased student acceptance because of that participative process. Order rules should be filed with the Secretary of State. In all probability the Central Administration will extend the inter-campus but central administration-sponsored committee practice so that eventually at least minimum standards for a campus judicial system and a body of regulations will be achieved. Certainly they are possible and need not be spelled out in any fashion that would destroy the good products of extensive cooperation on many of the State University campuses.

The hands-off role of the Central Administration with regard to security seems less justified. The Office of the Security Coordinator has been very meagerly staffed. Not surprisingly, there has been comparatively little direction from the Central Office and much of the Coordinator's efforts have been directed to the almost invisible work of advising the Central Administration and the various state agencies dealing with union, personnel or budget matters related to campus security.

In the section on security, there have been recommended procedures which would allow for the development of a clarified and expanded function for the campus security or public safety officer. There has also been suggested a method for clarifying and specifying the problem of the individual

campus community. It would seem essential that, if the campus security is to be developed as an important function contributing maximally to the welfare of the local campus, there be a development of the methodology proposed here to allow the clarification of security-related issues on each campus. In short, security is an important, on-going administrative area and it should be directed to specified goals fashioned in the interest of stated function and campus-specific problems to which that function is applied. If goal-directed administration is sought, there should be a common pattern available for its achievement; there must be a strong model which allows the campus problems to be clarified. That model should be developed in, or at least emphasized by, the Central Administration.

The movement toward the development of Central Office-sponsored records and training activities should be continued and strengthened. It should be possible to develop a uniform system of security records for all of the State University units so that comparative data can be developed and the development of the campus forces be directed towards a University-sustaining security operation.

Much the same argument holds for the training operations for the security forces. Here, however, the rather disorganized and excessively crime-related mixture of subjects which distinguishes the general municipal police training activities could be greatly improved for the campus. The movement should be not to accept the standard police fare as the ultimate but rather to develop a superior training effort. That educational effort should be expanded into the undergraduate area in which the University units have their most obvious resources. Such a move would be well received within the police community to which security must continue to have substantial reference. The New York State Police, for example, have incorporated in their training

several University level courses.

Persons now appointed to the Campus Security Officer II grade must have two years of college education. It should be possible to secure college advisement for all members of the security force. Every effort should be made to facilitate their further education at the University. The goal should be to make it possible for every member of the security organization on the campus to complete the requirements for a four-year degree at that campus, assuming of course that such a degree is offered there.

The Central Administration should also take the lead in developing criteria as to the preparation of contingency plans at the local units. There has been considerable consideration--mainly incapsulated in the Trustees' Rules--of the problems of student disorders. More consideration should be given to the general problems of non-disorder-related emergencies on the campus.

It is extremely important that a security agency have a well developed set of regulations. The manual which was developed at the SUNYA campus in cooperation with the Campus Security Director, James Williams, (Appendix C) was an adaptation of a model earlier developed in a local police agency by the senior author and his associates. It is important to recognize that this model, although already considerably amended by the security personnel at SUNYA, did provide an important core around which a professional set of standard operating procedures could be developed. It is strongly recommended that the Central Administration bring together a committee of security representatives which could develop a widely acceptable manual for all campuses. The manual developed at SUNYA (Appendix C) and any others which may have been elsewhere developed should be considered by such a committee.

Overall, however, the major point with regards to security is to recognize that it differs strongly from the problem of the judiciary and rule

making tasks on the University campus. The security or public safety unit is composed of full-time people who belong to a single union and who have many interests in common. If the only force which brings these security personnel together is the union, it cannot be anticipated that that bond will be the one which is most directed toward University aims. This statement should not be construed as in any way derogating the union position or claiming that it should change. The union is there for the well being of its members and presumably it meets its function well. The point is that the security shaping force should represent the University interests as well and this can only be done if the Central Office takes a rather strong position but one which primarily works through the provisions of models and standards. Certainly unified record systems and procedural manuals can be worked out and all this can be achieved without substantially affecting the autonomy of the various units.

Recommendations Relative to the Security Function

The major questions which are presently being suggested as significant to the security officer function on the campus are as to the direction in which that function will develop and the legal status of campus security officers.

The argument has been offered that the security officers should be moved towards the function and the title of public safety officer. This would apparently be a highly useful direction for future development. It would emphasize the service nature of the campus security function and would allow for an extensive development into a function which could serve the University community well while adding considerable interest and depth to the routine of the security officer. The development of the additional area of awareness as

to safety problems on the campus would be an important dimension and one which would work well with the present major obligations in traffic and in the response to victimizing emergencies. It would be a valuable addition to the security officer frame of reference to have the problem of victimizing emergency on the campus seen as one in which prevention, through the safety aspect of the enlarged function, would be the most important aspect of the security officer's task.

The legal status problem is generally seen as being created by the fact that security officers are designated as peace officers in the Education Law (Section 355, paragraph 2, subdivision m) rather than, as with most police officers, listed under Section 1.20 of the Criminal Procedures Law. The Coordinator of Security has prepared an extensive memorandum¹ which details the problems which are occasioned to the campus security officers by their exclusion from the Criminal Procedures Law listing. Generally they boil down to the fact that the security personnel must operate through the local police in order to carry out some necessary functions such as supplying records to the State Division of Criminal Justice Services or obtaining records from that agency, that they have concurrent jurisdiction with the local police, and that their authority has not been recognized by some local court or police officials. Much of this problem is apparently in the administrative interpretations of the statutes rather than in any obvious provision of the law and at the present time the problems only have assumed substantial proportions in three locations throughout the State but it is a serious matter to have requisite powers available only at sufferance. Thus, it would seem important that there be strong effort made to remove this problem. Cooperation with the appropriate authorities might clarify some of these matters and even if the law is not

1. Background paper, December 16, 1974, 13 pp., mimeo.

changed it should be possible to eliminate some of these difficulties. Central Office intervention may be directed towards administrative solution but effort should also be made to have the campus police included under the Criminal Procedures Law or to have the Education Law amended so that the existing problems are eliminated.

Rules and the Campus Judiciary

In discussion with some agency representatives, the opinion was expressed that eventually a uniform set of regulations should be adopted for all units of the State University. The argument ran that only in this way could it be assured that equal standards would prevail from one campus to another. The argument seems overstated. As one reads through one after another of the campus student manuals, the impression comes clear that almost all units have developed bodies of rules which seem to meet their needs reasonably well and which do represent a shared achievement by the students and by the administration. In the absence of court decision that there must be uniformity, any centralization of rule making seems inadvisable.

Although a single set of regulations does govern all members of the University community with respect to parking and traffic enforcement, a long standing student dream that there would be a single set of rules governing general conduct seems to have been a casualty of the recent emphasis on union protection for members of the faculty and staff. This situation can be viewed as having positive implication for the students even if it rankles in some egalitarian breasts. Student rules provide an alternative to the Criminal Law which for faculty and staff is provided by regulations governing personnel. Students fare immeasurably better before campus judicial bodies than they would before local courts.

Campus judiciaries are also of importance. Generally speaking, the units of the University are well provided for in this matter. However, Central Office effort should be made to assure that every unit of the University has at least the mechanisms ready for the two types of student rule violations, those which can result in substantial penalty such as suspension or even expulsion from the University and those which can only suggest minor penalties.

The limited range of penalties is a problem for the campus judiciary. When we consider a situation such as that at SUNYA where the campus bookstore determined on referring minor theft cases to a campus judiciary rather than taking them to the police and thus added 144 theft cases to the campus judicial calendar, it becomes obvious that some reasonably substantial criminal charges must be disposed of by bodies which (since they do not in these cases recommend suspensions or expulsions) have very limited power to do anything other than warn or record in the defendant's record a finding of guilt. One formerly rather widely used penalty, the imposition of monetary fines, has been forbidden by the Attorney General. Such general sanctions as restrictive disciplinary probation or a letter of reprimand or admonishment are always possible. Several units report the use of "work fines." In most cases, the building of a record is the major sanction that is required and most students are sufficiently impressed by such a finding that we do not hear of their again violating the rules. It would seem that the present list of punishments is adequate if it is supplemented by the clear recognition that any person who is a repeated offender will be processed either criminally or through a campus judicial body which can recommend suspension or expulsion.

The general disuse of the mechanisms provided under the Trustees' Rules probably should be continued. They have value as a grave and infrequently

involved alternative. It is desirable that they be "on the books" so that in the event of serious problems of student disorder they will be available. It also seems a political reality that there would be public and legislative protest if they were removed.

The Role of the Campus Executive

The scope and objectives of the exercise of police power on campus are, in general, properly determined through legislation and policy at Central Administration. There is the need to recognize, however, that there is considerable latitude inherent in the office of the unit president and that the need is more to increase the effectiveness rather than to restrict this officer. The campus executive is well advised to restrict his rule making, prosecutorial and judicial functions to overall considerations (e.g., assuring that appropriate rules, standards and procedures do exist) than to intervention in specific cases. He should take a more active role (although still at the policy level) in security affairs. The American Bar Association states:

... each local jurisdiction should decide upon objectives and priorities. Decisions regarding police resources, police personnel needs, police organization and relations with other government agencies should then be made in a way which will best achieve the objectives and priorities of the particular locality.¹

The question arises as to how the Campus Executive can improve and amplify his positive contribution to security operations. At least four possible forms of intervention on the part of the president seem significant: 1) initiation and/or review of policy formulation; 2) review of the operations activity; 3) decision making with regard to policy formulation; and 4) decision making with regard to operations activity.

The president has a legitimate right to establish the direction of his campus security department's operations by taking an active interest in policy formulation. He also has a legitimate right to know how well his campus security department is adhering to the direction which he has established.

1. The American Bar Association, The Urban Police Function, June 1973, p.10.

Policy formulation is a responsibility theoretically shared between the president and the director of security. Although in real life campus presidents often avoid the security area, the director of security should recognize that the president has the ultimate responsibility for policy formulation. Assuming that the president is willing to accept his obligation, the need seems to be for the director to alert the executive to the need for policy decision. The responsibility for informing the executive must also be accepted by some person or advisory group having a view of security as well as other but related problems. The student affairs and community relations offices, in particular, have the potential for valuable impact here. The whole process of issue development suggested in the section on security has application in this connection. Although most input will affect security, such a process will also surface questions about rules and the campus judiciary which can be forwarded to the appropriate bodies. Aside from the concern of this paper, it is obvious that such a process will also bring returns for student affairs and community relations personnel.

Once policy has been formulated, the security director should develop procedures which meet the intent of those policies. Particularly where the policies impinge on such areas as those involving student affairs or counselling personnel, policy or procedure review should include the representatives of those specializations.

The president also has a legitimate concern in knowing how well incidents are being handled by the campus judiciary and by his campus security force in light of existing policy. This involves a system of reporting and it is essential to proper executive supervision that such a system be developed.

Presidential intervention into security operations is most likely to be inappropriate with respect to operations activity, the day-to-day activities

of the campus security department. There will be exceptions. If some security officer has made a serious error, the responsibility of the executive is to rectify rather than ratify that error. Still, that rectification is ordinarily the task of the security supervisory personnel. Except in highly unusual circumstances, the president should refrain from intervention in operational matters.

This stricture does not rule out a president's inquiry into how particular incidents are being or have been handled. In making such inquiries, the chain of command should be followed except in emergency or for matters of routine information.

Administrative Discretion and the Application of Legal Powers

It is vital that in its carrying out of the order maintenance and law preservation functions there be constant and widespread awareness among administrators of the role of discretion. The law is not a self-enforcing mechanism; it is set in motion by men who use their discretion to define it and thus, in some measure, always limit or expand its application.

This view conflicts with a popular myth that arises out of our fundamental attitude towards law, for we have been brought up on the image that the government should be a government of laws--not of men. The concept is noble; the application sometimes comes close to the absurd. Even in the public domain, wise officials of the law and wise policemen use a great amount of discretion. They recognize that flat-out enforcement of statutes must be tempered by a knowledge of community needs which allows efficient direction of enforcement resources and that knowledge of realities which distinguishes between the penny-ante poker game among friends and the organized crime supporting gambling operation.

General law enforcement in the broad community is conditioned by important distinctions from that which is enforced on the campus. There is, in the general law enforcement pattern, no clear authority for an administrator to demand that the policemen working under his jurisdiction selectively enforce the law according to his prescription. Thus, in several recent incidents, police officials or organizations of rank and file policemen have defied mayoral or police chief directives to treat demonstrators with what the policemen regarded as "kid gloves." Pressure sometimes come from another direction. Members of the public often demand that a specific law be enforced. Even the most sincere of police administrators find themselves faced with such demands from irritated individuals or specific interested groups for harsher enforcement of particular classes of

statutes than they would ordinarily prescribe. In a long career, the senior author has found few police executives willing to take the public position that other legitimate demands for police service would only allow a very limited attention to the complaints of one specific individual or group or, even more extreme, that other considerations argued against a specific enforcement that was requested (e.g., the request to the police to stop children involved in noisy play).

Law enforcement in the general domain also brings a system of checks and balances on administrative and executive action. The district attorney is ordinarily an elected official; his use of discretion in selecting which cases will be tried is almost unchallenged except at the polls. Judges--also elected--display a wide variety of attitudes towards the use of discretion and at the lower court level in particular, discretion--particularly, of course, if it is in favor of a defendant--finds infrequent challenge.

In this consideration of the violations of rules which are related to what are conceived to be the basic purposes and necessities of the University the college administrator is in a quite different situation and the subject of discretion should be considered in a different light than that which is adopted by the students of law enforcement in the larger community.

Organizationally speaking, and with regard to University-established regulation, the college administrator and the security force which is under his direction combines the investigatory and enforcement functions of the policeman with the preliminary evaluation of the facts and the prosecutorial powers of the district attorney. In the terms of mandate for action, the University does not have the obligation to "enforce all federal, state and local laws" unless it wishes to assume this obligation. However, when it does, it effectively loses a large portion of the important use of discretion. In other words, when the

University takes its job to be prescribing and enforcing the needs related to its basic purposes and necessities, the administrator can and should be held accountable for the use of discretion by security forces on the campus. If a broader mandate requiring that the security forces enforce all federal, state and local statutes is adopted, this administrative control is no longer specifically there and the administrator must, in effect, come to an understanding with his security force. Any individual security officer may disregard such a pact with at least some semblance of a legal position and police employee groups find a source of political strength in its violation. Within the past few years, several large police agencies have suffered, to the embarrassment of their administrators, waves of severe traffic enforcement initiated by police organizations to support their bargaining demands. An analogous situation is possible on the campus and, in fact, has been seen on a number of university campuses throughout the land where highly professionalized police agencies have not hesitated to take their position for strict law and order approaches to legislatures and publics much more sympathetic than their own university communities.

The administration can (unless it adopts the "all laws" mandate) exercise discretion in selecting the statutes it will enforce. Discretion is also possible in considering whether to prosecute. During the periods of campus disorder, some university officials seemed to be under the impression that if campus security personnel could support a case it had to be presented to the court and this attitude may reappear in today's climate. The law is quite definite. Reasonable discretion to not enforce a specific case is no more challengeable than is reasonable discretion to enforce.

There are other administrative areas which need policies to serve as criteria for administrative actions. Reference to some has been made previously in this report. The attempt here will be to develop recommendations

governing two policy areas: 1) the disclosure of information in campus security records; and 2) diversion from the criminal justice system. The response within the university to each of these areas is interesting. There has been some attempt both at the campus level and the central level to formulate policy on disclosure which have met with various degrees of success. Discussion, much less policy, on the question of diversion is practically non-existent.

Information Control

The information which the security department possesses comes from:

1) reports on particular crime incidents; 2) subsequent investigations to some of those incidents; and 3) general intelligence-type operations. The last will ordinarily mean, in the campus context, the routine cataloging of generally available information--not secret or undercover operations. Sometimes for criminal, not political, intelligence, covert investigation is essential.

The extent to which such information is available to the general public and to government agencies varies. Information which is picked up by intelligence techniques or arrest is not a matter of public record since this information does not represent the judgment of a court of law with regard to the subject's conduct.¹ This information is frequently sought by government agencies at the local, state and federal levels. There it is used for: 1) job background investigation, and 2) criminal investigation.

Job background investigations are required not only by government agencies but by private enterprise as well. Therefore, it is necessary to establish guidelines concerning disclosure of records to government agencies and it is also necessary to keep the records out of the hands of private

1. James S. Kakalik and Sorrel Wildhorn, The Law and Private Police. Santa Monica: Rand Corporation (1971), Vol. 4 of 5 Vol. set, p.54.

companies. The latter calls not so much for criteria as for supervision. Although private companies have no right of access (other than available under the freedom of information statutes) to arrest or other police records, they are very willing to pay for information. This willingness to pay has resulted in one of the most profitable segments of the private investigation business-- the development of routine channels to essentially illegal access to police records. This problem situation is not as serious in security operations as it is with municipal police. However, the danger is there and supervisors and directors should be cognizant of it.

Government agencies must also be dealt with in this matter of information control. The real question is not so much conventional arrest data (this is quickly recorded outside the agency), but rather with investigatively-developed information. Here the problem is much the same as with the issue of information in the Office of Student Affairs. Many requests for information are approved by job applicants as a requirement for job consideration. However, requests for information desired for non-job placement investigation should meet the same standards for disclosure as would apply in a student affairs office.

With respect to the matter of criminal investigations, security records can be obtained through subpoena if they relate in any way to a case at hand. To force neighboring police agencies to obtain a subpoena each time they desire information would be disastrous for security-local police relationships, particularly since security depends heavily on the neighboring agencies for other services. Therefore, a policy should be developed where it is made explicit that the security department will make available any information which it has pertaining to specific criminal investigations.

The tendency has been to think of the issue of disclosure of records in terms of individuals. With the development of a data base on security operations at the Central Office, there is now the need to develop a policy governing the disclosure of more broadly relevant information. Just what is public and what is private information is far from clear. The whole area of sophisticated, computer-assisted investigative reporting is opening up. The choice seems to lie between remaining at the present level where there is no significant analysis of data and a process of eternally stretching the analytic capability--and, in general, the openness--of the system.

The discussion of this particular aspect of disclosure revolves around the administrative approach under which the University is operating. The information which the Coordinator's office receives is subject to extraordinarily varied interpretation. It may reflect shortcomings. If the administrative response to shortcomings is negative, i.e., to place blame, then there is a great need to have very strict guidelines on access to this information. If the administrative response is positive, i.e., to assist administration in improvement, the need for guidelines is less demanding.

There is, then, a fundamental need to specify not only who has access to this information but, even more important, who needs what information to facilitate the accomplishment of an administrative task. We are, in short, talking about a Management Information System (MIS). There are certain administrative functions which the Coordinator's office may carry out. There are also legitimate questions which Vice Chancellors, the Chancellor or Presidents may wish to raise. Beyond these offices which are internal to the State University system, there are the Legislature and the Governor's office. Questions which are raised by these sources are answered provided the information is available, but the future will undoubtedly provide far more definite

understandings that certain information will be supplied automatically.

Diversion

If the path of a formal policy on diversion is pursued, then there is the need for the policy makers in the State University to approve a viable policy and procedure. In addition to developing criteria which will guide the officer, there is also the need for the policy makers to develop the capacity for evaluating the results of their decisions.

Since the University is a state operation, the policy must meet the equal protection requirements of the Fourteenth Amendment to the United States Constitution. A diversion program cannot be based on the status of the offender; i.e., students, faculty and staff qualify for diversion but non-university persons do not. Such distinction will not hold up in court. Rather than use status as the basis for selecting the target group for diversion, the selection should be made on the basis of type of offense, no matter who commits the act.

A conclusive policy covering the type of offense which will qualify a perpetrator for diversion cannot be achieved in one undertaking. Instead of attempting to formulate a definitive statement from the inception of the program, the University should address itself to the type of crime which a college campus experiences. Policy can and should be altered to meet whatever changing patterns of crime develop on the campus. Given the current crime situation within the University, a University diversion policy should limit itself to the following offenses:

1. petit larceny (under \$250 total value)¹
2. petit criminal mischief (under \$250 total value)
3. criminal trespass

1. Credit cards will not be considered in the dollar estimation unless the perpetrator has actually used a stolen credit card to purchase some item.

4. assaults or threats of assault between acquaintances
5. indecent exposure
6. all non-crime violations including disorderly conduct, loitering and public intoxication.¹

Not everyone in this target group necessarily qualifies for diversion.

There are additional criteria which have to be met.

1. Victim's consent. If there is a victim involved in the incident, the victim should consent to the diversion.

2. Perpetrator's cooperation. In return for what is a less severe procedure, the perpetrator should promise to cooperate with the diversion process. If the perpetrator subsequently refuses to cooperate with the process, an arrest warrant may be sought against him or the case can be processed even without his participation.

3. Perpetrator's identity. The perpetrator must be able to identify himself in a suitable manner; i.e., University I.D., driver's license, or some other means of identification preferably one which would have a picture of the perpetrator along with his address.

4. Risk. The officer must be satisfied that the perpetrator poses no additional danger to the community.

5. Availability of diversion resources. The campus and the local community must have the requisite diversion resources for resolving the particular needs evolving from the incident.

The alternatives which are available to the University are: 1.) warning; 2.) referral to a campus agency; i.e., a campus judicial board or the counseling center; and 3.) referral to a community-based agency. (Each campus will have the responsibility of finding out what community resources are available and are willing to cooperate.)

1. This policy deals with routine criminal activity, not with matters which spring from general discontent on the part of the campus community. Campus disruptions need a policy of their own to indicate to the campus administrators when it would be appropriate to proceed along the lines of the Rules and Regulations of the Board of Trustees and when it would be appropriate to pursue the criminal justice route.

Procedures. A procedure which has been developed in the work of the National Council on Crime and Delinquency would seem appropriate here. This procedure would require the officer to call the security office, to determine whether or not the perpetrator's name appears on the list of those whom security has already diverted. If the name appears for the fourth time, the perpetrator qualifies as a case which may be better handled by the criminal justice system. If the security officer does divert the perpetrator, there is no need to send any information concerning the perpetrator to the Division of Criminal Justice Services. In those instances where the perpetrator falls into the target group but is not diverted, the security officer should state in writing his reasons for not taking the diversion routes which are available.

In closing, the following point needs to be made. This policy deals only with diversion; i.e., non-arrest for specified crimes. Nothing in this policy prevents security from writing up formal complaint reports on these criminal incidents. Such reports assist in evaluating the diversion program and they can also be utilized for reporting criminal incidents to the New York State Department of Correctional Services and the Federal Bureau of Investigation, as well as serving as the base for planning.

The University Community and the Administration of Justice on the Campus¹

The point has often been made as to the general criminal justice agency/citizen relationship that unless there is general citizen support and understanding, the administrative product will be poor and many citizens come to view themselves as residents in an occupied territory supervised by the criminal justice personnel. The chances for the realization of such a prospect at the University are negligible; the perception of the possibility is immeasurably greater for the campus than for the general community. Community participation and approval are vital needs for the campus criminal justice system.

Unquestionably, the SUNY Presidents do have and must have extensive control over the security function and over the investigatory and policy decisions relating to the cases to be presented to the campus or the student judiciaries. However, there seems to be a deep concern, particularly within student ranks, that the University versions of the administration of justice and the maintenance of order should be related and, in some measure, responsive to their opinions.

That concern is part of the problem encountered in meeting the goals specified earlier, but the need for informing the academic community and for facilitating its own collection of information concept would exist even if no student group had ever sought it. The main benefit of such a process is to the administrator. When he is willing to seek faculty, staff, student and, where desirable, outside help in promulgation of hearing rules or enforcement policies or in bringing to light any injustices, when he is willing to disclose the ethically relevant factors on which he has based decisions of concern to the university family; he has gone a long way towards involving it and bringing its moral support behind the enforcement of university regulations. Beyond

1. Much of this section is a restatement of material presented in the author's 1971 report, Order and Justice on the Campus.

that, there is available from the community a varied bag of experience, expertise and opinion that can contribute to the work of the security and hearing bodies. Most of all, perhaps, there is the potential benefit of manifest executive openness with its implication of honesty, that important evidence that the President is not reveling in his omnipotence, that he is not throwing in a sneak punch, that he is fully aware that he is an agent of the community rather than the owner of the impressive powers that the administration of campus justice require him to use. The usual methods for achieving such results are through participation, reporting and review.

Participation -- Faculty and student participation in the hearing process and in the maintenance of order is a real though undeveloped fact of life at the SUNY campuses. It is most extensive in relative terms--the actual time commitment called for is small--in the hearing activities. It has been intermittently involved in order maintenance during stress periods.

Participation in the performance of the security or hearing bodies has its possibilities and its problems. In the conventional sense of the word, that is, of people volunteering during non-emergency periods to help wherever needed, participation demands a sense of dedication to the institution which may be returning after a long period of which it was accurately said that, "Most students tend to be unwilling to agree to organizational or tactical plans that would place them in alliance with the conventional sources of adult authority."¹ The return to earlier norms is evident but always limited in its scope. Often there is a tendency for it to degenerate into "busy work" or some kind of low-level assistance to the professionals.

In any event, it is always true that it is difficult to work volunteers and professionals to meet a changing, growing task. Other very important

1. The Report of the President's Commission, p. 4/11.

considerations are that volunteer activity loses its glamour after the cause of representation is won and that everybody is just being requested to serve in more volunteer capacities each day. They suggest a real limit on self-effacing, public-spirited cooperation.

The willingness to participate in order maintenance during emergency periods and in the years thereafter seems to have increased. The Commission on Campus Unrest has described a "paradox of tactics" in that across the Nation "The more violent the extremists became, the more active many non-violent moderates became."¹ However, the Commission also noted that it was a mistake for the administration to try to organize student or faculty marshals since the neutrality which the Commission feels is the key to the volunteers' effectiveness would be destroyed "if either the students or faculty feel the marshals are agents of the administration. The impetus to form a marshal force must come from within student or faculty groups."²

Participation in the old sense of "Our all for the Institution" would seem to be an increasingly rare force in faculty or student affairs. Conversely, there appears to be a real need to plan for and fully use volunteer help in times of emergency. This should mean a use that includes respect for the views and abilities of the volunteers. A most important point would seem to be that administration control of and liason with volunteers during emergency periods should be considered a high-level staff assignment, not fobbed off on security people who should be left to devote their energies to their own increased responsibilities.

Some thought should be given to more imaginative use of volunteers. Fire watch may be useful but at least during the May '70 disorders the need

1. Ibid., p. 1/40.

2. Ibid., p. 4/32.

seemed to be far greater for faculty personnel to engage in "rap sessions" with unnerved dormitory residents who were subjected to some arson attempts and a number of false alarms of fire.

Participation, in other words, should rely on the assumption of shared responsibility by people who have much to contribute but who wish to retain their independence and to some extent their power. Its form for the '70's may well be most often seen as "review."

Review -- In a questionnaire study on which the preliminary Order and Justice on the Campus ^{manuscript} was based, three groups were asked the question, "Who should have final control over the SUNYA Campus Police and their activities?" Of 75 students, 50 advocated that this be in the hands of a student-faculty-administration committee. The next most popular alternative (the University Administration) drew only 10 responses. The faculty followed the same first choice, although somewhat less enthusiastically, with 42 percent opting for the committee and the next most popular choice (22 percent) being the Vice President of Management and Planning, as at present. The executives took a different tack with 50 percent wanting this control in the University Administration, the poor second choice for the students and third choice for the faculty. Just about a third of the number who opted for University control chose the student-faculty-administration committee.

The question of campus review of security operations was again raised in 1972 in the SUNYA discussion over the adoption of a campus firearms policy. (See: Appendix D) The resolution which passed the Senate did incorporate the concept of a continuing overview but there has been no effort to establish a formal mechanism and this does not seem to have been developed at any of the SUNY units.

The reality may well be that the creation of any ongoing review mechanism may blunt the edge of student or faculty review of action which does seem inappropriate or wrong to any of the segments of the campus community. It may well be that current practises are adequate if they are supported by adequate reporting to the campus community.

Reporting -- It is a truism that if administration seeks intelligent support rather than a lack of effective opposition caused by confusion and inadequacy of knowledge on which to base informed protest, administration should supply necessary information. The obligation is particularly important when the actions about which it should report are of great concern to those to whom it should report. This is a problem even with such non-emergency incidents as the decisions to apply for arrest warrants for students accused of disorderly actions. Certainly enough unwarranted inferences were drawn at SUNYA in 1971 from the lack of information about the half-dozen cases which were acted upon to cost the administration a measurable amount of student and faculty support. The reporting problems for the disorder period were even more serious. Student respondents ranked the administration as the least important source of information about the events of May 1970.

Reporting about specific incidents is necessary but not necessarily informative as to the overall problems and responses found in the university setting. Obviously this is not peculiar to the university world, for reporting is just as inadequate in the broad society. We simply have not found the questions which relate to the requisite generalizations for the sophisticated administration of our criminal justice agencies. The approach to issue formulation discussed in the Security section of this report may be of value in this connection. As either a campus or a general society we need to know more

about the criminal justice issues so that we can place in perspective our knowledge about the incidents. There is far more to be gained than risked in such a process. The administration of justice issues, even on the campus, have been affected by the Nation-wide emphasis on the "Crimes of Fear." Students and faculty alike stew in their concerns that the risks are great and no one really cares or does anything about them. A more enlightened campus community would be more cooperative and less afraid. It may well be that the development of a capacity to identify and respond to issue considerations would return as much value in community support and the reduction of tension as would be represented in the appreciable operational gains which seem possible.

Such a program of enlightenment could help to meet the additional and unique need which the university community holds along with the crime concern which shapes all of us. That need is for a justice-oriented "administration of justice" on the campus. It reflects the importance in academe of liberty as well as security. An enlightened university community would know that there are no simple but meaningful paths to justice; that justice--just as does truth--demands the continuing concern of all who share the campus world. It is a high charge but it is essential for only in meeting it can the university, a social institution structured about its concerns for systems of thought, meet the challenge John Rawls has proposed: "Justice is the first virtue of social institutions as truth is of systems of thought."

APPENDIX A

SUNYA UNIVERSITY POLICE MANUAL
OF STANDARDS AND PROCEDURES

CONTENTS

Introduction..... i
Acknowledgementsiii

Chapter I: Organization, Authority, Duty Standards

Article

1.0 Principles of Police Service 1
2.0 Use of Manual 3
 2.1 Maintenance of Manual 3
 2.2 Knowledge of Contents 3
 2.3 Gender 4
3.0 Statutory Authority of Department 5
 3.1 NY Education Law 5
 3.2 Peace Officers 6
 3.3 Security Officers 7
4.0 Organization of Department 8
 4.1 State University of New York..... 8
 4.2 State University of New York at Albany. 9
 4.3 University Police/Campus Security..... 9
 4.4 Department's Role 11
 4.5 Crime Related Tasks 12
 4.6 Service Related Tasks..... 12
 4.7 Regulatory Tasks 13
 4.8 Campus Judicial System 14
 4.9 Cooperation With External Law Enforce-
 ment Agencies... 14
 4.10 Collective Bargaining Agreements..... 15
 4.11 Student Patrol 15
5.0 Duty Statements..... 17
 5.1 Director of Security 17
 5.2 Assistant Director(Police Services)... 19
 5.3 Assistant Director(Safety and
 Security)..... 21
 5.4 Shift Supervisor 23
 5.5 Administrative Supervisor 27
 5.6 Investigator 31
 5.7 Campus Security Officer 33
 5.8 Desk Officer 37
 5.9 Student Patrol Supervisor 42
 5.10 Student Patrol Member 44
6.0 Jury Duty 46

Chapter II: Standards of the Department

Article

1.0	Personal Appearance	47
1.1	Uniform Personnel	47
2.0	Non-uniform personnel	49
3.0	Personal Neatness.....	50
4.0	Personal Decorum	51
5.0	Physical Condition.....	53
6.0	Discipline	54
7.0	Private Gain.....	57
8.0	Time Cards	59
9.0	Department Equipment	60
10.0	Motor Vehicles-Department	61
10.1	Inspection by Officers	61
10.2	Emergency Repairs	63
10.3	Operation Of	65
10.4	Transportation of Persons	68
11.0	Radio Equipment	69
11.1	Dispatching	69
11.2	Portable Radios	71
11.3	Alarm System	72
11.4	Paging System	74
11.5	Maintenance and Care	76
11.6	Alpha Code	78
11.7	10-Code System	79
12.0	Firearms	81
12.1	Authorization	81
12.2	Personal Firearms	82
12.3	Approved Weapons	82
12.4	Use of	83
12.5	Training	85
12.6	Cleaning	85
12.7	Copy of Permit	85
13.0	Physical Facilities	86
14.0	Prisoners	87
15.0	Keys	88

Chapter III: Crime Related Procedures

Article

1.0	Crime References	91
2.0	Arrest, Without a Warrant	94
2.1	Procedure, General	96
2.2	Procedure, Desk Officer	97
3.0	Arrest, With a Warrant	99
3.1	Procedure.....	102
4.0	Appearance Ticket	103
4.1	General Considerations	104
4.2	Procedure	106
5.0	Court Appearances	110
6.0	Crime Scene, Initial Activities	113

7.0	Investigations, General Guidelines	115
8.0	Evidence Collection.....	117
8.3	Preservation Techniques	120
9.0	Police Teletype Network	123
10.0	Booking Procedures	124
11.0	Property Reporting, Descriptive Terms	126
12.0	Notifications, Outside Law Enforcement Agencies.....	134
13.0	Press Relations	136
14.0	Crime Report	138
15.0	Selected Crimes, General Guidelines	139
15.1	Bomb Threats.....	140
15.2	Burglary	142
15.3	Assault	143
15.4	Criminal Mischief	144
15.5	Larceny	145
15.6	Robbery	146
15.7	Sex Offenses	147
15.8	Stolen Vehicles	149
15.9	Unattended Death, Murder, Suicide	152
15.10	Weapons	153
16.0	Juveniles, Arrest and Custody Of	155
16.1	Runaways	155
16.2	Custody Without a Warrant	156
16.3	Duties of Peace Officer After Custody.....	156
16.4	Procedures	158

CHAPTER IV: Service Related Procedures

Article

1.0	Ambulance	160
2.0	Accidents, Motor Vehicle.....	162
3.0	Emergency Messages, Relay Of	166
4.0	Escorts	167
5.0	Fire Alarms, Fire Scene	169
6.0	Firearm Storage	172
7.0	Injuries	175
8.0	Lost and Found	177
9.0	Special Delivery Mail	180
10.0	Safety Hazards	181

CHAPTER V: Regulatory Procedures

Article

1.0	Abandoned Vehicles	182
2.0	Fire Drills	184

3.0 Building Lock Up	186
4.0 Parking Regulations	188
5.0 Parking Violation: Appeal Process	190
6.0 University Parking Tickets	192
7.0 Towed Vehicles	196
8.0 Uniform Traffic Summonses	200
9.0 Demonstrations, Crowd Control	205

INTRODUCTION

Members of the University Police Department, Campus Security Officers, perform functions that frequently benefit the life and property of persons associated with the University community. The extent to which your performance benefits rather than detracts from community welfare will depend in part upon the extent to which you meet the community's job performance expectations. Those expectations, or standards of performance, are, unfortunately, often not commonly understood. The understanding the public has of the nature of the police role, and the priorities assigned the several tasks discharged, will often be governed by erroneous assumptions as to the general worth of a particular responsibility. We in the profession, however, will sometimes feed that misunderstanding by failing to respond to routine situations in a consistent manner.

In the interest, then, of reducing the gap between community expectations and your actual performance on the job, we have published this Manual of Standards and Procedures.

This Manual is meant to be used as a set of standards against which you and your superior officers may evaluate your performance in those situations commonly encountered on

campus. As with any set of standards, it does not include all the situations you may experience. Hence, the philosophical framework within which you should function, one that best represents you and the department to the community for which you work, can best be described by the terms common sense, good judgement, and a rational and humane approach. These principles, accordingly, have been incorporated into this Manual.

James R. Williams
Director of Security

ACKNOWLEDGMENTS

Much of this Manual, in terms of content, style and format, owes its origin to the suggestions and examples provided by Professor William P. Brown of the Graduate School of Criminal Justice at the State University of New York at Albany. He and his associate, Mark Cunniff, offered for use the products of their efforts researching issues related to the conceptual role of police in our society. This Manual of Standards and Procedures is the result of their generous assistance.

Chapter I: Organization, Authority, Duty Standards

Article	
1.0	Principles of Police Service..... 1
2.0	Use of Manual 3
2.1	Maintenance of Manual 3
2.2	Knowledge of Contents 3
2.3	Gender 4
3.0	Statutory Authority of Department 5
3.1	NY Education Law 5
3.2	Peace Officers 6
3.3	Security Officers 7
4.0	Organization of Department 8
4.1	State University of New York 8
4.2	State University of New York at Albany 9
4.3	University Police/Campus Security 9
4.4	Department's Role 11
4.5	Crime Related Tasks 12
4.6	Service Related Tasks 12
4.7	Regulatory Tasks 13
4.8	Campus Judicial System 14
4.9	Cooperation With External Law Enforce- ment Agencies 14
4.10	Collective Bargaining Agreements 15
4.11	Student Patrol 15
5.0	Duty Statements 17
5.1	Director of Security 17
5.2	Assistant Director (Police Services).. 19
5.3	Assistant Director (Safety and Security)... 21
5.4	Shift Supervisor 23
5.5	Administrative Supervisor 27
5.6	Investigator 31
5.7	Campus Security Officer 33
5.8	Desk Officer 37
5.9	Student Patrol Supervisor 42
5.10	Student Patrol Member 44
6.0	Jury Duty 46

CONTINUED

2 OF 6

CHAPTER I

STATE UNIVERSITY OF NEW YORK
AT ALBANY

PRINCIPLES OF POLICE SERVICE

Article 1.0

1. To prevent crime and disorder, as an alternative to their repression by military force and severity of legal punishment.
2. To recognize always that the power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behaviour, and on their ability to secure and maintain public respect.
3. To recognize always that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing observance of laws.
4. To recognize always that the extent to which the co-operation of the public can be secured diminishes, proportionately, the necessity of the use of physical force and compulsion for achieving police objectives.
5. To seek and to preserve public favour, not by pandering to public opinion, but by constantly demonstrating absolutely impartial service to Law, in complete independence of policy, and without regard to the justice or injustices of the substance of individual laws; by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing; by ready exercise of courtesy and friendly good-humour; and by ready offering of individual sacrifice in protecting and preserving life.
6. To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public co-operation to an extent necessary to secure observance of the law or to restore order; and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.

7. To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen, in the interests of community welfare and existence.
8. To recognize always the need for strict adherence to police-executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the State, and of authoritatively judging guilt and punishing the guilty.
9. To recognize always that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them.

- Sir Robert Peel

Article 2.0 USE OF THE MANUAL

The Manual is organized into five sections. The first section describes the organization and authority of the Department. The second section deals with matters relating to job performance (personal conduct, care of department equipment, personal appearance, etc.). The third section summarizes procedures to be followed in investigating criminal offenses. The fourth section deals with procedures relating to non-criminal services; and the fifth section deals with procedures related to the Department's regulatory efforts (parking and traffic control, demonstrations, etc.).

2.1 MAINTENANCE OF THE MANUAL

The officer to whom the Manual is issued shall insert changes into the manual in the proper location as they are promulgated. The pages replaced should be removed and destroyed.

2.2 KNOWLEDGE OF CONTENTS

The officer to whom the Manual is issued shall be familiar with its contents.

2.3

GENDER

Any use of words or phrases indicating the male gender are to be understood to apply equally to female members unless specifically noted otherwise.

Article 3.0 STATUTORY AUTHORITY OF DEPARTMENT AND MEMBERS

PURPOSE: To describe the statutory authorization of the Department at the State University of New York at Albany.

The Department derives its basic authority from the Constitution and the laws of the United States and the State of New York. Immediate authority is granted by Chapter 383 Laws of the 1972 Legislature (Education Law, sec. 355, subd. 2, para. m). The law authorizes the Board of Trustees of the State University of New York to appoint peace officers and security officers.

3.1 New York Education Law, sec. 355, subd. 2, para. m.

- m. To appoint from time to time security officers and peace officers for the state university, and to remove such peace officers at pleasure; provided, however, that any person appointed a peace officer must have satisfactorily completed or complete within six months of the date of his appointment the minimum training required for local police officers by the municipal police training council. It shall be the duty of such security officers and peace officers to preserve law and order in and about the buildings and grounds of the institution of the state university to which they are assigned. Persons appointed peace officers shall, in the course of and actual performance of their official duties, have the powers of police officers as defined in the criminal procedure law. Persons appointed security officers shall, in the course of and in the actual performance of their official duties have the

power to issue and serve a simplified traffic information and appearance ticket in the form prescribed by the commissioner of motor vehicles pursuant to section two hundred seven of the vehicle and traffic law, upon a person when he has reasonable cause to believe that such person has committed a traffic infraction in his presence on the sites owned, operated and maintained by state university, and where applicable, such simplified traffic infractions shall be administered pursuant to the provisions of article 2-A of the vehicle and traffic law.

Trustees' Resolution 72-232

Resolution 72-232 of the Board of Trustees delegates authority to appoint peace officers to the Presidents of the several universities and colleges within the State University system.

The President of the State University of New York at Albany, accordingly, has sworn in certain security officers as peace officers of the State of New York.

State University of New York, administrative policies item 080 (Tr 73-2) defines the duties and authority of each as follows:

3.2 A. Peace Officers and Security Officers - duties common to both.

Peace officers and security officers will provide for the protection of people and property and the preservation of order in and about the buildings and grounds of the institution of the State University to which they are assigned.

B. Peace Officers

Persons appointed peace officers shall in the course of and actual performance of their official duties have the powers of police officers as defined in the Criminal Procedure Law.

3.3 C. Security Officers

Persons appointed Security Officers shall, in the course of and actual performance of their official duties have the power to issue and serve a simplified traffic information and appearance ticket in the form prescribed by the Commissioner of Motor Vehicles pursuant to Section 207 of the Vehicle and Traffic Law, upon a person when he has reasonable cause to believe that such person has committed a traffic infraction in his presence on the sites owned, operated and maintained by the State University, and where applicable such simplified traffic information "shall be administered pursuant to the provisions of Article 2-A of the Vehicle and Traffic Law."

Certain exceptions granted to police officers defined in section 120, subd. 34 of the Criminal Procedure Law do not apply to University peace officers notwithstanding the police designation. Refer to the "firearms" section for elaboration.

Article 4.0 ORGANIZATION, STRUCTURE, AND ADMINISTRATION

PURPOSE: To describe the organization of the department, its placement within the State University of New York, its role in the university community at Albany, the relationship with other law enforcement agencies, and applicable collective bargaining agreements.

4.1 THE STATE UNIVERSITY OF NEW YORK

The State University of New York is the world's largest university system with in excess of 350,000 students enrolled at its seventy campuses. Twenty-seven of those campuses have organized campus police or security departments, and employ over 500 officers. Under the present organization of the State University of New York, the extent of each department's responsibilities is defined, within the Education Law and Trustees' resolutions, by the administration of the campus to which it is attached.

State University supports a central office of security services headed by a Coordinator of University Security. That office does not exercise line command over individual campus departments. It does play an important role in establishing uniform procedures of operation, and negotiating the collective bargaining agreement.

4.2 STATE UNIVERSITY OF NEW YORK AT ALBANY

The State University at Albany is one of the four university centers within the system. Approximately 17, 000 people study, work, or live on its two campuses during the academic year. It is located entirely within the City of Albany with the exception of two buildings on the uptown campus--Indian Quad, the gymnasium, and part of the service building group.

4.3 UNIVERSITY POLICE/CAMPUS SECURITY AT ALBANY

The department at Albany employs fifty persons in all job categories (patrolman, investigator, supervisor, administrative, and clerical). It is headed by the Director of Campus Security who reports to the Vice President for Management and Planning.

4.4 DEPARTMENT'S ROLE WITHIN THE UNIVERSITY

Broadly conceived, the Department exists to provide services to the university community in order that the educational purposes of the university and its constituency be fulfilled. Within that framework, the Department is expected to provide police services, security services, and safety services to individuals on campus either at their request or as the need becomes evident.

In the process of addressing those needs, the Department must co-operate with many different student, administrative, and academic groups whose interests may be involved in a given situation. Officers, therefore, should not view themselves as distinct from the university community - set apart by the vested police or security officer role - or as arbiters of rigid standards of behavior imposed upon an undifferentiated population that happens to be upon a state university campus. Neither, however, is the department expected to, nor does it, function as a barrier preventing standards of the larger community from being observed on campus.

The role of the department within the university can best be understood in terms of the tasks it is expected to fulfill; functions related to crime; service related duties; and regulatory tasks. Those tasks are summarized as follows:

4.5 CRIME RELATED TASKS

1. Mobile and foot patrol of public areas.
2. Responding to criminal complaints and assisting victims.
3. Investigation of offenses, apprehension of suspects, and referral to criminal court.
4. Laison with external law enforcement agencies.
5. Establishment of crime enforcement priorities.
6. Crime prevention information presented to public.

4.6 SERVICE RELATED TASKS

1. Responding to emergencies (fires, injuries, disasters), assisting victims, and securing appropriate assistance.
2. Notation of safety hazards and referral to proper authority.
3. Report maintenance defects to Plant Department.
4. Transportation of sick and injured persons to medical attention.
5. Provide escort services (money, ambulances, fire apparatus).
6. Operate a central lost and found.
7. Provide information about campus events to public.
8. Assist in crowd control for assemblies, athletic events, and concerts.
9. Open locked doors after hours to properly identified students and faculty.

10. Assist in locating missing persons; relay emergency calls to students, faculty, and staff.
11. Refer certain situations to CRISIS 5300, or REFER Switchboard.

4.7. REGULATORY TASKS

1. Enforce campus parking regulations, and tow away violators if necessary.
2. Provide for the collection of parking fines.
3. Issue Uniform Traffic Summonses to operators of motor vehicles observed in violation of the New York State Vehicle and Traffic Law.
4. Assist in seeing that fire drill, and other evacuation procedures, are observed.
5. Provide for registration of motor vehicles used by students, faculty, and staff.
6. Provide for the registration and storage of firearms on campus.
7. Identify and remove abandoned vehicles from campus.
8. Assist the housing and campus center staff in the maintenance of public order in their respective areas.
9. Identify strangers in non-public areas, or other campus locations after normal hours.
10. Secure public buildings at closing, and request occupants to leave unless otherwise authorized to remain.

4.8 THE CAMPUS JUDICIAL SYSTEM

Certain minor offenses involving damage to public property, where the offender is a student or member of the faculty or staff, are heard internally without resort to the external criminal courts. Forms for referral to the campus judicial system and assistance in preparing the case can be obtained from one of the staff assistants in the Dean of Student Life's office.

4.9 COOPERATION WITH EXTERNAL LAW ENFORCEMENT AGENCIES

Officers will frequently encounter members of the New York State Police, Albany Police Department, or Guilderland Community Police Department on campus. Less often contact will occur with the staff of NYSIIS, the Federal Bureau of Investigation, the Capital Police Department, the District Attorney's staff, court officials, other federal enforcement agencies, and state probation and parole officials.

Those agencies expect that members of this department will aid them in meeting the needs of the task that brought them on campus. Officers should follow the following steps in meeting their requests:

1. Secure proper identification, examine credentials if the individual is not in uniform.

2. Notify the Director of Assistant Director of the nature of the request. In the absence of both, provide the assistance in so far as possible, and notify as soon as either is available.
3. Submit a written report (PD-30) describing the encounter.

4.10 COLLECTIVE BARGAINING AGREEMENTS

All members of the Department are covered by collective bargaining agreements except the Director and Assistant Director (Police Services).

<u>Position</u>	<u>Civil Service Class</u>	<u>Representative</u>
Director	Management Confidential	None
Assistant Dir. (Police)	Management Confidential	None
Assistant Dir. (Safety)	Non-Teaching Professional	SPA
Supervisor	Classified Service	CSEA
Investigator	Classified Service	Council 82
CSO II	Classified Service	Council 82
CSO I	Classified Service	Council 82
Clerical	Classified Service	CSEA
Watchman	Classified Service	CSEA

4.11 STUDENT PATROL

During the academic year, approximately fifty (50) students are employed by the Department to provide late evening foot patrol in each of the five residence Quadrangles. The patrol operates during the hours between 1900 and 0100 seven days a week. A two-person team is assigned to each Quad with an additional team operating a state vehicle on mobile patrol of the uptown campus parking lots. Student Patrol members

observe and report situations requiring a police or security response to the Desk Dispatcher; they do not apprehend offenders. Each team is issued a key ring set for the Quad they patrol and is equipped with one Motorola HT-220 portable radio. The key rings and radios are issued at the beginning of the tour and returned at the end. Student Patrol teams are required to make half-hourly radio checks.

Administrative Supervision (hiring, performance evaluation, and scheduling) is performed on a rotating basis by three Student Patrol Coordinators. They, in turn, are supervised by the Assistant Director (Safety and Security).

Operational Supervision of the Student Patrol at the scene of an incident is conducted by the ranking or senior department officer on the scene. Routine operational direction is otherwise controlled by the radio dispatcher.

Article 5.0 DUTY STATEMENTS

PURPOSE: To describe the responsibilities of each position within the Department.

5.1 DIRECTOR OF CAMPUS SECURITY

1. The Director is the executive head of the Department. He reports to the Vice President for Management and Planning.
2. He is responsible for the proper administration and efficient operation of police, security, and safety related services on University property.
3. He supervises the maintenance of law and order on campus, and the enforcement of Federal, State, and local laws. He supervises the enforcement of such campus rules and regulations deemed appropriate by campus administrators.
4. He is a member, ex-officio, of the University Community Council of the University Senate.
5. He shall ensure that proper liaison be maintained with external law enforcement, court, and correction agencies so as to promote mutual understanding of the role of each, should a campus related incident have external consequences.

6. He will examine generally, through inspection and records, each branch of the Department with a view towards maintaining overall operating efficiency.
7. He will establish liaison between the Department and other student, academic, and administrative campus groups or departments in order to ensure:
 - a) That the Department be responsive to the needs of the University community.
 - b) That the several interests of the campus be kept aware of the importance of their efforts in securing the optimum level of performance and efficiency of the Department.

5.2 ASSISTANT DIRECTOR OF CAMPUS SECURITY(Police Services)

1. The Assistant Director(Police Services) is the second in command of the Department. He assumes the executive function upon designation in the absence of the Director.
2. He shall review all reports of crime on campus and assign for follow up investigation those incidents deemed appropriate.
3. He will ensure that the patrol and investigative units are scheduled tours of duty in such manner as to maximize their effective rendering of service to the public, and to prevent crime and disorder on campus.
4. He will ensure that proper investigation into the history of applicants for positions with the Department be conducted prior to an offer of employment.
5. He shall cause to have investigated all complaints made against officers in the performance of their duty, and investigate reports of violation of the Standards set forth in this Manual.
6. He shall prepare reports, and cause to have maintained, such records of Department activity as deemed necessary by Central Office of the State University and the Director.

7. He shall perform other duties as required by the Director.

5.3 ASSISTANT DIRECTOR (SAFETY AND SECURITY)

1. The Assistant Director (Safety and Security) is the third in command of the Department. He assumes the executive function upon designation in the absence of both the Director and Assistant Director (Police Services).
2. He is responsible for the overall management of standards relating to the Occupational Safety and Health Act (OSHA) on University Property.
3. He maintains liaison with community fire departments and the State Division of Fire Safety to ensure that high standards of safety are complied with on University property.
4. He shall cause to have investigated all reports of fire on University property, and submit reports to appropriate local, State, and Federal agencies.
5. He shall maintain records relating to injuries reported on University property.
6. He is responsible for the overall management of motorized vehicle movement and parking on University property. As such he shall maintain records and issue parking permits in such manner as to promote the overall health, safety, and welfare of pedestrians and drivers on University property.

7. He shall supervise the collection and control of money collected in payment of University parking tickets.
8. He will maintain liaison with appropriate student, academic, and administrative groups and departments at the University in order to ensure:
 - a) An awareness of the importance of their efforts in securing a safe campus within which to work, live, and study.
 - b) A coordinated effort to ensure that local, State, and Federal safety standards obtain on University property.
9. He shall be responsible for the overall supervision of the Student Patrol, and maintain such records as required.
10. He shall supervise the efficient and proper operation of the keying function on University property, and maintain records necessary for an effective control over the issuance of keys.
11. He shall perform other duties as required by the Director.

5.4 UNIFORM PATROL FORCE - SHIFT SUPERVISOR

1. Is responsible for the proper deployment of patrol members, security officers, and watchmen during the tour of duty to which he is assigned.
2. He shall ensure that foot patrolmen, radio car officers, watchmen, and members of the Student Patrol perform their duties in conformity with the guidelines presented by this Manual.
3. Is responsible for ensuring that the Desk Officer maintains proper logs and accountability records of keys and radio equipment, particularly portable radios.
4. He will assure that FCC radio use regulations are followed by members of the Department, and that proper language codes are observed during all transmissions.
5. Maintain a duty roster for officers scheduled work days one month in advance, and accommodate to the extent possible, and within the guidelines of the Union Agreement, the wishes of individual officers' preferred relief days.
6. To periodically inspect members of his Platoon to ensure:
 - a) That uniforms are maintained according to prescribed Standards.

b) That officers' Memorandum Notebooks are maintained according to Standards.

c) That unauthorized articles of uniform or equipment are neither worn nor carried on duty.

d) That Department firearms, when issued, are clean, fully loaded, and in proper working order.

7. Bring to the attention of the Assistant Director (Police Services) or the Director direct and indirect knowledge he has of improper conduct or violations of the Standards of the Department by officers or members of the Department.
8. Is responsible for maintaining harmonious work relationships among officers assigned to his Platoon. To this end, he should first attempt to resolve any differences between the officers themselves, and between himself and individual officers. Should the difference remain unresolved, he shall bring the issue to the attention of the Assistant Director or the Director.
9. He will review the circumstances of the arrest of each person arrested by the members of the Department during his tour of duty to assure that the arrest action is legal and proper.

10. He will require the members of the Department to enforce moving traffic regulations on University property at all hours.
11. The Supervisor will require all officers and Student Patrol members assigned to patrol duty to remain in their assigned area and permit them to return to the University Police Building only when required in the course of their duty or for personal necessity.
12. The Supervisor is responsible for the accuracy and complete character of all reports submitted by officers during his tour.
13. The Supervisor will not station himself at any fixed location during his tour of duty except by permission of the Director or Assistant Director.
14. He shall report to the scene of all crimes where an arrest is made, and at the scene of other service or regulatory incidents of an emergency nature.
15. He will insist that all members of the Department comply with standard operating procedures, giving special attention to those failures that may jeopardize the safety of his men, the rights, liberty and integrity of private persons, and the reputation of the University Police Department.

16. Reviews for accuracy and completeness the Time Card of each officer assigned to his shift; assures that it is turned in on time; and signs same signifying approval.

5.5 UNIFORM PATROL FORCE - ADMINISTRATIVE SUPERVISOR

1. The Administrative Supervisor is generally responsible for the coordination of records, reports, and evidence that the Department is required by law to maintain. In the specific performance of those responsibilities, he will ensure:
 - a) That all evidence relating to criminal offenses is properly tagged; that a chain of evidence record be maintained for each item; and that it is properly secured in the Evidence/Property Room. Only the Administrative Supervisor and the Director will possess keys to the Evidence/Property Room.
 - b) All other property coming into the possession of the Department will be tagged and stored in the Evidence/Property Room. Such property shall be disposed of periodically according to applicable law.
 - c) That proper accountability records are maintained for Uniform Traffic Summonses. He will see that records are maintained to account for Uniform Traffic Summonses issued by officers. He will assure that officers appear in Court as required.
 - d) That Appearance Tickets are properly issued and accounted for.

- e) Proper records are maintained noting the items and quantity of articles of uniform and equipment issued to each officer.
 - f) He will perform such other administrative tasks as assigned by the Assistant Directors or the Director.
2. Is responsible for the issuance of and control over Department firearms, ammunition, and photographic equipment. He will assure that officers issued firearms are properly licensed according to applicable law.
3. He will organize and supervise in-service training programs in the following areas:
- a) First Aid
 - b) Fingerprint taking
 - c) Firearm classroom and range practice
 - d) Defensive driving
 - e) Report writing
 - f) Radio use
4. He will conduct the shift briefing daily at 1450 hours, and be responsible for the content of the brief.
5. Will assure, under the supervision of the Assistant Director (Safety and Security), that money collected by the Department is properly accounted and secured in the safe. He will arrange for its deposit with the appropriate agency.

6. He will assure that all radio equipment is in proper working order, and arrange for necessary repairs.
7. He will be a member of the Commendation Review Board for the uniform patrol.
8. He will periodically review the lock up and building security schedule with each Building Captain, and see that the Building Log is kept current.
9. He will insist that all members of the Department comply with standard operating procedures, giving special attention to those failures that may jeopardize the safety of Department members, the rights, liberty and integrity of private persons, and the reputation of the University Police Department.
10. He will consult with the Albany Traffic Court and the Town of Guilderland Traffic Court to secure from each the schedule of traffic court convening dates, and post same for the information of Officers to assist them when issuing Uniform Traffic Summonses. Such posting should be near the radio dispatcher.
11. He will maintain the control copy of this Manual to assure that it is kept current with the changing responsibilities of the Department, and bring to the attention of the Director suggestions for the improvement of the

Manual.

12. He will assure that members of the Department assigned to the 135 Western Avenue campus are scheduled to work in a way that provides optimum coverage.

5.6 INVESTIGATOR (CAMPUS SECURITY SPECIALIST)

PURPOSE: To describe the duties and responsibilities of the Investigator.

1. Investigators will have general responsibilities with respect to overall community relations between the Department and the public, and the investigation of crimes and other incidents. Case assignments shall be made by the Director or the Assistant Directors.
2. Be responsible for notifications to law enforcement agencies relative to stolen or missing property.
3. Be responsible for maintaining cooperative working relationships with law enforcement agencies with whom the Department comes into contact.
4. Develop in-service training programs as directed.
5. Conduct inspections of places and premises where crime is particularly likely to occur.
6. Maintain records relating to their activities and submit reports as directed by competent authority.
7. Treat crime victims in a manner that will assist the victim and maximize his cooperation with the investigation.

8. Perform such other duties and assignments as required by the Director or the Assistant Directors.

5.7 CAMPUS SECURITY OFFICER II and CAMPUS SECURITY OFFICER I

PURPOSE: To describe the duties and responsibilities of Campus Security Officer II and Campus Security Officer I.

1. A Campus Security Officer, when sworn in by the President of the University, is a police officer. As such, he is responsible for the accomplishment of the police, security, and safety missions of the Department or his duty station. The officer shall direct his best efforts toward the intelligent and efficient accomplishment of those missions.
2. A Campus Security Officer will be held accountable for taking reasonable action in regard to incidents on his post. Reasonable action includes the requirement to notify the Desk Officer of incidents observed or brought to his knowledge, and requesting the assistance of a Shift Supervisor, Investigator, or fellow officer if the incident cannot be immediately resolved.
3. Officers may be assigned to patrol cars, foot patrol, as Desk Officer, or other special detail as directed. Assignments are normally made by the Shift Supervisor. Campus Security Officer II shall be assigned so as to

provide police related services; Campus Security Officer I personnel shall generally be assigned to those areas less susceptible to crime.

4. Officers assigned to patrol cars shall maintain a constant and vigilant motor patrol, except when otherwise directed, and remain on the alert for violations of the Vehicle and Traffic Law and other laws.
 - a) Officers assigned to patrol cars shall remain in service at all times except when relief is authorized by the Desk Officer.
5. Radio calls shall be promptly acknowledged and the details assigned carried out without delay.
6. The Officer shall report promptly ten minutes prior to the designated duty hours, at the University Police Building or as otherwise directed. He shall listen attentively to the orders and instructions as given during the Shift Briefing, and make written memorandum of such information in the Memorandum Notebook.
7. Officers shall thoroughly familiarize themselves with the University, including the names and locations of all buildings, the departments located therein; fire hydrants and building stand pipes; inside and exterior

light switches; the fire service boundaries separating Albany Fire Department coverage from McKownville Fire Department; the Student Health Service and Ambulance services; snow emergency reporting procedures; the University parking regulations, and acquire the necessary knowledge thereof to enable them to render intelligent and pertinent assistance when requested.

8. Leave from duty other than scheduled relief days shall be requested according to applicable Civil Service and University work rules. This includes Personal Leave, Military Leave, Sick Leave, Compensatory Time, and Annual Leave.
9. Officers are responsible for meeting Court appearance dates with regard to summonses, Appearance Tickets, and arrests in which they are involved and their appearance is required by the Court.
10. Officers shall familiarize themselves with the normal habits of students, faculty, staff, and visitors on campus. Deviations from the normal shall be investigated immediately.
11. An officer throughout his tour of duty shall maintain a faithful, diligent and continuous patrol of all parts of his post or Zone of coverage. He shall not leave his

post or Zone of coverage except by permission of the Desk Officer or a Shift Supervisor. While on patrol, he shall report in every half hour, in response to the radio station time and identification check.

12. The Officer shall at all times, while on duty, maintain an alert and business-like manner, and a military bearing. He shall not loiter or lounge about on University roadways or in campus buildings nor lean against objects. He shall not, without a specific reason relative to duty, conceal himself from view.
13. An Officer should make every effort to avoid a predictable fixed route or patrol schedule.
14. Operators of Department vehicles shall not permit unauthorized persons to enter the vehicles, neither shall said vehicles be used for any purpose except as prescribed by this Manual.
15. Officers will be held accountable for failure to discover and/or report any action, occurrence or situation which should reasonably have been discovered by them.

5.8

DESK OFFICER

PURPOSE: To describe the duties and responsibilities of the Desk Officer.

1. The Desk Officer functions as the Radio Dispatcher for the Department. He is also the initial contact between citizens and the Department for telephone and walk-in complaints.
2. He shall ensure that all rules and regulations pertaining to radio transmissions contained in this Manual are observed by members of the Department at all times.
3. He remains on his post within the Department building throughout his tour of duty, except at such times as required for personal necessity, meals, official business, or as otherwise directed by a Shift Supervisor. Before leaving his post for any reason, he shall place a competent member of the Department in charge during his absence.
4. He shall not permit anyone behind the desk, except a member of the University Police Department in the performance of official duties, or a person authorized by the Director, the Assistant Directors, or a Shift Supervisor.

5. He is responsible for the maintenance, condition, and accuracy of all entries in all authorized records during his tour of duty, including the Radio Transmission Log, the Key Log, the Cash Record Book, and other records as directed.
6. The Desk Officer assigned to the Second Platoon is responsible for preparing daily by 0830 the Daily Report and forwarding same to the Director's office.
7. The Desk Officer shall be accountable for the location of all radio equipment and key rings at all times. To this end he shall ensure:
 - a) That the location of all portable radios is noted in the Radio Transmission Log, either by name of Department member to whom issued or by the entries "in charger", or "in repair".
 - b) The Radio Repair Log is to be consulted to verify repair status. It is to be located near the console charger.
 - c) Key rings shall not be issued to anyone other than Department members at any time. He shall ensure that Department members sign for same in the Key Log, and that the correct number and type of keys are located thereon.

8. When using Department telephones, he shall adhere to the prescribed procedure. Incoming calls are answered immediately. He identifies himself by University Police Department, rank, and name. No unnecessary outgoing calls are to be made and all telephone conversations are to be as brief as possible.
9. Upon receipt of a report from a citizen requiring Department action, he shall immediately radio all pertinent information to the patrol officers concerned.
10. He shall note in the Radio Transmission Log the time, location, name of complainant, and nature of complaint of all requests for assistance from citizens and all incidents reported by members on patrol.
11. He shall consult with the Shift Supervisor to ensure that Department members submit written incident and criminal complaint reports during his tour of duty.
12. He shall not divulge the home phone number or address of members of the Department for any reason except by permission of the Director.
13. He shall immediately telephone the Director of any unusual accident, disorder, emergency, explosions, fire, murder, death, robbery, serious felonious assault, or any incident deemed reasonably important to the Director,

the Assistant Directors, or the news media. If the Director is not available, he shall notify the person acting in that capacity so that prompt notification can be made or required action taken.

14. He shall accept payment of fines for University Parking Tickets at all hours when the ticket collection clerk is not on duty. He shall accept money for motor vehicle registrations, and towing fines, at all hours when the ticket collection clerk is not on duty.
15. He shall ensure that the cash drawer is kept locked at all times and that funds accumulated in excess of the prescribed minimum are locked in the Department safe.
16. He is responsible for the proper accounting of cash in the collection drawer and at the beginning and end of his tour of duty, shall note the amount accumulated in the Cash Log. He shall count the money in the presence of his relieving Desk Officer or a Shift Supervisor.
17. He shall transmit a radio identification signal every thirty minutes on the half hour by stating: "KJB 923, University Police, Albany, New York, time (in military time)". He shall ensure that all members possessing radio equipment respond. In the event of a failure of a patrol car, foot patrolman, or member of the Student

Patrol to respond, he shall immediately dispatch a vehicle to investigate.

5.9

STUDENT PATROL SUPERVISOR

PURPOSE: To describe the duties and responsibilities of the Student Patrol Supervisor.

1. Student Patrol Supervisors are members of the University Police Department. As such they are expected to observe such rules and regulations contained in this Manual not inconsistent with their civilian status.
2. The Student Patrol Supervisor is responsible for the administrative supervision of the Student Patrol. Primary operational supervision of the Student Patrol rests with the Shift Supervisor of the University Police Department on duty; Student Patrol Supervisors, however, will assist the Shift Supervisor in the operational field supervision of the Student Patrol. To that end, the Student Patrol Supervisor shall ensure that:
 - a) Patrol schedules for the Student Patrol are established monthly, one month in advance.
 - b) That members of the Student Patrol are instructed in Department standard operating procedures, and the particular responsibilities attending their positions.
 - c) That members of the Student Patrol report to the Department building at the beginning of their tour

or as otherwise directed, and that they properly sign out for radio and keys issued to them.

3. Be responsible for the accuracy, condition, and maintenance of the Student Patrol Daily Report and such other records as required by competent authority.
4. Assure that members of the Student Patrol maintain accurate time records accounting for their duty hours, and that each member signs the Time Sheet as required by the University Payroll Office.
5. Bring immediately to the attention of the Assistant Director(Safety and Security) or the Director direct and indirect knowledge he has of improper conduct or violations of Department regulation by members of the Student Patrol.

5.10 STUDENT PATROL MEMBER

PURPOSE: To describe the duties and responsibilities of members of the Student Patrol.

1. Members of the Student Patrol are part-time employees of the Department of Campus Security/University Police Department. Accordingly, they are expected to conform to those Departmental standard operating procedures related to their special function, not inconsistent with their civilian status.
2. Members of the Student Patrol are signed to patrol University residence areas on foot, and such concerts and athletic events as requested. To be of service to all persons with whom they come into contact who request, or appear in need of assistance.
3. Each member shall ensure that his or her monthly time sheet is correctly and accurately filled out to reflect hours worked, and submitted to the Student Patrol Supervisor as directed.
4. Radio calls shall be promptly acknowledged and the details assigned carried out without delay.
5. While on patrol, the member shall report in every half hour in response to the radio time and identification check.

6. The Student Patrol member shall remain alert and on patrol continuously throughout the residence area to which he is assigned.
7. The Student Patrol member should attempt to become acquainted with all residence staff members and Resident Assistants living on the Quad to which he is assigned.
8. Members of the Student Patrol shall inform the Desk Officer of any emergency situation, suspicious person, or unusual occurrence by radio or telephone immediately upon notice.
9. Operational field supervision for the Student Patrol will be the responsibility of the University Police Supervisor or ranking officer at the scene of an emergency or other incident.
10. Administrative supervision for the Student Patrol will be the responsibility of the Student Patrol Supervisor.

6.0

JURY DUTY

PURPOSE: To establish procedures to be followed by officers subpoenaed to serve on juries.

1. Officers receiving notice to appear on any court for jury duty, or to appear for duty on a Grand Jury, shall immediately notify the Director, or an Assistant Director in his absence, of such notice or subpoena, in writing.

PROCEDURE: ASSISTANT DIRECTOR

1. Immediately telephone clerk of notifying authority and advise him of peace officer status of Department officer and request that he be officially excused.
2. If such request is denied, immediately advise officer concerned to appear as directed by said notice or subpoena.

Chapter II: Standards of the Department

Article	
1.0	Personal Appearance 47
1.1	Uniform Personnel 47
2.0	Non-Uniform Personnel 49
3.0	Personal Neatness 50
4.0	Personal Decorum 51
5.0	Physical Condition 53
6.0	Discipline 54
7.0	Private Gain 57
8.0	Time Cards 59
9.0	Department Equipment 60
10.0	Motor Vehicles-Department 61
10.1	Inspection by Officers 61
10.2	Emergency Repairs 63
10.3	Operation Of 65
10.4	Transportation of Persons 68
11.0	Radio Equipment 69
11.1	Dispatching 69
11.2	Portable Radios 71
11.3	Alarm System 72
11.4	Paging System 74
11.5	Maintenance and Care 76
11.6	Alpha Code 78
11.7	10-Code System 79
12.0	Firearms 81
12.1	Authorization 81
12.2	Personal Firearms 82
12.3	Approved Weapons 82
12.4	Use Of 83
12.5	Training 85
12.6	Cleaning 85
12.7	Copy of Permit 85
13.0	Physical Facilities 86
14.0	Prisoners 87
15.0	Keys 88

CHAPTER II

Article 1.0 PERSONAL APPEARANCE

Standards of the Department

PURPOSE: To describe required standards of personal appearance for all members of the Department.

1.1

1. Uniforms will be neat, clean and pressed at all times. Tears, rips and missing buttons will be promptly repaired. Shoes will be shined. Shoe polish, cleaning fluids and sewing materials for emergency use will be maintained in the University Police Building.
2. No variations from the uniform code will be allowed (excluding variations necessitated by bonafide conditions relating to an officer's health). The dress code may be changed from time to time upon order of the Director.
3. The dress code for the Department shall include the following:
 - a) Uniform cap to be worn at all times when on duty except when patrolling in the radio car or when assigned to duty in the University Police Building. The cap is always worn when leaving the radio car for any reason.

- b) Tan uniform shirt and dark brown knit tie. The tie shall not be worn with the short-sleeved shirt.
- c) Uniform jacket, (windbreaker, mid-weight, or reefer, depending on weather), and trousers.
- d) Black shoes and black socks.
- e) Breast badge, cap badge, and collar insignia. The breast badge shall be worn on the left side of the outermost garment.
- f) Overcoat or raincoat, rainslicker and cap protector as needed.
- g) Black overshoes or boots as needed.
- h) Black 2-1/2 inch Sam Browne belt, handcuffs, Memorandum Notebook, pen, nightstick (First and Third shifts), flashlight.
- i) Non-regulation clothing shall not be worn over the uniform. Dark brown sweaters or thermal quilted liners may be worn under the uniform jacket as long as they are not conspicuous.
- j) If the uniform is worn to and from work, it must be complete. The uniform shall not otherwise be worn off duty unless authorized by the Director.

Article 2.0 PERSONAL APPEARANCE - NON-UNIFORM PERSONNEL

1. Personnel whose normal uniform is civilian attire shall dress neatly in suit and tie or the Departmental blazer outfit unless otherwise permitted by the Director or Assistant Director.

Article 3.0

PERSONAL NEATNESS

Standards of the Department

PURPOSE: To set standards of neatness for members of the Department. Since police work is public contact work, the personal appearance of the members of the Department is important in determining public impressions.

1. Although it is considered that hair style is a matter of personal preference, hair will not be permitted to be ragged or impede the wearing of the uniform cap. Hair will not be so long that it falls below the collar. It will be neatly combed or brushed while on duty, and sideburns and moustaches will be well trimmed. Moustaches shall not extend below the line of the mouth. Beards may be worn only by members whose uniform is blazer, tie and trousers, or civilian attire.
2. In keeping with the desired professional image of the police, it is expected that high standards of personal hygiene and grooming will be followed by all members of the Department.

Article 4.0

PERSONAL DECORUM

Standards of the Department

PURPOSE: To describe expected standards in dealing with the public.

1. In dealing with the public, courtesy and avoidance of unnecessary demonstration of authority will be the guiding principles. Force will be used only when necessary to protect life or when the officer's safety is in jeopardy.
2. Officers in contact with the public will conduct themselves with dignity. Abusive language will not be used. Sarcasm, curtness or non-concern with the problems of the public, or an individual complainant, will not be evidenced in the behavior of any officer.
3. In conducting himself as a professional, the officer will always remember that his behavior is a reflection not only upon himself but on the Department generally. Personal discipline will be consciously cultivated.
4. If in uniform and a citizen requests the name of the officer, the officer shall give his name.
5. Officers in civilian clothing shall identify themselves

by name, displaying badge and identification card before taking any police action, or if otherwise requested to do so by a citizen.

Article 5.0 PHYSICAL CONDITION
Standards of the Department

PURPOSE: To describe standards of physical condition for peace officers and security officers in the Department.

1. Officers are expected to maintain such physical condition so as to be able to perform their duties in the manner set forth in this Manual.
2. Officers may request physical examinations relating to ability to perform their duties. Such requests shall be made through the Shift Supervisor.
3. Exercise facilities are available to Department members at the Gymnasium.
4. Civil Service rules governing appropriate use of sick leave credits shall be observed.
5. Physical examinations shall be ordered for officers whose physical condition gives reasonable cause to the Director to believe that such officer is not able to perform such duties or procedures as set forth in this Manual as directed.
 - a) The results of such examination shall be used as a factor in determining the officer's duty status and/or continued employment.

Article 6.0

DISCIPLINE

Standards of the Department

PURPOSE: To describe the standards of discipline and the instruments through which the disciplinary process shall be initiated.

1. It is the policy of the Department to investigate all complaints made against Department members and to initiate disciplinary proceedings when the circumstances justify such action.
2. Members of the Department indicted for a criminal offense or arrested for a criminal offense, shall be suspended from duty pending the outcome of the criminal action. Such suspension may be with or without pay. If pay and allowances are withheld, they shall be returned in full dating to the time of suspension at such time as the employee is found not guilty in a court of law, or is otherwise exonerated by the District Attorney.
3. Departmental disciplinary proceedings will be instituted if the officer or member refuses to answer questions specifically related to an investigation of the officer's or member's conduct instituted by this Department and narrowly directed toward the officer's official conduct.

4. Officers shall immediately advise the Director if they are arrested by another law enforcement agency for any crime defined in the New York State Penal Law, or for any crime defined outside the Penal Law, if such crime is a misdemeanor or felony.
 - a) They shall immediately advise the Director of all citations or summonses received for violations of the New York State Vehicle and Traffic Law, or for any traffic summonses or citations received in another state.
 - b) They shall immediately advise the Director of the disposition of all crimes and traffic offenses in which they are involved.
 - c) They shall immediately advise the Director of any revocations, suspensions, or limitations placed upon their motor vehicle operator license.

5. Disciplinary penalties. Subject to appropriate regulations of the State University of New York and applicable Civil Service law, the Director of Security may assess the following penalties against any officer or employee of the Department:
 - a) Verbal reprimand
 - b) Written reprimand

- c) Suspension for a stated period of time
- d) Removal from Peace Officer status
- e) Demotion
- f) Dismissal from the Department

Article 7.0

PRIVATE GAIN

Standards of the Department

PURPOSE: To describe standards relating to profit from office, gifts, and gratuities.

1. No officer or member of the Department shall use the authority of his office to benefit himself beyond what a private citizen would expect under equal circumstances. In particular, this section includes:
 - a) GIFTS, GRATUITIES, REWARDS: Officers shall not accept any tangible or intangible remuneration for the performance of their official duties or in return for not performing an authorized task. Offers of same shall immediately be reported to the Director in writing.
 - b) SOLICITATION: Officers and members shall not solicit gifts, gratuities, or rewards in return for, or as a consequence of, the performance of official duties.
 - c) LOST PROPERTY, RECOVERED PROPERTY: Officers and members shall immediately turn in to the Administrative Supervisor all lost and recovered stolen property that comes into their possession or of which they have direct knowledge. Such property, if unclaimed,

shall be disposed of according to applicable law.

- d) DISPLAY OF CREDENTIALS: Officers shall not display badges or credentials except on official police, safety, or security business.

Article 8.0

TIME CARDS

PURPOSE: To describe procedure for filling out and submitting Time Record Cards.

1. Time cards are to be prepared by the member of the Department for whom the time is reported.
2. Time cards shall be prepared and submitted at the end of each pay period according to applicable Civil Service regulations, and local regulations of the State University of New York at Albany.
3. Starting and leaving times shall be accurately recorded according to the clock at the Radio Desk.
4. Leave taken shall be accurately and completely recorded.
5. Shift Supervisors shall review the Time Card of each officer assigned to their tour of duty at the end of each pay period. The Shift Supervisor shall sign the time card attesting to its accuracy.

Article 9.0 DEPARTMENT EQUIPMENT

Standards of the Department

PURPOSE: To describe standards relating to the maintenance, care, and replacement of Department equipment.

1. All equipment permanently issued to members is to be signed for by the member to whom it is issued. Such signature shall signify receipt of items issued.
2. All equipment issued to members is to be maintained in good operating condition by the member to whom it is issued.
3. Articles of issue in need of repair or replacement are to be obtained through the Administrative Supervisor.
4. Permanently issued equipment includes the following articles:

Uniform issue; badges (breast and cap); New York State Police Manual for Police; Department identification card; officers Memorandum Notebook; Department Manual of Standards and Procedures; flashlight; Sam Browne belt; handcuff carrier; and handcuffs.

Article 10.0 DEPARTMENT MOTOR VEHICLES
Standards of the Department

PURPOSE: To establish standards and procedures for the care of motor vehicles.

10.1

1. Each officer charged with custody of a car will inspect the vehicle at the beginning of his tour. The results of such inspection will be reported to the Desk Officer for entry into the Radio Transmission Log. The inspection will include:

- a) The body and exterior of the vehicle for general cleanliness and damage.
- b) The motor oil level.
- c) The contents of the emergency kit in the trunk.
- d) The emergency lights, PA system, and siren to assure they are in proper working order.
- e) The headlights, tail lights, and directional signals.
- f) The radio for proper reception and transmission.
- g) The cleanliness of the interior.

2. The odometer reading shall be reported to the Desk Officer at the beginning of the tour and noted in the Radio Transmission Log.

10.2 EMERGENCY REPAIRS TO DEPARTMENT VEHICLES

1. All maintenance and repair performed on Department owned or operated vehicles shall be accomplished at, or arranged through, the Motor Pool Garage at the State University of New York at Albany.

2. Department vehicles in need of emergency repair while away from the University in another part of the state or country on approved business may have such repair performed in accord with rules established by the New York State Office of General Services and the Supervisor of the Motor Pool at the State University of New York at Albany.
 - a) Operators of vehicles needing repairs under conditions 2 above, shall telephone the Desk Officer and describe the circumstances.

 - b) The Desk Officer shall make a report (PD-30) of the incident to the Director and immediately telephone the Motor Pool Supervisor of the situation.

3. RADIO PATROL CARS (marked) found in need of minor emergency repairs at times when the Motor Pool is not open, may have such repairs accomplished at a service station near the University so long as the cost of the repair (parts and labor) does not exceed \$25.00.

- a) In the event such emergency repairs are in need of being performed, the operator shall first receive authorization from the Shift Supervisor.

- b) Such repairs shall be limited to the following conditions:
 - 1) Minor engine adjustment to keep the motor running.
 - 2) Replacement of head lamps or tail lights.
 - 3) Changing a flat tire.
 - 4) Removal of a vehicle stuck in a roadway or ditch.
 - 5) Charging of a dead battery.

- c) The Shift Supervisor shall submit a report (PD-30) describing the nature of the repair, who performed it, and the cost to the Director at the end of his tour of duty.

10.3 MOTOR VEHICLES: VEHICLE OPERATION

Standards of the Department

PURPOSE: To describe standards of operation for Department vehicles.

1. Department vehicles will be operated in the following manner:
 - a) Only vehicles operated by the University and assigned to the Department may be used in official police, security, or safety business unless otherwise authorized by the Director. A privately owned vehicle will not be equipped or operated as an emergency vehicle.
 - b) ALL CITY AND STATE TRAFFIC LAWS AND REGULATIONS WILL BE OBSERVED AT ALL TIMES, UNLESS THERE IS AN EMERGENCY. A police vehicle, when it is not an emergency operation, is legally required to observe all traffic laws and regulations.
 - c) Where pursuit is necessary or there is extreme urgency in reaching a destination, both siren and emergency lights shall be used (Sec. 1104 Vehicle and Traffic Law).
 - d) All pursuits and high-speed travel will be conducted in a prudent manner with the safety of life and prop-

erty of innocent bystanders remaining paramount.

e) Police cars may not be used for private business.

f) Cars will be operated in a manner consistent with road and weather conditions. Excessive strain on any mechanized components is to be avoided.

2. While STANDING the following procedures are to be followed:

a) Vehicle engines shall be shut off and the keys removed from the ignition when the officer exits the vehicle. The only exception permitted will be when the officer leaves the car for a brief period and remains in sight and in the immediate vicinity of the vehicle.

b) A car parked at the scene of an incident will be parked in such a manner as to protect the site and warn others that the area is temporarily blocked off. The roof lights will always be turned on in such a situation.

c) The security of the parked car will be paramount while occupied or unoccupied. Doors should be locked and an unoccupied car should be completely secured.

3. The siren shall not be used except for a brief test in the Department parking lot at the beginning of a tour of duty, or as a consequence of an emergency run as provided above.

10.4 VEHICLE OPERATION - TRANSPORTING PERSONS

PURPOSE: To provide standards for the transportation of non-departmental persons in police cars including prisoners, witnesses, juveniles, and mentally ill persons.

1. All prisoners and mentally ill persons will be considered dangerous. Precautions should be taken to prevent a potentially dangerous person from disabling the officer or commandeering the car. Such precautions should include the following:
 - a) Such subjects should be placed in the vehicle so that their actions are visible at all times.
 - b) Subjects accused of crimes should always be suspected of being armed until they have been thoroughly searched.
 - c) Subjects who are considered dangerous should not be carried in a police car unless another officer besides the driver accompanies him and is in constant custody of the suspect.
 - d) Dangerous or potentially dangerous subjects should NEVER be transported without mechanical restraints.

Article 11.0 COMMUNICATION EQUIPMENT

DISPATCHING AND USE OF RADIO EQUIPMENT

PURPOSE: To establish standards for the proper use of Departmental radio equipment.

11.1

1. The Department's radio frequency is monitored by the Federal Communications Commission. All transmissions must be made in temperate language and deliberate enunciation to ensure proper reception.
2. The International Alphabet Code shall be used for all single letter transmissions.
3. The plate number and location shall be transmitted by the initiating officer on all vehicle stops BEFORE leaving the police vehicle. The Desk Officer shall repeat the plate number immediately over the air to the initiating officer and he shall acknowledge as to it being correctly recorded by the Desk Officer.
4. The time signal shall be transmitted by the Desk Officer every thirty (30) minutes on the half hour.
5. All times shall be given using the 24-hour military system.

6. Lengthy transmissions should be avoided. If detailed instructions are necessary, the field officer should be told to telephone the office if he is reasonably near a telephone.
7. Only official police, security, or safety business may be transmitted over the air. Personal messages are to be relayed by telephone.
8. Reception of a message is to be acknowledged by stating "10-4". Messages are not to be acknowledged by depressing or clicking the transmit key.

11.2

COMMUNICATION EQUIPMENT

PORTABLE RADIOS

PURPOSE: To describe standards for the proper use of Departmental portable radios.

1. Portable radios are to be issued to officers or members of the Student Patrol only. There are no exceptions to this policy.
2. Portable radios must be accounted for at all times by the Desk Officer; they will either be issued to a member of the Department, in the charger, or in the repair shop. The Radio Transmission Log must reflect one of these three conditions at all times.
3. Portable radios must be carried in the leather holsters provided at all times in the field.
4. The name of the officer or Student Patrol member to whom the portable radio is issued must be entered in the Radio Transmission Log.

11.3

COMMUNICATION EQUIPMENT

ALARM SYSTEM

PURPOSE: To describe the incident alarm system connected to the Check Cashing Service.

1. A silent alarm system directly connects the Check Cashing Office with Department headquarters.
2. The alarm system is to be kept in the "Alarm" mode at all times. The GREEN ready light should be on at all times.
3. The alarm signal can be tested in two ways:
 - a) The Desk Officer should press the TEST button at least twice during his tour. This test will only register locally in the Department building and is used to assure that the audible signal is in working order. When the TEST button is depressed the RED light will go on.
 - b) The Desk Officer should initiate a test with the Check Cashing Office at least once during business hours. The test is to be performed in the following manner:
 - 1) The Desk Officer telephones the Check Cashing Service, identifies himself, and requests that they depress the alarm at their location.

- 2) If working properly, the alarm will sound and the RED light will go on in the Department building.
 - 3) If the alarm works correctly, tell the person at Check Cashing to reset their switch to the proper mode.
 - 4) Reset the alarm correctly in the Department building.
2. If the alarm does not work, the Director is to be notified immediately. Repair work for the alarm system is to be performed by Trojan Electronics, Inc.

initiate a radio signal that sounds the audible tone in the Pager.

- c) The CODE button is released. The Desk Officer then will transmit a radio voice message to the Pager using the Base Station in the normal manner.
- d) The officer carrying the Pager need merely depress the red RESET button on top of the Pager to make it ready to receive the next message.

4. The Administrative Supervisor shall note all repairs, the fault and by whom repaired in the Radio Repair Log. The Radio Repair Log shall be kept near the Portable Radio Charger Console.

11.6

ALPHABETIC CODE

PURPOSE: When it is necessary to transmit letters (as with a license number) the following words should be used instead of the letter. For example, the license number SC 123 would be transmitted as "Sam, Charlie, 123". Do not say, "S as in Sam, C as in Charlie".

A	Adam	N	Nora
B	Boy	O	Ocean
C	Charlie	P	Paul
D	David	Q	Queen
E	Edward	R	Robert
F	Frank	S	Sam
G	George	T	Tom
H	Henry	U	Union
I	Ida	V	Victor
J	John	W	William
K	King	X	X-Ray
L	Lincoln	Y	Yellow
M	Mary	Z	Zebra

11.7 RADIO 10-CODE SIGNALS

PURPOSE: To describe the various common signals used by the Department.

1. The purpose of the 10 Code system is twofold: brevity and security. Their use, however, is not intended to preclude plain language which should be used if radio reception is poor.
2. Officers should bear in mind that the code numbers can be misunderstood. Ten codes should be repeated by the receiving officer.

INSTRUCTION

- 10-01 Call headquarters
- 10-02 Return to Base
- 10-03 Call Desk Officer
- 10-04 Acknowledge
- 10-05 Repeat message
- 10-06 Standby
- 10-07 Out of service
(specify location)
- 10-08 Back in service

INVESTIGATE

- 10-10 Suspicious person, prowler, incident (specify location)
- 10-11 Check Cashing alarm in Campus Center
- 10-12 Pick up case (specify location and nature)
- 10-13 ASSIST OFFICER
- 10-14 Larceny (specify location)

CRIMES IN PROGRESS

10-30 Robbery in Progress

10-31 Burglary in Progress

10-32 Larceny in Progress

10-34 Bomb Scare (Location)

NON-CRIME INCIDENTS

10-52 Noise or dispute

10-53 Automobile accident

10-59 Fire

10-48 Meal (Location)

12.2

2. Only Department owned weapons may be carried on duty on campus. Personal firearms may not be brought on campus unless authorized by the Director. Personal firearms will not be permitted on campus unless the following conditions are met:

- a) Bill of sale for the weapon or other documentary evidence of where and how the weapon was obtained.
- b) Serial or registration number of the weapon.
- c) The pistol permit of the officer authorizes possession and carrying of the pistol in question.
- d) The weapon is of an approved type.

12.3

3. Approved pistols shall meet the following standards:

- a) The weapon shall be a REVOLVER, double action, and of American manufacture. It shall be chambered to hold at least five rounds of ammunition.
- b) It shall be .38 caliber only. .38 caliber police special ammunition (158 grain) shall be carried; no other caliber or weight ammunition is authorized.

STATE UNIVERSITY OF NEW YORK AT ALBANY
UNIVERSITY POLICE, CAMPUS SECURITY

Article 12.0 FIREARMS REGULATIONS

Standards of the Department

PURPOSE: To describe standards relating to the possession, authorization to bear, type, and use of firearms by officers of the University Police and Campus Security Department.

12.1

1. Officers and members of the Department are forbidden to possess or bear firearms of any type on University property unless each of the following three conditions is met:
 - a) He must possess a valid, unrestricted New York State "Carry" Pistol Permit if the weapon in question is a pistol.
 - b) He must have written authorization from the State University of New York at Albany. Such authorization is obtained through the Director from the Office of the President.
 - c) He must be authorized to possess or carry the weapon by the Director.

- c) The handgrips shall be made of wood and checkered.

12.4

4. The following rules apply for use of firearms:

- a) Unauthorized use of firearms will be the cause for disciplinary action.
- b) Firearms shall be fired only when their use is permitted by Section 35.30, subdivision 2 of the New York State Penal Law.
- c) "Dry firing" or snapping the action of a firearm is forbidden in or on any Departmental premises except under the personal direction of the firearms instructor.
- d) No officer will fire at a vehicle, conveyance, or structure when the identity of the occupants is not known to him, except in defense of himself or others as permitted by Section 35.30, subdivision 2 of the New York State Penal Law.
- e) The responsibility for any use of a firearm will be borne by the officer who displays and/or fires the weapon.
- f) Officers will display and/or discharge firearms only in self defense, or in effecting an arrest, or pre-

venting an escape of a FELON from custody AND ONLY TO THE EXTENT PERMITTED BY LAW. A report of all circumstances involving the display and/or discharge of firearms will be made within thirty (30) minutes of incident to the Desk Officer on duty who will record same in the Log. The Director will be immediately notified and will immediately investigate and report his findings to the President. Warning shots are prohibited.

- g) Except as set out in C, D, and F above, officers will draw their firearms only for cleaning, official supervisory inspection, destruction of animals as permitted by law, and on an approved range under Departmental or other competent supervision.
- h) Weapons will never be "poked" or placed against or within reach of a subject at any time.
- i) If an arrest is sufficiently serious problem to require display of weapons, the weapons will be used alertly by the officers, held in a ready position, in firing condition, and they will be ready at all times during the arrest for instant and accurate fire.

12.5

5. Firearms in the possession of untrained officers may be a danger to them, their associates and the public. It will be a requirement for each officer authorized to carry weapons to be qualified annually in the use and proficiency of firearms by the firearms instructor.

12.6

6. The revolver will be examined and cleaned once a month and after each firing.

12.7

7. The officer shall make a photocopy of his Pistol Permit and file same with the Director.
 - a) The officer shall immediately advise the Director in writing of any additions or amendments to, alterations or loss of, restrictions upon, or revocation of his Pistol Permit.

Article 13.0 PHYSICAL FACILITIES

PURPOSE: To set standards for the maintenance and care of physical facilities used and occupied by the Department.

1. The quarters of the University Police and Campus Security Department will be maintained in such a way as to give the public assurance that it is an efficient, well-run facility:
 - a) Unnecessary articles and debris will not be allowed to accumulate in rooms to which the public has access.
 - b) The Desk Officer will see to it that the desk is only used for the transaction of public business. No one without an official reason will be allowed in the desk area.
 - c) All public rooms should be inspected for neatness by the Desk Officer at the beginning of each tour.
 - d) The outside floodlight shall be turned on each evening at dusk by the Desk Officer.

Article 14.0

PRISONERS

PURPOSE: To set standards relating to the security and safety of persons in custody while in the Departmental building.

1. Transfer of prisoners from one section of the building to another for fingerprinting or interviews shall be done under the assumption that the prisoner is potentially dangerous.
2. Prisoners accused of felonies shall be handcuffed at all times except when being fingerprinted and/or photographed. At such times, a minimum of two officers shall be on guard in the immediate vicinity to observe the fingerprinting operation. When more than one accused felon is being processed, only one at any given time shall have handcuffs removed.
3. Officers coming into close personal contact with prisoners, as when taking fingerprints or conducting interviews, shall not carry firearms. The weapon shall be removed and stored in a safe location away from the scene until processing is complete.

Article 15.0

KEYS

PURPOSE: To describe Department policy with regard to control of University keys.

1. All keys to University controlled areas and vehicles are to be kept locked in the Key Cabinet at all times except when issued to officers as set forth below.
2. All personnel shall sign the Key Log each time keys are issued and returned. Keys shall be issued for official business only.
3. Keys shall not be issued to persons other than officers or members of the Student Patrol without the authorization of the Director of Security.
4. Officers and members of the Department shall not cause University keys to be duplicated.
5. Officers and members of the Department shall not possess University keys other than to their personal locker or desk while off duty.
6. The number of keys on the Key Ring issued shall be inspected and counted at the time they are assigned and again when turned in by each member of the Department when signed out and logged in.

PROCEDURE: OFFICER OR STUDENT PATROL MEMBER

1. Inspects and counts keys on Key Ring issued and signs Key Log. Discrepancies shall be immediately reported to the Desk Officer.
2. Keeps keys in own custody at all times during tour of duty. Keys shall not be loaned to anyone else during tour of duty.
3. Immediately reports loss of key ring by radio to Desk Officer; immediately reports breakage of individual key to Desk Officer and retrieves broken part. Prepares report describing circumstances of loss or breakage.
4. Inspects and counts keys on Key Ring at time they are returned; signs Key Log.

PROCEDURE: DESK OFFICER

1. Enters number of Key Ring assigned to officer next to officer's name on Radio Transmission Log.
2. Immediately notifies Shift Supervisor of any discrepancies in keys, key log, or other matters related to control of keys.

PROCEDURE: SHIFT SUPERVISOR

1. Inspects Key Rings and Key Log frequently; immediately investigates any discrepancies in number or condition of Key Rings in Key Log and brings same to the attention of the Director as soon as possible.

CHAPTER III

Article 1.0 CRIME REFERENCES

PURPOSE: To provide all members of the force with an index to various crimes as covered in the New York State Manual for Police and some relevant sections of the New York State Penal Law.

<u>CRIME</u>	<u>MANUAL</u>	<u>PENAL LAW</u>
Arson and Fires	27	150.00
Assault; Menacing; Reckless Endangerment	28	120.00; 120.15; 120.20
Attempt to Commit a Crime	29	110.00
Bad Checks and Forged Checks	32	190.00
Bribery and Related Crimes	35	180.00; 200.00; 215.00
Burglary	36	140.00; 140.20; 140.30
Compounding a Crime; Compromise of Crime	42	215.45
Creating a Hazard	46	270.10
Criminal Facilitation	49	115.00
Criminal Mischief	50	145.00-145.12
Criminal Nuisance	51	240.45
Criminal Solicitation	52	100.00
Criminal Tampering	53	145.15
Criminal Trespass	54	140.05

<u>CRIME</u>	<u>MANUAL</u>	<u>PENAL LAW</u>
Disorderly Conduct; Harrassment; Loitering	55	240.20
Dangerous Drugs	56	220.00
Explosives and Bombs	60	265.05
Extortion and Coercion	61	180.30; 200.15; 135.60
False Insurance Claims	62	175.50
False Incident Report	55	240.50
False Written Statements and Public Records	63	175.50
Firearms and Weapons	66	265.00
Fireworks	67	270.00
Forgery and Slugs	68	170.00
Frauds	70	185.00
Gambling	71	225.00
Hindering Prosecution	73	205.00
Homicide	74	125.00
Impersonation	76	190.25
Intoxication	78	240.40
Larceny: Grand; Petit	83	155.00-155.45
Leaving Scene of Accident	21	SEC.600 Vehicle & Traffic Law
Misapplication of Property	87	165.00
Obstructing Governmental Administration	91	195.05
Perjury and Sworn False Statements	97	210.05

<u>CRIME</u>	<u>MANUAL</u>	<u>PENAL LAW</u>
Possession of Stolen Property	116	165.40-165.65
Prostitution	100	230.00
Public Lewdness and Exposure	102	245.00
Rape	105	130.25
Reckless Endangerment	28	120.20-120.25
Refusing to Aid a Peace Officer	106	195.10
Resisting Arrest	11	205.30
Riots and Unlawful Assembly	108	240.05
Robbery	110	160.00
Sex Offenses	114	130.00
Shoplifting	83	155.00
Theft of Services	121	155.00
Unauthorized Use of Vehicle	123	165.05

Article 2.0 ARREST-WITHOUT A WARRANT

PURPOSE: To define the circumstances when an arrest may be made without a warrant and to establish procedures for such action.

1. Members of the Department sworn as peace officer by the President of the State University of New York at Albany possess, for the purposes of arrest without a warrant, police officer authority. Officers not sworn as peace officers may not make criminal arrests without warrant except as provided by Section 355, subdivision 2, paragraph M, of the Education Law, and then only for traffic related offenses.
2. A police officer, or peace officer of the State University of New York, may arrest a person without a warrant: (Ref. Art. 140, Criminal Procedure Law)
 - a) for any offense when he has reasonable cause to believe that such person committed such offense in his presence...
 - b) for a crime when he has reasonable cause to believe that such person has committed such crime, whether in his presence or not...

c) for a petty offense when:

- (1) the offense was committed or believed by the officer to have been committed within the territorial jurisdiction of the Department
- (2) the arrest is made in the county in which the offense was committed or believed to have been committed or in the adjoining county.

3. The police officer, or peace officer of the State University of New York, must inform the arrested person of his authority and the cause of the arrest, except if the arrest is made during the commission of a crime or during pursuit immediately after escape.
4. The police officer, or peace officer of the State University of New York, may follow a person who has committed a petty offense or traffic infraction in continuous close pursuit from the geographical confines of the State University of New York at Albany to any part of the state and make an arrest or issue a summons, with the same power as if the arrest were being made in the officer's jurisdiction, provided that the continuous close pursuit was necessary. If the person has committed a crime, the officer may, if necessary, pursue such person outside the state to effect the arrest.

CONTINUED

3 OF 6

5. A police officer, or peace officer of the State University of New York, may break and enter for the purpose of arrest or otherwise, in conformance with the Criminal Procedure Law.
6. A police officer, or peace officer of the State University of New York, may use necessary force to effect the arrest (see Art. 35.30 Penal Law).

2.1 PROCEDURE: ARREST WITHOUT A WARRANT

The arresting officer shall:

1. If not in uniform, inform the subject of his authority and identify himself by display of credentials as a peace officer of the State University of New York. This should be done before requiring the suspect to submit to arrest. He should then tell the suspect what the charge is, for example, "You are under arrest for burglary".
2. Give the MIRANDA WARNING to the subject:
 - a) You have the right to remain silent...
 - b) Anything you say may be used against you in a court of law...
 - c) You have the right to have an attorney present during questioning...

- d) If you cannot afford an attorney, one will be appointed for you.
3. Search the subject for weapons to insure the safety of the arresting officer and others.
4. Return the prisoner to the Department.
5. Search the prisoner thoroughly, safeguard property.
6. Prepare property invoice for property recovered or taken from the prisoner. Give prisoner copy of receipt for his personal effects.
7. Prepare arrest report and other forms required.
8. Accompany the prisoner during photographing and fingerprinting.
9. Lodge the prisoner with the Albany Police or County Sheriff as the case may be.

2.2

THE OFFICER ON DESK DUTY SHALL:

1. Supervise the search of the prisoner at the direction of the shift supervisor.
2. Make certain the prisoner is advised of and allowed to make up to three(3) calls to counsel and/or relatives.

3. Review the arrest reports.
4. Cause the prisoner to be fingerprinted and photographed when appropriate.
5. Make necessary notifications, i.e. other authorities, the complainant, etc.

Article 3.0 ARREST WITH A WARRANT

PURPOSE: To define the circumstances when an arrest may be made with a warrant and to establish procedures for such action.

1. Members of the Department sworn as peace officers by the President of the State University of New York at Albany possess, for the purpose of executing an arrest warrant, police officer authority. Non-sworn Security Officers cannot execute warrants of arrest.
2. A police officer, or peace officer of the State University of New York, may arrest a person with a warrant:
 - a) When the warrant is addressed to the police officer or when the police officer to whom the warrant is addressed requests an officer in another county to execute same.
3. A police officer, or peace officer of the State University of New York, may request a police officer from another county to execute the warrant if:
 - a) He has reasonable cause to believe that the defendant is in a particular county other than the county in which the warrant is returnable.

- b) The warrant may be executed in such other county without the endorsement of the criminal court of the other county (see 6 below).
 - c) The police officer requested to execute the warrant is employed in the locality where the arrest is to be made.
4. The police officer, or peace officer of the State University of New York, to whom the warrant is addressed may inform the police officer from another county who is requested to execute the warrant by mail, telephone or other means that a warrant has been issued, the offense charged, and all other pertinent details. He will then request the delegated police officer to make the arrest. Upon receipt of such request, the local police officer is authorized to make the arrest within the locality in which he is employed.
 5. Warrants issued by a District Court, the New York City Criminal Court or by a superior court judge sitting as a local criminal court may be executed anywhere in the state.
 6. Warrants issued by a city court, a town court or a village court may be executed:

- a) in the county of issuance or in any adjoining county.
 - b) anywhere else in the state after endorsement of a local criminal court of the county in which the arrest is to be made.
7. The arresting officer, unless encountering physical resistance, flight or similar emergency situation must:
- a) inform the defendant that a warrant has been issued for his arrest.
 - b) inform him of the offense charged.
 - c) show the warrant if requested; if the officer does not have the warrant, he must show it to the defendant as soon as possible after the arrest.
8. The police officer, or peace officer of the State University of New York, may:
- a) use necessary force to effect the arrest (Sec. 35.30, Penal Law).
 - b) Enter any premises to effect the arrest if he reasonably believes the defendant is present therein. Before entry, he must announce his authority and purpose unless he reasonably believes that:

- (1) the defendant will escape or attempt to escape,
- (2) the life or safety of the officer or another person will be endangered, or
- (3) material evidence will be destroyed, damaged, or secreted.

9. If the officer is not admitted after announcing his authority or if he is authorized to enter without giving notice of his authority, he may enter the premises by break if necessary.

3.1 PROCEDURE: ARREST WITH A WARRANT

The arresting officer shall:

1. Comply with items 7, 8, and 9 above.
2. Comply with procedures as for "Arrest Without a Warrant".
3. Make necessary notifications.

The officer on Desk duty shall:

1. Comply with procedures as for "Arrest Without a Warrant".
2. Review procedures to be certain that all notifications have been made and proper entries recorded.

Article 4.0

APPEARANCE TICKET

Definition:

An Appearance Ticket is a written notice issued by a police officer, or peace officer of the State University of New York, directing a designated person to appear in a designated court (local criminal court) at a designated future time in connection with his alleged commission of a designated offense. It is comparable to what was usually referred to as a "summons" or "traffic ticket" or "citation" except that its use is not restricted to traffic cases.

Reference: Art. 150, Criminal Procedure Law.

Who May Issue an Appearance Ticket

1. A police officer.
2. A public servant other than a police officer who is specially authorized by law, i.e. SUNY peace officers.

When An Appearance Ticket May Be Issued

1. Whenever a police officer is authorized to make an arrest without a warrant for an offense other than a felony, he may, if the defendant is properly identified and not under the influence of drugs or alcohol, issue an Appearance Ticket instead of making the arrest. The Appearance Ticket will be made out in

the Department building.

(Note: An arrest may be made without a warrant by a police officer when he has reasonable cause to believe that a person has committed any offense in his presence, or when he has reasonable cause to believe that the person committed a crime, whether in his presence or not. A crime is a misdemeanor or a felony.)

4.1 General Considerations Governing Use of an Appearance Ticket

1. An Appearance Ticket must be served personally on the defendant. (Except for parking tickets)
2. An Appearance Ticket should be used for minor violations.
3. An Appearance Ticket may be served anywhere in the county of the offense or in the adjoining county or anywhere in the state to which the officer has followed the violator in "close pursuit". An Appearance Ticket served by an officer of the University Police and Campus Security Department should only be issued for an offense committed on the campus or property of the State University of New York at Albany.

4. An Appearance Ticket may be issued for misdemeanors and violations of the Penal Law (for example, disorderly conduct, harassment, minor assault, criminal mischief - less than \$250 damage). In these cases, the defendant is brought to the Department building. If he has business or residential associations (for example, is currently registered as a student at SUNY Albany, or an employee of the University, or a citizen of the area whose residence can be verified, or has had a job for some time), is properly identified, and is not under the influence of drugs or alcohol, and if he agrees to the conditions thereon, he may be served with an Appearance Ticket and released for later appearance in court.

5. The defendant must be fingerprinted and photographed prior to being released with an Appearance Ticket if he has first been arrested and the charge is:
 - a) Penal Law misdemeanor,
 - b) Misdemeanor defined outside the Penal Law, which would be a felony if the person had a previous conviction for a crime (for example, Driving While Intoxicated),
 - c) Loitering, as defined in subd.3, sec.240.35 Penal Law (deviate sexual activity).

4.2 Important Provisions Relating to Appearance Ticket

1. Issued in cases of arrest without a warrant.
2. Never issued for felonies.
3. Served personally on the offender.
4. Must state date of service, date of appearance, court of appearance and address, and offense charged, and signature of issuing officer.
5. Only served on properly identified persons.
6. Never served on persons under the influence of drugs or alcohol.
7. May be served even if court is in session.
8. Return date within 10 days of service, court to receive at least 3 days notice.

4.3 APPEARANCE TICKET: PROCEDURE

PURPOSE: To establish uniform standards for the issuance of, and control over, Appearance Tickets.

1. When it is permissible to issue an Appearance Ticket, the arresting officer will give the subject the MIRANDA warnings and,
2. Transport the subject to Department headquarters where an arrest report will be made out and the Appearance Ticket issued.
3. When filling out the Appearance Ticket, the following procedures are to be followed:
 - a) Ball point pen shall be used to insure legibility of all copies. Print all information in block letters with the exception of officer's signature.
 - b) Erasures are not allowed. If a mistake is made, draw a single line through the error and print the corrected information above.
 - c) Record defendant's name (first, middle, and last), fill in remaining information in regard to defendant.
 - d) Fill in month, day, year, and time that appearance is required in court.

- e) Insert name of offense exactly as it appears in the appropriate law. Fill in exact section number of offenses and the law.

- f) Fill in name of court and location. Note: Information inserted in the "location of court" block shall be such that the defendant can physically locate the court. Mailing address shall not be used if it is confusing (for example, write "Albany Police Court, Public Safety Building, Morton and Broad Streets, Albany, N.Y." rather than "Public Safety Building").

- g) Fill in date of service. Officer shall write in signature and print title.

- h) In those cases where the officer issues an Appearance Ticket to a defendant who has committed two or more offenses, a single Appearance Ticket may be issued.

- i) When an Appearance Ticket is issued, the return date shall not be more than ten(10) days after its issuance. The accusatory instrument shall be filed with the court prior to the appearance of the defendant and in no case later than three(3) days after the issuance of the Appearance Ticket. The court copy of the Appearance Ticket and the accusatory instrument shall be filed at the same time.

- j) Each ticket must be accounted for on the Control Sheet maintained in the Director's office.

- k) The yellow hard copy will be maintained with the Appearance Ticket Control Sheet. Make one copy of it (Xerox or 3M) to place with the criminal case records.

Article 5.0

COURT APPEARANCES

PURPOSE: To establish standards relating to the presentation of facts and conduct in court by officers of the Department.

1. Officers are responsible for meeting appearance dates as scheduled by the court.
2. The Desk Officer shall be aware of open dates for the traffic courts, and assure that Uniform Summonses issued by field personnel have proper return dates.
3. The Shift Supervisor of the officer citing a case into court shall ensure that all necessary and relevant documents are prepared and submitted according to applicable law.
4. Officers on duty may appear in court in uniform. If not on duty, the officer shall wear a business suit, shirt and tie.
5. A member of the force giving testimony in court:
 - a) Should understand the question before answering; if in doubt, the officer shall request to have the question repeated or clarified.

- b) Shall answer the question truthfully and completely without volunteering additional information beyond what is asked; if the answer is not known, the officer shall so state.
- c) An officer may refer to his Memorandum Notebook to refresh his memory when necessary on the witness stand.
- d) The officer shall be impartial, calm, and speak in a clear, distinct tone.
- e) Officers shall respond to court or other subpoenas. Officers under subpoena or direction to attend court shall report at the time specified and remain in court until their case is disposed, or until they are advised by competent authority that their presence is no longer necessary. Unexcused absences not only embarrass the Department, but inconvenience other witnesses, the prosecutor, and may cause a case to be dismissed. Unless the officer has been lawfully excused, he may, by failure to respond to the subpoena, be liable to a charge of CONTEMPT OF COURT and to disciplinary action by the Department. If the officer wishes to be excused from appearing, permission must be obtained from the Prosecutor's Office, and the Director's Office.

6. Officers under subpoena to court are to withdraw from the property room evidence or property which came into possession of the Department in connection with the case and take it to court. Such evidence must be properly logged in and out on the property slip. Entry into the property room shall be secured through the Administrative Supervisor.

Article 6.0 CRIME SCENE - INITIAL ACTIVITIES

PURPOSE: To safeguard crime scene evidence for further investigation. To thwart completion of a partially completed crime.

1. On the way to the scene of a "Crime in Progress":
 - a) Attempt to evaluate the weather and other conditions (such as possible escape route, location of other police cars) which will determine route of response.
 - b) If crime is in progress or perpetrator is possibly present, turn off siren and red lights before arriving at the scene.
2. At the scene of the crime:
 - a) Request additional assistance at scene if necessary.
 - b) Request medical or other assistance (particularly for dependent adults or children, if needed).
3. Identify and detain the person who committed the crime, witnesses and persons who have information pertinent to the crime.
4. Secure area as deemed necessary, removing unauthorized persons from the scene.

Article 7.0 INVESTIGATIONS - GENERAL GUIDELINES

PURPOSE: To describe general guidelines which are essential to good crime investigation, and to delineate the extent of responsibility of the University Police and Campus Security Department. These procedures constitute general guidelines and are to be used with specific instructions for burglaries, homicides, accidents, etc.

1. The treatment of seriously injured persons must be given priority.
2. The site of the investigation must be protected from outside interference until the investigation is completed.
3. The investigation must be conducted in a manner which protects the evidence which might be present at the site.
4. Evidence shall be collected as prescribed under the section titled "Evidence Collection".
5. Ordinarily, members of the Department should assemble evidence and conduct the investigation within the level of their competence before requesting assistance of, or referring the case to, another law enforcement agency.

However, outside assistance should be promptly sought where there is a serious crime which requires unusual investigative resources. Generally, where there is serious question as to whether to request outside assistance, it is better to make the request.

6. Refer to the following titles for instructions applicable to specific circumstances:

- a) Crime Scene - initial activities
- b) Investigation of Burglary
- c) Investigation of Criminal Mischief
- d) Evidence Collection
- e) Investigation of Larceny

Article 8.0 EVIDENCE COLLECTION

PURPOSE: To collect and preserve evidence at the scene of a crime. To keep written records of the chain of the evidence in order to ensure that proper accounting of the evidence may be made.

PROCEDURE: PATROL OFFICER

1. Upon arrival at the scene of an alleged crime, the patrol officer shall make every effort to secure the integrity of the scene by:
 - a) Taking down the names of all witnesses.
 - b) Keeping unauthorized persons from entering the crime scene area.
 - c) Treating all property and articles as though they were pieces of evidence pending the arrival of the patrol supervisor.
2. When deemed necessary, the patrol officer shall rope off the area or use other suitable materials to keep the public and other unauthorized persons from entering upon the crime scene.
3. Upon arrival at the scene, the senior patrol officer shall assume command of operations until arrival of a supervisory officer. For the purposes of this section, "senior" shall

first mean by civil service pay grade, and secondly, if all officers are of the same pay grade, then permanent time in title.

8.1 PROCEDURE: PATROL SHIFT SUPERVISOR

1. The patrol supervisor shall determine if photographs or measurements are to be taken. When an Investigator is present, he shall make this decision.
2. The patrol supervisor, or senior officer available, shall notify the Desk Officer by radio if an Investigator is required at the scene.
3. Any required notifications shall be made by the patrol supervisor either through the Desk Officer or by personally delivering the notification.

8.2 PROCEDURE: GENERAL

1. As far as possible the collection of evidence shall be done following the attached schedule of evidence collection.
2. Each item of evidence shall be tagged and identified in the manner discussed in the procedures for filing the Property Invoice. The Property Invoice shall be pre-

pared by the officer collecting the evidence.

3. The reporting officer shall prepare necessary forms and submit them to the Shift Supervisor for review and final approval.

EVIDENCE

TYPE	QUANTITY	MANNER OF SUBMISSION	CONTROL
PERSON: residues chemicals-liquids	All to maximum of 1 quart	Dry, sterile glass container, with tight cover	
solids	All to maximum of 1 pound	Clean, individual wrappers or dry glass containers	
paper-streamers, paper, etc.	All	If saturated with gasoline or other substance, pack in clean glass container with tight cover. If dry pack, in box.	
wood	All	See chemicals (solids)	
kerosene & gasoline	All	See chemicals (liquids)	
mechanical & electrical devices	All	Simple devices may be boxed intact. Unusual or dangerous items should be handled by trained personnel only.	
LOAD:			
liquid blood for grouping	1 oz. (victim- deceased-defendant)	Sterile glass container. Add anti- coagulant.	1 oz. Add anti-coagulant
for alcohol	4 oz. (deceased)	Sterile glass container. Add anti- coagulant.	1 oz. (deceased-victim- defendant) Add anti- coagulant.
for carbon monoxide	8 oz. (deceased)	Sterile glass container. Add anti- coagulant.	
dried blood crusts	All	Remove by scraping & place in sterile glass container or druggists' fold & then place in envelope.	1 oz. of blood (deceased & victim-defendant) Add anti-coagulant.
stained material	All	Pack when dry in clean box. Protect stained area.	Same as for dried blood

CHEMICALS:			
liquids	All to maximum of 1 quart	Dry sterile glass containers with tight covers.	When used for comparison purposes secure all mat- erial suspected as being identical.
solids	All to maximum of 1 pound	Clean individual wrappers or dry glass containers.	
CLOTHING:	All	Wrap each article separately and pack in box. Protect all stained areas.	
DOCUMENTS:	All	Place in cellophane envelopes.	Any and all of suspect's writing. Several sheets of peper for comparison. Samples of ink or type- writing from suspected typewriter.
BOMBS:		Use all precautions to safeguard life and property in area.	
FIBERS:	All	Use druggists' fold or cellophane envelopes.	Sampes of any suspected fabric, rope, etc.
FIREARMS:	All	Place in cotton or paper & pack in rigid container.	All ammunition, shells, and projectiles.
bullets (projec- iles)	All	Same as firearms	Suspected firearms and ammunition.
cartridges	All	Same as firearms	Same as bullets
GLASS:	All	Wrap in cotton or soft paper, place in rigid box.	When used for comparison any & all glass suspected as being identified.
HAIRS:	All	Use druggists' fold or clean box or cellophane envelopes	Hair specimens from de- ceased-victim-defendant.

PAINT STAINS:	All	Clean box.	Paint scrapings from object for comparison.
SEMINAL STAINS:	Clothing of victim, suspect or defendant. Car seats, bed covers, etc.	Cover stain with clean cloth, fold so as not to disturb stain, pack in individual wrappings.	
SOIL:	All	Use druggists' fold or cellophane envelopes.	1 pound soil sample from scene.
TOOLS:	All	Wrap in cotton & place in rigid box.	Material showing tool mark.
TOOL MARKS:	All	Wrap in cotton. Protect tool impression (if any).	Suspected tool.
WIRE:	All	Wrap in paper and place in rigid box.	About 2 feet of comparison wire.

SOURCE: Suffolk County Police Department, Suffolk County, New York, Rules and Procedures, 1967, as amended.

Article 9.0 POLICE TELETYPE NETWORK

PURPOSE: To describe Department policy with regard to the sending of crime related information over the police teletype network.

1. Teletype facilities are available to the Department through the Guilderland Police Department and the New York State Police.
2. Information regarding stolen property, vehicles, and/or wanted and missing persons is to be directed to those agencies by Supervisors and Investigators; the exception to the above authority is limited to the sending of urgent or emergency, crime-related information by Desk Officers in the event of the unavailability of a Supervisor or Investigator (for example, verified reports of stolen vehicles are to be telephoned to the Guilderland Police Department for transmittal over the Teletype).
3. Descriptions of stolen property directed for transmission over the Teletype shall be made according to the section on "Property Reporting".

Article 10.0 BOOKING PROCEDURES

PURPOSE: To establish procedures with respect to care and processing of records relating to persons in custody.

1. All subjects other than juveniles and those to whom an Appearance Ticket will be issued, when under arrest in the Department building, shall be processed in the following manner:

- a) Suspects accused of crimes shall be considered potentially dangerous and kept in mechanical restraints at all times in the building except when being fingerprinted and/or interviewed. When restraints are removed, two officers shall be at the scene.
- b) The Arrest Record Card is made out by the arresting officer - THREE(3) COPIES.
- c) Photographs - TWO(2) FRONT VIEW, ONE(1) SIDE VIEW.
- d) Three sets of fingerprints - ONE(1) NYSIIS CARD, TWO(2) FBI CARDS.
- e) Take prisoner's property, place in Property Envelope along with one copy of Property Invoice slip. One copy of Property Invoice slip to be made out by arresting

officer. Turn property over to Shift Supervisor for securing until Administrative Supervisor can secure same in Property Room.

2. Suspect will be lodged either at Albany Police Department or the Albany County Jail depending upon the jurisdiction in which the alleged crime occurred. Commitments to the Albany County Jail are made only upon authorization of the Town of Guilderland Justice. Bail will be set by the Albany Police Department according to their schedule, or the Town Justice at the time the prisoner is delivered or appears.
3. In the case of a Felony Arrest, the following information must be forwarded to the Albany County District Attorney's Office: copy of investigation with all statements, lab reports, photos, etc.; the Arrest Record, the DA's Felony Arrest Report.

Article 11.0 PROPERTY REPORTING PROCEDURES

PURPOSE: To provide a systematized guide for describing stolen property so as to subsequently identify and return to the owner.

NOTE THE FOLLOWING CHARACTERISTICS ON ALL PROPERTY:

Animals-

Dogs, cats, horses, pigs, cows, poultry, birds, etc. State kind of animal or bird; size, color, name, age, license number, if any, and any other description available.

Automobiles, trucks and motorcycles-

- A. Make (Ford, Chevrolet, etc.)
- B. Type (sedan, convertible, two door, one ton truck, etc.)
- C. Color (solid or two-tone and trimmings)
- D. Registration (plate number, tab number, state, sticker number, and year)
- E. Motor number
- F. Vehicle identification number
- G. Tires
 1. Size
 2. Type (pneumatic, hard rubber, white-walled)
 3. Serial number of each tire
 4. Number of tires, for example: four on car with one spare
 5. Other marks (worn or damaged places)

Automobile Supplies & Equipment (Other than tires)

Such as spotlights, wheels, trunks, tubes, carburetors, spark plugs, bumpers, etc. Give size, color, maker's name, serial numbers, number of articles, and other marks of identification.

Bedding-

Including sheets, pillow cases, blankets, spreads, quilts, comforts, mattress covers, etc. State what article is, then give a complete description of size, color, material, clean-ear or laundry marks, and monograms, if any.

Bicycles-

Give name, size, kind of seat, brake, tires, baskets, horns, lights, etc. Color and serial number or initials and license if known.

Books-

Give name of book, publisher's name if known, author's name, color, and kind of material of binding, also approximate size of book, as well as any written inscriptions, such as owner's name, bookplates, or author's signature (first editions).

Building equipment-

Includes lath, wire, plaster, bricks, stucco, glass, marble, lumber, roofing material, paint, nails, cement, etc. Give size, color, maker's name, number of amount of articles lost or stolen, as well as any serial number available.

Business machines -

Give maker's name, size, model and serial numbers, color, etc. Also, any other marks or inscriptions.

Cameras & equipment-

Projectors and case. Give maker's name, model number, serial number, lens number and names, shutter numbers. Type of camera (movie, Cine, Graflex, box, folding, etc.) State kind of material, wood, metal or leather, of both camera, projector and/or case.

Clocks-

Show kind, color, size movement and case numbers if known, whether china, porcelain, bronze, iron, wood, plastic, glass, leather, etc. State whether mantel, kitchen, boudoir, grandfather, traveling, etc. Give maker's label; whether 8-day type; and if chime clock, kind of chimes, Westminster, etc.

Clothing-

Give name of article to be described. Always indicate size, color, maker's label, laundry or cleaner's marks, kind of materials, in describing all men's, women's, children's and infant's clothing. Give valuation.

A. Men's suits - State whether double or single breasted, whether two or three piece (coat, vest and pants, or

coat and 2 pair pants), whether evening, street or sport suits; state kind of lining, if any.

- B. Men's coats - State whether overcoat, short jacket, raincoat, single or double breasted, and indicated type of trimming, lining, also if belted.
- C. Men's miscellaneous clothing - Such as shorts, shirts, socks, sweaters, ties, shoes, scarves, pajamas, dressing gowns, etc., and describe completely.
- D. Women's dresses - State whether evening, street or house, kind of trimming, if any (such as fur, lace, metallic, contrasting or self-trim), one or two piece style.
- E. Women's suits - State type of suit (dressmaker, man-tailored, or swagger), color and type of lining material, number, color and kind of buttons, type of trimming, and if a three piece suit (coat, skirt and top-coat matching set) so state.
- F. Women's coats - State whether full-length or short, princess type, box type, swagger, whether evening, sport or dress type; give full description of trimming, buttons, etc. Indicate color and kind of lining. Give complete and full description of fur coats, kind of fur, lining, etc.
- G. Women's miscellaneous clothing - Such as underwear, pajamas, stockings, shoes, socks, sweaters, scarves, shawls, waists, skirts, kimonos, housecoats, playsuits, slacks, etc.
- H. Children's & Infant's clothing - Follow general description as given for men's and women's clothing.

Dishes & Glassware-

State whether complete sets, giving pattern and number of pieces; both china and glass; state whether porcelain, pottery, cut glass, blown glass, or just ordinary china or glass. Give maker's label or mark, monograms or other marks.

Doctor's & Dentist's instruments-

Includes stethoscopes, blood testing apparatus, hypo-needle outfits, etc. Give maker's name, size, serial numbers, model numbers, material, color and marks of identification. Also, show case size and color.

Drugs-

Give amount, kind, valuation and any other description available.

Electrical equipment-

Includes toasters, irons, curling irons, bulbs, sockets, generators, motors, waffle irons, percolators, portable water heaters, bottle warmers, refrigerators, etc. Give kind of material, color, size, model and serial numbers, wattage, voltage, maker's name, and any initials or other marks or inscriptions.

Firearms-

Show maker's name, caliber or guage, color of metal, serial numbers, type of handles or stocks, any marks, inscriptions or initials, state whether revolver, automatic pistol, pump gun, rifle or shotgun; if holsters, cartridge belts, cartridges, etc.

Furniture-

State what article is; then give complete description, stating kind of wood or metal; color; kind of material covering, and trimming. In cases of matched sets, such as bedroom, dining or living room furniture, give number of pieces in set, and state number of pieces stolen.

Groceries-

Give kind of article; brand label, number of kind lost or stolen, and any other general description available.

Household articles-

Give size; color or combination of colors; plain or design; whether domestic or Oriental type (Axminster, Wilton, Broadloom, etc.); give maker's name when known, cleaner's marks, whether fringed or bordered; also, all other marks, such as stains, tears, mends, etc.

Knives (Other than table)-

Such as hunting, pocket, butcher, etc. Give color, kind of material of handles; numbers, maker's name, inscription, etc. Also, describe carrying case, if any.

Jewelry-

After giving name of the article to be described including the following when it is part of the description:

- A. Color(s) and kind(s) of metal(s)
- B. Number, kind, color and size of stones
- C. Type of setting: basket, tiffany, sunken, box, etc.
- D. Type of mounting: filigree, plain, engraved, etc.
- E. Inscriptions, dates, engraving, initials, serial numbers, and any jeweler's marks, inscription or initials.

Rings- State kind of metal, kind and number of stones (diamond, ruby, etc.), whether plain, engraved or filigree, and any jeweler's marks, inscriptions or initials.

Watches- State make (Elgin, Hamilton, Waltham, etc.), movement, case and jewel numbers; size of watch; type of case (open face or hunting), number of adjustment, if know; whether plain or engraved or set with stones. If it has chain or wrist band attached, describe giving color, material, length, etc.

Necklaces- Give length, whether 1, 2, 3, 4, or 5 strand. Whether matched or graduated stones or beads; whether strung on thread, or chain (give kind and color); describe clasp.

Pendants- Show size, shape; strung on chain, ribbon, cord, or thread; giving color and type; describe clasp.

Brooches and Bar Pins- Give size and shape; kind of stones; whether safety clasp attached.

Bracelets- Give width; whether link, filigree, solid, flexible or half-clasp type; whether plain or engraved, or stone set. State whether safety chain attached and type of clasp.

Earrings- State style; length; whether screw, clasp or pierce type; color stones, etc.

Emblems, Charms, Frat Pin, etc.- Show size, shape and name of Lodge or Club (Masonic, Elks, Eagles, etc.; Phi Beta Kappa, Sigma Chi, etc.; Nurses or Corporation Service pins; American Legion, etc.)

Buckles, other miscellaneous articles of jewelry- Show size color, shape, stones, etc.

Note-If any of the above sets, (ring, pin, necklace, earrings, bracelets, etc.) all matched, so state. State whether costume, antique, or modern type jewelry.

Lamps-

State kind; floor, bridge, or table; give kind of wood or metal of the standard; number of globes, whether reflector type; if it has a base light, kind, color and size of shade. In case of table and boudoir lamps, state whether statuary glass, china, pottery or metal base.

Leather Goods-

Trunks, suitcases, purses, briefcases, sample cases, belts, suspenders, Gladstone & Boston bags, saddles, billfolds, etc. Give size, color, maker's name, serial numbers, initials, or other marks of identification.

Musical Instruments-

Includes banjos, saxophones, guitars, trombones, trumpets, violins, clarinets, piccolos, flutes, etc. Give color, material, maker's name, number or other marks of identification. Also describe carrying cases.

Optical goods-

Includes spectacles and cases; serial and model numbers (power number or size in case of binoculars, telescopes, etc.) initials or other marks of identification.

Pens & Pencils-

Such as fountain pens, pen and pencil sets, desk sets, etc. Give maker's name, color, size, whether man's or woman's, numbers and initials or other marks of identification.

Pianos, Radios & Televisions-

Pianos-show maker's label and serial number, if any; state if upright, baby grand, spinet etc.

Radios and television- show maker's label, serial number, model number, number of tubes, as well as whether console, table model, midget, portable, low or high-boy type; size of screen, color or black and white, etc. Give kind of wood or metal, show color, and kind of trim, if any.

Radios- See Pianos, Radios & Televisions

Sewing Machines-

Give maker's name, brand name, serial number of both machine and motor (if electric), whether wood or metal; table, desk or portable type, (or old fashioned treadle type) and any other marks or inscriptions.

Silverware-

This includes flatware (table silver, knives, forks, spoons, Etc.), as well as hollow-ware (coffee, tea and chocolate sets, and complete silver services). Give maker's label, kind of silver (sterling, plated or pewter); owner's initials or other inscriptions; type of pattern and number of pieces to set.

Smoking Equipment-

Includes pipes, tobacco, cigarettes, cigars, etc. Give color and size of pipes. Amount of tobacco. Number of cigars or cigarettes, (box or package or humidor jar), maker's name, etc. Also, in this category, lighter and cases.

Televisions - See Pianos, Radios, Televisions

Tires-

Give size, maker's name, color, tread, serial numbers if available, and if mounted on rim with wheel and tube or alone.

Toilet Articles & Cosmetics-

Includes brushes, combs, mirrors, perfume bottles, manicure sets, powder, perfume, bottles, cold cream shampoo, toothpaste, lipstick, hair oil, soap, etc. Give size, color, material, maker's or brand name, initials, numbers or other marks of identification.

Tools-

Carpenter, plumbing, electrician, machinist, machanic, etc. Give kind of tool, serial number, maker or brand name, initials or other marks of identification; and number of tools lost or stolen, and sizes.

Note-

On all articles listed, no matter what they may be, always show the maker's or brand name, serial and model numbers, size and color, and valuation. Show any initials or other marks of identification which may have been added after purchase of articles. If owner is not sure of valuation, give

approximate valuation.

Source: Suffolk County Police Department, Rules and Procedures
(1967), as amended.

Article 12.0 NOTIFICATIONS: OUTSIDE LAW ENFORCEMENT AGENCIES

PURPOSE: To establish standards with respect to conditions under which outside law enforcement agencies will be requested to assist the Department.

1. Official requests to other law enforcement agencies, in other than emergency situations, shall be made through the office of the Director.
2. In those situations where the circumstances are such that the offense or emergency condition cannot be handled by the Department (for example, the report of a crime where the perpetrator is known to be armed, or is known to have recently fled the campus, or if a serious accident requires traffic control beyond the men available), the Desk Officer shall call the Albany Police Department, Guilderland Police Department, or State Police, state the nature of the situation, and request needed assistance.
3. Reports of stolen vehicles, after verification, are to be phoned to the Guilderland Police Department for transmission over the police teletype network.
4. In all cases where outside law enforcement agencies respond on campus, and in those situations where their assistance has been requested, the Shift Supervisor shall

prepare a written report of the circumstances detailing the following information:

- a) The nature of the case or situation that required outside assistance.
- b) The outside department from whom the assistance was requested.
- c) The nature of their response.
- d) The name and title of the officer from this Department making the request and the exact wording used by him in that request.

Article 13.0

PRESS RELATIONS

PURPOSE: To establish guidelines with respect to the release of information relating to Departmental activities to the news media.

1. With regard to criminal arrests, officers may give to the news media the name of a person in custody, name of arresting officer, time and location of incident, and the offense the subject is alleged to have committed. Officers are not permitted to give details of the crime, or to offer speculations relative to motive or guilt. Such information, if printed and attributed to police officers, seriously jeopardizes the subject's right to an unprejudiced hearing on the merits of the evidence presented.
2. If news personnel persist in requesting more information than authorized, they are to be requested to call the Director.
3. In the event of the death of a person on campus, the name of the deceased shall not be released until next of kin have been notified.
4. The names of juveniles shall not be released for any reason to the news media, or to any other person or agency requesting same, except to the parent or guardian of the juvenile.

5. In no case is the name of either victim or witness to be released except by authorization of the Director.
6. In any police, security or safety action where an officer of this Department is involved and where newsmen, photographers and the press are insistent on obtaining facts relating to the incident from the office, advise them that Department policy forbids the release of statements, and that they should telephone the Director.
7. The above proscription is not intended to be used to prevent the presence of the press from the scene of an incident. They have a right to be there so long as they do not interfere with an investigation or with rescue operations.

Article 14.0 GENERAL GUIDELINES: CRIME REPORT

PURPOSE: To establish criteria for the Department's Crime Report so as to ensure its completeness and accuracy.

1. The Crime Report is one of the most important documents connected with an alleged offense from the standpoint of developing a later investigation. Omissions or lack of clarity during its initial preparation, will result in the delay of productive investigative effort because of the need to repeat what should have been done by the reporting officer.
2. The Crime Report is to be filled out by the responding officer at the crime scene.
3. The reporting officer shall attempt to obtain the signature of the victim on the Crime Report. If the victim refuses, it should be so noted in the narrative section.
4. Detailed descriptions of property are essential. Officers shall make such descriptions according to the guidelines contained in the section on "Property Reporting Procedures-Descriptions of Property".
5. The Shift Supervisor shall review all Crime Reports submitted during his tour of duty for completeness and accuracy.

Article 15.0 GENERAL GUIDELINES: SELECTED CRIMINAL OFFENSES

PURPOSE: To establish minimum standards with respect to the initial investigation of selected criminal offenses.

1. The guidelines established for selected offenses in the following pages are, generally, minimum considerations to be taken into account. They should be followed and, if necessary, elaborated upon in an effort to be of greater assistance to the victim.
2. Questions will frequently arise concerning particular offenses. Officers, therefore, are encouraged to consult the following sources available in the University Library or the Department Library:
 - a) Manual for Police, New York State Police, Albany, New York, 1973.
 - b) Svensson and Wendel, Techniques of Crime Scene Investigation, New York: American Elsevier Publishing Co., 1965.
 - c) Gammage, Basic Police Report Writing, Springfield, Illinois: Charles C. Thomas, Publisher, 1961.

15.1

BOMB THREATS

1. The officer receiving notification of a bomb in a building shall immediately report same to the Director.
2. The Director shall consult with the Vice President for Management and Planning, and the building captain or Department Chairman of the affected area, to determine whether the building should be evacuated.
3. Generally, the following considerations are taken into account in deciding whether to evacuate:
 - a) Was a specific building or location of the bomb given, and a specified time of detonation noted by the caller.
 - b) Is the building normally occupied; are there exams in progress? Is the call ostensibly directed toward a speaker or assembly about which some controversy had been noted on campus?
 - c) What was the inflection and tone of voice of the caller?
4. On the basis of such considerations, one of two responses will be made by the Department:
 - a) Total evacuation and search.
 - b) Advise all occupants of threat (no evacuation) and search.

15.1.2 BOMB THREAT: PROCEDURE

DESK OFFICER

1. Advises Director of threat.
2. Initiates tracing device following telephone company procedures.
3. Instructs radio patrol cars and footpatrolmen in vicinity to proceed to scene.
4. Relays instructions to field supervisor whether to evacuate the location or not.
5. Prepares written report of incident on Crime Report form noting:
 - a) time call received, location and time of detonation
 - b) voice characteristics and sex of caller
 - c) nature of Department's response, and whether the building was evacuated
 - d) activity in the threatened area (i.e. speaker, test).

SUPERVISOR AT SCENE

1. Secures building, sounds alarm if decision is to evacuate.
2. Supervises search of public areas if building not evacuated. Assures that occupants are advised of threat.
3. Notifies Desk Officer at conclusion of search and permits re-entry after stated period.
4. If a suspicious object is found, DO NOT DISTURB, evacuate totally; instruct Desk Officer to request assistance of State Police.

15.2

BURGLARY

REPORTING OFFICER

1. Interviews victim at scene of crime if possible.
2. Obtains complete description of articles stolen and records same according to descriptors contained in section on "Property Reporting Procedures".
3. Ascertains method of and exact time of entry if possible.
4. Requests assistance from Investigative section if physical evidence is obtainable.
5. Records victim's statement of suspicions or identification of suspect in narrative portion of Crime Incident form.
6. Obtains victim's signature.
7. Advises victim of need to appear in court if a suspect is apprehended. If victim expresses reluctance to sign statement or appear in court, note same in narrative section.

SHIFT SUPERVISOR

1. Notify Investigator to come to scene if fruitful evidence may be obtained, or if a suspect is apprehended.
2. Review Officer's report for accuracy and approve same.
3. Assure that evidence obtained is properly tagged and secured.
4. Take photographs as necessary.

15.3

ASSAULT

REPORTING OFFICER

1. Assist victim; summon medical help if necessary.
2. Arrest suspect if present.
3. Obtain description of suspect from victim and radio same to Desk Officer.
4. Obtain victim's statement of incident and signature on Crime Report.
5. Prepare Crime Report.
6. Observe instructions under section on "Crime Scene Initial Activities".
7. Await arrival of Shift Supervisor.

DESK OFFICER

1. Relays description of suspect to other field units.
2. Makes notifications to other law enforcement agencies if necessary.

SHIFT SUPERVISOR

1. Reviews report taken by reporting officer and approves same if complete and accurate.
2. Determines if assistance of Investigative section is needed and summons if necessary.
3. Assures that victim receives necessary attention.

15.4

CRIMINAL MISCHIEF

REPORTING OFFICER

1. Observes instructions under section on "Crime Scene Initial Activities".
2. Detains suspect(s) if present and awaits arrival of Shift Supervisor to determine whether to arrest and lodge in appropriate detention facility, or to issue an Appearance Ticket. In general, an Appearance Ticket should be served if the extent of damage is less than \$250.00 and the alleged suspect meets the criteria established under the section on "Appearance Ticket".
3. Prepares Time Report, and notes the extent of damage in narrative section (describe damage and give estimate of dollar amount--if estimate, so indicate).
4. If damage constitutes a safety hazard, so advise Desk Officer.

DESK OFFICER

1. Notify Plant Maintenance Department if reporting officer advised of safety hazard. Note in Radio Log.

SHIFT SUPERVISOR

1. Review written Crime Report for completeness and accuracy.

15.5

LARCENY

REPORTING OFFICER

1. Takes statement from victim and prepares Crime Report.
2. Obtains thorough description of property taken according to guidelines under "Evidence Collection" and "Property Reporting" sections.
3. When Grand Larceny is alleged, the reporting officer shall notify the Desk Officer for referral to the Investigative section.
4. When property is recovered from a larceny, it shall be tagged and held as evidence as outlined under the procedures for "Evidence Collection".

SHIFT SUPERVISOR

1. Reviews Crime Report as prepared for completeness and accuracy.
2. Assures that proper procedures for tagging and marking evidence are followed.
3. Supervises the arrest and detention or service of an Appearance Ticket upon an alleged suspect in a Larceny case.

GENERAL

1. Under no circumstances will property be returned to the owner when it is being held for evidence, until the case is disposed of or competent judicial or prosecutorial authority releases same.
2. Property returned to the owner must be signed for by the owner or his authorized agent.

15.6

ROBBERY

REPORTING OFFICER

1. Upon arrival at the scene, the patrol officer shall proceed in the manner outlined under "Crime Scene: Initial Activities" and "Evidence Collection", and arrest the perpetrator if present.
2. Shall attend to the victim; render first aid; and request medical assistance if needed.
3. Interview complainant and witnesses.
4. Obtain description of suspect(s) and radio same to Desk Officer.
5. Prepare Crime Report and obtain signature of victim.
6. Ascertain if suspect is armed and if so, with what type weapon.

DESK OFFICER

1. Notify Investigative section.
2. Relay description of suspect(s) to other field units, and information as to whether suspect(s) is armed.

SHIFT SUPERVISOR

1. Dispatch assistance as requested and monitor initial investigative proceedings.
2. Review Crime Report; advise victim he will be contacted by investigative unit.

15.7

SEX OFFENSES

REPORTING OFFICER

1. Upon arrival at the scene, the patrol officer shall proceed in the manner outlined under "Crime Scene Initial Activities" and "Evidence Collection" and arrest the perpetrator if present.
2. Victims who allege Rape must be examined by a qualified physician. Therefore, they must be transported to Albany Medical Center for examination.
3. Female victims may be reluctant to describe the nature of the incident initially to male officers; if such reluctance is encountered, the Desk Officer shall be so notified and a female officer dispatched to the scene to take the victim's statement.
4. Evidence at the scene shall be carefully preserved for subsequent examination.
5. The condition of the victim shall be paramount. The officer shall render first aid and/or summon medical assistance if needed.
6. Prepare the Crime Report and obtain complainant's signature.
7. Radio description of suspect to Desk Officer.

DESK OFFICER

1. Shall notify the Investigative section.
2. Transmit description of suspect(s) to other field units.
3. Telephone Albany Medical Center Emergency Room if the offense requires such corroborative examination and arrange for an immediate examination of the victim.
4. Arrange for transport of victim to and from Albany Medical Center.

SHIFT SUPERVISOR

1. Dispatch assistance as requested and monitor initial investigative proceedings.
2. Assure that a female officer or other competent female is brought to the victim to take a statement, if needed.
3. Review the Crime Report for completeness and accuracy.
4. Assure that evidence collected is properly tagged and secured.

15.8

STOLEN VEHICLES

PROCEDURE:

1. Stolen vehicle reports will be taken at Department Headquarters only. Persons notifying field units of stolen vehicles will be brought to Headquarters for completion of the report.
2. Except in unusual circumstances, the report will be made by the owner of the allegedly stolen vehicle. The owner will be required to produce documentary proof of ownership. (In the absence of the Vehicle Registration form, verify make, model, and year of vehicle through Department of Motor Vehicles after receiving description of same from owner).
3. The officer taking the Crime Report will request the Desk Officer to immediately notify the Guilderland Police Department and all University Police vehicles giving make, year of manufacture, model, color, and license number (and any other unusual identifying marks, such as dents, special wheels, etc.).
4. If the owner of the vehicle appears uncertain of the exact location he last parked his vehicle on campus (in other words, if there is a possibility the vehicle is misplaced rather than stolen), the owner shall be transported by Department vehicle through the campus roadways and parking lots to

search for the vehicle before the alarm is sent to outside law enforcement agencies.

5. The reporting officer shall prepare the Crime Report according to the section on "Crime Reports" and "Property Reporting".

RECOVERY

1. Vehicles may be recovered occupied, unoccupied or by the owner.
 - a) If the vehicle is recovered occupied, the responding officer will detain and identify the occupants (THE RESPONDING OFFICER SHALL RADIO THE DESK OFFICER HIS LOCATION EXACTLY AND REQUEST A BACK UP UNIT AND AWAIT ITS ARRIVAL BEFORE LEAVING HIS VEHICLE. If the occupants alight the stolen vehicle, and are seen to be unarmed, the responding officer may give chase after notifying Desk Officer of his activity).
 - b) Where an arrest is made, the University tow truck (or King's Shell in the event of its unavailability) shall tow the stolen vehicle to the Impound Area. It shall be secured as evidence until released by the District Attorney.
 - c) If the vehicle is recovered on campus unoccupied, the vehicle will be safeguarded until it can be removed to the Department Headquarters or recovered by the owner, and until it is clear that no evidence of any crime in which the vehicle may have been involved exists or may

be damaged or lost by removal of the vehicle.

- d) If the vehicle is recovered by the owner, the Desk Officer will request that owner not to enter or move the vehicle until the provisions of c) above are met.
- e) Where it is clear that no evidence exists which needs to be safeguarded, and with the consent of the District Attorney, the vehicle will be returned to the owner.
- f) UPON RECOVERY THE DESK OFFICER WILL IMMEDIATELY NOTIFY ALL POLICE UNITS OF THE RECOVERY, IMMEDIATELY NOTIFY GUILDERLAND POLICE DEPARTMENT AND OTHER LAW ENFORCEMENT AGENCIES TO CANCEL THE STOLEN REPORT.

- 2. When recovery is by another authority, the Desk Officer will notify the owner in the event that the recovering authority contacts the University Police Department directly. Alarms will be cancelled by the Desk Officer immediately upon notification of the vehicle's recovery.
- 3. Where the University Police Department recovers a vehicle reported by another agency as stolen, all steps relative to apprehension and detention of occupants and the safeguarding of evidence will be complied with and the reporting agency will be notified of all details forthwith.

15.9 UNATTENDED DEATH, MURDER, SUICIDE

REPORTING OFFICER

1. Proceeds as if the fatality were the result of a crime and proceeds according to the guidelines under "Evidence Collection" and "Crime Scene-Initial Activities".
2. Secures scene of incident to prevent possible evidence from being disturbed.
3. Arrests suspect if death appears the result of a crime.
4. Notifies Desk Officer by radio for referral to Investigative section.

DESK OFFICER

1. Telephones coroner to come to scene.
2. Advises Director.
3. Notifies other law enforcement agencies of description of suspect if necessary.

SHIFT SUPERVISOR

1. Awaits arrival of coroner at scene.
2. Monitors initial investigation and assures that body is not disturbed pending arrival of coroner.

INVESTIGATOR

1. Senior Investigator assumes command of investigation and takes statements from witnesses.
2. Requests assistance of outside law enforcement agency through Director if necessary.

15.10 WEAPONS, CONTRABAND, UNREGISTERED

PURPOSE: To comply with the Federal Gun Control Act of 1968 concerning contraband weapons. To comply with the New York State Penal Law.

REFERENCE: Federal Gun Control Act of 1968, New York State Penal Law, Articles 265, 400.

1. Arrest suspect if found to possess the following:
 - a) Fully automatic firearms such as machine guns and machine pistols.
 - b) Shotguns with barrels less than 18 inches long.
 - c) Rifles with barrels less than 16 inches long.
 - d) Altered shotgun or rifle with overall length of less than 26 inches.
 - e) Any weapon other than conventional handgun, capable of firing a shot if such weapon can be concealed on the person (for example "zip guns" or small caliber firearms resembling fountain pens).
 - f) Destructive device--any explosive, incendiary, poison gas, bomb, grenade, rocket, missile, mine or similar device, or any parts designed to create a destructive device.
 - g) Pistols with shoulder stocks.
 - h) Any muffling or silencing device designed for use with a firearm.

2. The Alcohol, Tobacco, and Firearms Division of the I.R.S. is to be notified immediately by the Desk Officer if any of the above weapons or devices are found, or if any person is arrested in possession of such instruments.
3. Possession of a firearm of any type, whether legally registered or not, is a violation of the Penal Law if found on campus without the written authorization of the Chief Executive officer of that campus.

Article 16.0 JUVENILES, ARREST AND CUSTODY OF

PURPOSE: To describe relevant portions of the Family Court Act and to establish Department procedures for the arrest, custody, and care of juveniles.

REFERENCE: Family Court Act, New York State Judiciary Law.

EXCERPTS

1. A "Juvenile Delinquent" means a person over seven and less than sixteen years of age who does any act which, if done by an adult, would constitute a crime.

16.1

RUNAWAYS, RETURN OF

1. A peace officer may return to his parent or other person legally responsible for his care any male under the age of sixteen or female under the age of eighteen who has run away from home without just cause or who, in the reasonable opinion of the peace officer appears to have run away from home without just cause. For purposes of this action, a peace officer may reasonably conclude that a child has run away from home when the child refuses to give his name or the name and address of his parent or other person legally responsible for his care or when the peace officer has reason to doubt that

the name or address given are the actual name and address of the parent or other person legally responsible for the child's care.

2. A peace officer is authorized to take a child who has run away from home or who, in the reasonable opinion of the peace officer, appears to have run away from home, to a facility designated pursuant to rules of court under sec. 320 or sec. 724 of this act.

16.2

CUSTODY BY PEACE OFFICER WITHOUT A WARRANT

1. A peace officer may take a person under the age of sixteen into custody without a warrant in cases in which he may arrest a person for a crime under sec. 177 of the Code of Criminal Procedure (Art. 140, Criminal Procedure Law).

16.3

DUTIES OF PEACE OFFICER AFTER TAKING INTO CUSTODY

1. If a peace officer takes a juvenile into custody, the peace officer shall immediately notify the parent or other person legally responsible for his care, or the person with whom he is domiciled, that he has been taken into custody.
2. After making every reasonable effort to give notice to the parent, guardian, domicilee, the peace officer shall:

- a) release the child to the custody of his parent or other person legally responsible for his care upon the written promise, without security of the person to whose custody the child is released that he will produce the child before the family court in that county at a time and place specified in writing, or:
- b) forthwith and with all reasonable speed take the child directly, and without his first being taken to the police station house, to the family court located in the county in which the act occasioning the taking into custody allegedly was done, unless the peace officer determines that it is necessary to question the child, in which case he may take the child to a facility designated by the appropriate appellate division of the supreme court as a suitable place for the questioning of children and there question him for a reasonable period of time.

16.4

PROCEDURE

REPORTING OFFICER

1. A juvenile taken into custody shall be brought to the Department building and taken to the Conference Room where he shall be constantly in the company of an officer of the Department.
2. If the taking into custody was the result of a crime, the officer shall proceed according to sections on "Crime Scene-Initial Activities", "Evidence Collection", "Property Reporting Procedures", and file a Crime Report.

DESK OFFICER

1. Shall notify the parent or person legally responsible for the care of the juvenile to come to Department Headquarters.

SHIFT SUPERVISOR

1. Secure the name and address of the parent or person legally responsible for the care of the juvenile, or bring to the Department building a responsible adult to interview the child if, in his opinion, the adult would secure the identity of the child and his parent or guardian.
2. In the event the child remains unidentified, or the parent or guardian cannot be notified or refused to come for the child, the Shift Supervisor shall arrange to immediately place the child in an approved facility until such time as

the matter can be brought to the attention of family court if not then in session.

3. Prepares written release of child to parent or other person legally responsible for the care of the child, to appear in family court.
4. Notifies Investigative section if necessary.

INVESTIGATOR

1. Prepares petition relating to case for attention of family court if necessary.

16.5 GENERAL

1. All juveniles found in unauthorized areas of the campus, and anywhere on the campus after 2200 hours unless accompanied by a parent, guardian, or other responsible adult, shall be brought to the Department building and held for release as noted in above procedures.
2. The decision to petition family court in the case of a juvenile shall be made by the Director or other person on the Department staff authorized to do so.

Chapter IV: Service Related Procedures

Article	
1.0 Ambulance	160
2.0 Accidents, Motor Vehicle	162
3.0 Emergency Messages, Relay Of	166
4.0 Escorts	167
5.0 Fire Alarms, Fire Scene	169
6.0 Firearm Storage	172
7.0 Injuries	175
8.0 Lost and Found	177
9.0 Special Delivery Mail	180
10.0 Safety Hazards	181

CHAPTER IV

Article 1.0

AMBULANCE

PURPOSE: To establish standard procedures for calling ambulances to the scene of accidents involving personal injury on campus.

1. The safety of the injured party is paramount. Officers shall not hesitate to request an ambulance to transport injured persons if necessary.

1.1

PROCEDURE: FIELD OFFICER

1. Arrives at scene and renders immediate first aid if necessary.
2. Advises Desk Officer by radio of nature of injury, identity of person if known, and whether an ambulance is required or not.
3. Transports person to Student Health Center or other hospital for emergency medical treatment if an ambulance is not called.
4. Prepares report of incident.

1.2

PROCEDURE: DESK OFFICER

1. Advises duty nurse at Health Center of identity of injured party; and whether they are student, faculty or staff member. Advises duty nurse of nature of injury.
2. Summons ambulance to scene if requested by field officer.

1.3

PROCEDURE: SHIFT SUPERVISOR

1. Causes investigation of cause of injury to be made, including names, addresses, and statements of witnesses.
2. Notifies Director of serious injuries, or any injuries involving officers of the Department.

Article 2.0 ACCIDENTS, MOTOR VEHICLE

PURPOSE: To establish standards relating to the response to and investigation of motor vehicle accidents occurring on the University's property.

2.1

PROCEDURE: FIELD OFFICER

1. Administers first aid to injured parties if necessary; summons medical help or fire and rescue services by immediate radio transmission to Desk Officer if necessary.
2. Summons Shift Supervisor to scene if extensive property damage or any personal injury is involved.
3. Advises Desk Officer of need for tow truck.
4. Conducts investigation into cause of accident, noting identity and statements of witnesses.
5. Issues Uniform Summons to operator(s) of vehicle(s) involved if preliminary investigation gives evidence of alleged violation of Vehicle and Traffic Law.
 - a) NOTE: Officer must prepare a supporting information, duly notarized and sworn, citing those facts evidencing violation of the Vehicle and Traffic Law. Such docu-

ment must accompany the court copy of the Summons.

This document is necessary only if the officer issuing the summons does not witness the alleged violation of the Vehicle and Traffic Law.

6. Prepares proper "Police Accident Report", MV-104 or MV-104A, for the Department of Motor Vehicles.
7. Inspects "Insurance Identification Card" of each vehicle involved in the accident.
8. Advises Desk Officer by radio if any traffic control device is missing or has been damaged at scene of accident.
9. Assures that vehicles involved in accident are removed from roadway as soon as possible after preliminary investigation so as to permit the free flow of traffic.
10. Assures that scene of accident is clear of debris following investigation and removal of vehicles.
11. Separates operators of vehicles involved and interviews each separately to obtain statements.
12. Carefully records statements of all witnesses and operators in Memorandum Notebook.
13. Does not make any statement to any person other than

another officer or superior officer of this Department speculating as to cause of, or responsibility for the accident.

14. If vehicle involved is owned or operated by the State University of New York at Albany (other than a Department vehicle), the officer shall so advise the Desk Officer and cause to be made out the internal Accident Report Involving University Vehicle.

2.2

PROCEDURE: DESK OFFICER

1. Shall make all necessary notifications to summon medical attention and tow trucks. Enters time of call for external assistance in Radio Transmission Log.
2. Dispatches Shift Supervisor to scene if personal injury, university vehicle, police vehicle, or traffic crime is involved.

2.3

PROCEDURE: SHIFT SUPERVISOR

1. Shall respond to scene if conditions under 2 above obtain.
2. Assures that the investigation into the cause of the accident is thorough and complete.

3. If the accident involves a vehicle owned or operated by this Department, or if the accident involves the personal vehicle of an officer of this Department, the Shift Supervisor shall conduct the investigation as set forth above.

Article 3.0 EMERGENCY MESSAGES

1. Messages received by the Desk Officer involving emergencies at home or other similar messages for resident students, faculty, or staff are to be relayed immediately.

3.1

PROCEDURE: DESK OFFICER

1. Notes details of message immediately upon receipt in the Radio Transmission Log, along with time of receipt.
2. If the message involves notification of death of a relative, before relaying message to person addressed, the Desk Officer shall attempt to locate a friend of person to whom message is directed or other University official to accompany the officer dispatched to deliver the message. In no case, however, should the message be withheld if such arrangement cannot be made in a brief period of time after initially receiving message from source.
3. Assists recipient of message in making travel or other arrangements if necessary.

FIRE ALARMS, FIRE SCENE

describe Department policy with regard to responding to fire alarms.

Officer shall dispatch a radio patrol car to the
all reports of fires or fire alarms on University
y. The field officer shall verify the presence or
of a fire even if subsequent notification is re-
that the alarm is false.

alarms on the Uptown campus sound in the control room
ower Plant. Immediately upon receipt of an alarm,
engineer will telephone the Desk Officer advising
of the alarm.

alarms on Alumni Quad and the 135 Western Avenue
sound directly in the Albany Fire Department Alarm

DESK OFFICER

Dispatches radio car to scene of alarm immediately upon
notification of fire or alarm.

Notifies fire department if field officer verifies presence
; Albany Fire Department for those buildings and
of the campus located in the City of Albany; McKown-

ville Fire Department for those buildings and areas of the campus located in the Town of Guilderland.

3. Dispatches additional units to scene to clear traffic and escort fire trucks to site of fire.
4. Summons medical help if necessary.

5.2

PROCEDURE: REPORTING OFFICER, FIELD OFFICER

1. Travels to scene of fire without delay.
2. If dispatch is to a location on the Uptown Campus, officer verifies presence of fire and immediately notifies Desk Officer by radio of need of fire department.
3. Remains at scene to assist in evacuation of occupants from building. Assures that building is clear.
4. Notifies Desk Officer by radio of need for medical help if necessary.
5. Protects fire scene from intrusion by unauthorized persons.

5.3

PROCEDURE: SHIFT SUPERVISOR

1. Proceeds to scene of fire or alarm as rapidly as possible without endangering bystanders.

2. Supervises evacuation of area or building of occupants.
3. Clears fire scene of all persons not involved in fighting the fire so that the efforts of the fire departments are not hampered.
4. Initiates an immediate investigation into the exact location of origin of fire and its probably cause. To this end he shall:
 - a) Cause witnesses to be identified and their statements taken.
 - b) Question the Fire Chief and firemen at the scene as to their opinion of cause and origin of fire.
5. If the fire is of suspicious or unknown origin, he shall immediately notify the Desk Officer to dispatch the Investigative section to the scene.
6. Assure that the fire scene is secured from being disturbed until the conclusion of the investigation.
7. He shall photograph the scene of the fire.
8. Assure that physical evidence is properly tagged and secured according to the section on "Evidence Collection".

Article 6.0

FIREARM STORAGE

PURPOSE: To describe standards relating to the safe storage of firearms in the Department's offices.

1. Firearms owned by students, faculty, or staff may be left with the Department for safekeeping. Such firearms shall be secured in accordance with applicable state and local laws, and the rules and regulations of the State University of New York at Albany.
2. Persons who store firearms with the Department shall first possess the written authorization of the University's administration. There shall be on file with the Department a fully completed and approved "Application for Authorization to Possess and Store a Weapon on Campus". Such authorization shall be kept with the Firearm Storage Receipt Log at the Radio Desk.
3. Handguns shall not be stored in the Department without the permission of the Director of Security.
4. Ammunition will not be accepted for storage.
5. The Storage Locker shall be kept locked at all times other than when a weapon is being delivered.

6.1 PROCEDURE: DESK OFFICER

1. Assures that person authorized to store weapon has valid authorization form on file with the Department.
2. Assures that person authorized to store weapon signs Firearm Storage Receipt Log each time firearm is picked up or delivered.
3. Assures that weapon is unloaded before accepting same for storage.
4. Visually inspects weapons during each tour of duty. If irregularities are noted, he shall immediately notify the Shift Supervisor and make an entry in the Radio Transmission Log as to time, nature of discrepancy, and who was notified.
5. Advises persons retrieving firearms that they must leave campus immediately.
6. The Desk Officer shall refuse to permit the owner of a stored weapon to take delivery of the firearm if he has reasonable cause to believe that the person is under duress, or if at the time he wishes to retrieve the weapon he appears to be under the influence of drugs or alcohol.
7. Immediately notifies Shift Supervisor if circumstances in item 6 above occur.

Article 7.0

INJURIES

PURPOSE: To establish procedures to be followed by officers in responding to and reporting personal injuries on University property.

7.1

PROCEDURE: REPORTING OFFICER

1. Advises Desk Officer by radio to summon medical help if necessary.
2. Transports injured party to receive medical attention if ambulance is not required.
3. Obtains identification of injured party; takes statements from witnesses; prepares report (PD-30).
 - a) If injured person is a juvenile, he shall so advise Desk Officer and request that parent or other person legally responsible for care of juvenile be notified.

7.2

PROCEDURE: DESK OFFICER

1. Advises duty nurse at Student Health Center of extent of injury, identity of injured party, and medical help required.
2. Summons ambulance if necessary.
3. Notifies parent or guardian if injured is a juvenile.

7.3

PROCEDURE: SHIFT SUPERVISOR

1. Supervises Departmental response and assures that procedures are carried out with efficiency and dispatch.
2. If injured party is a member of the faculty, staff, or a student, advises area supervisor to complete appropriate form(LP-4).
3. Advises Assistant Director(Safety & Security) of injury.

Article 8.0

LOST AND FOUND

PURPOSE: To establish standards relating to the proper accounting for, safe storage of, and release of property coming into the possession of the Department other than that involved with a crime.

1. All property found on University owned or leased property and turned over to an officer of this Department, whether he is on duty or not, shall be brought to the Department building and a Property Invoice receipt made out by the finding officer or the officer to whom the property is turned over.
2. The articles shall be secured in the Property Room by the Administrative Supervisor after the Property Invoice receipt is completed.
3. Unclaimed property shall be disposed of according to applicable law.
4. Persons claiming ownership of articles in custody of the Department shall be required to give a verbal identification of the item(s) if they cannot otherwise furnish evidence of ownership.
5. All articles turned over to the owner shall not be released until:

a) properly identified, and

b) the Property Invoice receipt is signed by the owner.

8.1

PROCEDURE: REPORTING OFFICER

1. Brings article to Department building.
2. Prepares Property Invoice receipt and leaves same with Administrative Supervisor for review.

8.2

PROCEDURE: DESK OFFICER

1. Reviews Property Invoice receipt for accuracy and completeness.
2. Assures that return of articles to owner is accomplished according to procedures outlined above.
3. Examines property turned over to Department to assure that it is not related to any reported crime.
4. Contacts owner if known.

8.3

PROCEDURE: ADMINISTRATIVE SUPERVISOR

1. Reviews articles stored periodically and disposes of those held over limits required by law.

2. Assures that articles are either returned to owner or disposed of according to applicable law.
3. Assures that the Property Room is kept secured and that unauthorized persons are not permitted to enter.

Article 9.0 SPECIAL DELIVERY MAIL

1. The U.S. Postal Service will often leave Special Delivery letters with the Desk Officer after normal business hours when the postal sub-station at the University is closed. Upon receipt of such letters or small parcels, the Desk Officer shall:
 - a) Telephone the addressee and advise of presence of letter or package in Department building.
 - b) Require addressee to produce identification and sign for receipt of letter or package before releasing same.
 - c) All special delivery letters or packages not picked up by addressee by next business day, are to be placed for pick-up by the University mail messenger.
2. Officers of the Department are not permitted to deliver letters or packages. Addressees must come to the Department building themselves.

Article 10.0 SAFETY HAZARDS

PURPOSE: To describe procedures to be followed upon discovery or notification of safety hazards.

10.1

PROCEDURE: REPORTING OFFICER

1. Notifies Desk Officer of condition by radio immediately upon discovery.
2. Awaits at scene, turning on red emergency lights if necessary to warn persons of hazard.
3. Takes temporary corrective measure to relieve hazard if possible.
4. Makes written report (PD-30) of situation.

10.2

PROCEDURE: DESK OFFICER

1. Notifies Power Plant or other agency if necessary.
2. Advises field unit of corrective action to relieve situation.

10.3

PROCEDURE: SHIFT SUPERVISOR

1. Supervises action taken at scene and assures that adequate warning devices are placed to warn off citizens.

Chapter V: Regulator Procedures

Article

1.0 Abandoned Vehicles	182
2.0 Fire Drills	184
3.0 Building Lock Up	186
4.0 Parking Regulations	188
5.0 Parking Violation: Appeal Process	190
6.0 University Parking Tickets	192
7.0 Towed Vehicles	196
8.0 Uniform Traffic Summonses	200
9.0 Demonstrations, Crowd Control	205

CHAPTER V

Article 1.0 ABANDONED VEHICLES

PURPOSE: To describe procedures relating to the identification and removal and subsequent disposal of motor vehicles found abandoned on University property.

1. A motor vehicle shall be considered abandoned if the conditions of Art. 1224, Vehicle and Traffic Law are met.
2. Because of the peculiar nature of the college campus, no vehicle shall be considered abandoned until it is established that the last registered owner is neither a student, faculty or staff member (including employees of the Faculty Student Association and the Office of Sponsored Funds).
3. The owner shall be contacted in person if possible by a Shift Supervisor, and if not, then by Registered Mail with return receipt requested, and instructed to remove such vehicle from University property if the conditions of Art. 1224 of the Vehicle and Traffic Law are met.
4. The vehicle shall be disposed of according to the requirements of Art. 1224, Vehicle and Traffic Law.

1.1

PROCEDURE: SHIFT SUPERVISOR

1. Assures that said vehicle meets criteria of abandonment as set forth in Art. 1224, Vehicle and Traffic Law.
2. Assures that the last registered owner is not presently connected with the University as set forth in item 2 above.
3. Causes the vehicle to be towed to a safe location pending disposal.
4. Assures that notification is sent to last registered owner.
5. Supervises disposal of vehicle.

Article 2.0

FIRE DRILLS

PURPOSE: To establish procedures to be followed during fire drills and to set standards relating to the safety of persons and property during the conduct of such drills.

1. Department assists the Building Captain, Fire Marshal, and Safety Coordinator during scheduled fire drills. Such assistance may include the sounding of the alarm, directing pedestrian traffic, and assuring the evacuation of the building in question.
2. All persons are required to leave the building during the drill (from the time of the sounding of the alarm until permission to re-enter is given by the Building Captain) unless authorized to remain by the Building Captain.
3. A list of Building Captains is maintained by the Assistant Director (Safety and Security).
4. Fire drills provide excellent conditions during which larceny can occur. Officers assigned to monitor and assist in the conduct of drills shall be constantly alert for suspicious activity by persons, indicating possible theft.

5. Valuables found to have been left unattended during a fire drill shall be guarded by an officer until the return of the owner or other responsible person at the conclusion of the drill.

2.1

PROCEDURE: SHIFT SUPERVISOR

1. Assigns officers to assist during the drill. In no case are all radio cars to be taken out of service to assist in the conduct of the drill. One shall be kept on patrol at all times on the uptown campus.
2. Assures that the building is secure, and that unauthorized persons are out of the building.
3. Assures that the alarm is reset properly at the conclusion of the drill.

Article 3.0

BUILDING LOCKUP

PURPOSE: To establish procedures for the orderly securing of buildings on campus.

1. Buildings are to be secured according to the times set forth in the Building Log maintained at the Radio Desk.
2. The officer assigned to secure a building or area shall lock all exterior doors leading to the building or area (including crash bars) and report same to the Desk Officer by radio.
3. Doors found unlocked after having been secured shall be immediately reported to the Desk Officer by radio. The Desk Officer shall make out a report (PD-30) on the location. The officer finding the door unlocked shall call for assistance if necessary and inspect the interior of the building or area to determine the presence of intruders.
4. In the event of a shortage of personnel, an officer assigned to secure a building or area shall be dispatched to the scene of a crime to take a report if both events occur at the same time.
5. Persons shall not be let into offices or building on request until they have first been identified and stated their reasons for entry to the satisfaction of the Desk

Officer. Field officers shall not unlock doors under such circumstances unless authorization has been obtained from the Desk Officer.

6. Buildings shall not be left unlocked unless authorization to do so has been obtained from the Director or Assistant Director. Such authorization is given after request by the Building Captain or other responsible person to the Director or Assistant Director.
7. Unauthorized persons found in secured areas are to be detained, identified, and requested to state their business for being there. If such explanations are unsatisfactory, or if the person refuses to identify himself, he shall be brought to the Department building where further investigation shall be conducted.

Article 4.0 PARKING REGULATIONS

PURPOSE: To describe Department policy with regard to the enforcement of University and applicable State laws controlling the parking of motor vehicles on campus.

1. Officers shall familiarize themselves with the parking regulations currently in force at the State University of New York at Albany. Copies of such regulations shall be kept at the Radio Desk at all times.
2. Officers shall be familiar with restricted parking areas, and the criteria by which persons may apply for special parking permits.
3. PARKING REGULATIONS, INCLUDING SPECIAL AND RESTRICTED AREAS, ARE IN FORCE AT ALL TIMES. THE ONLY EXCEPTIONS OCCUR TWO DAYS BEFORE AND AFTER THE START OR END OF A SEMESTER, WHEN STUDENTS ARE ALLOWED TO PARK IN FRONT OF RESIDENCE HALLS TO MOVE PERSONAL ARTICLES TO OR FROM THEIR ROOMS, AND DURING SUCH OTHER TIMES AS AUTHORIZED BY THE VICE PRESIDENT FOR MANAGEMENT AND PLANNING TO ACCOMMODATE SPECIAL NEEDS SUCH AS CONCERTS, PUBLIC EVENTS, AND POOR CONDITIONS IN EXISTING TEMPORARY PARKING LOTS.

- a) Officers are not to suggest to person wishing to park their automobiles on campus that parking regulations will not be enforced.
4. Particular attention shall be given to vehicles parked in a manner that creates a safety hazard, as for example, wheel chair ramps, fire hydrants, and building entrances being blocked.
5. Vehicles parked in special permit areas must have a special permit issued by the Department displayed at all times while parked in such area.

Article 5.0 PARKING VIOLATION: APPEAL PROCESS

PURPOSE: To describe Departmental policy relating to appeals made by citizens concerning University Parking Tickets.

1. The conditions of appeal are noted on the reverse side of the ticket copy left on the vehicle, i.e. appealant must appear in person at Department Building within 72 hours and file an Appeal Form in writing.
2. The Desk Officer should answer all questions the person asks regarding Parking Regulation and proper places to park. He should not discuss with the subject the merits of the ticket itself--those are matters to be decided by the Parking Appeals Board.

5.1

PROCEDURE: DESK OFFICER

1. Advises person on how to fill our Appeal Form correctly if necessary. Staples appealant's copy of ticket to Appeal form, and immediately stamps Form in the Time Stamp machine located near the fine window.
2. Advises appealant that Parking Appeals Board meets weekly, and that he will hear from that unit directly, by mail, about the results of the appeal. (Note: If the person so

chooses, he may appear in person before the Appeal Board.)

3. Places completed Appeal Form, properly time stamped, with ticket copy attached, on desk of Director's secretary.

Article 6.0 UNIVERSITY PARKING TICKETS

PURPOSE: To establish standard procedures for filling out and issuing University Parking Tickets.

6.1

PROCEDURE: FIELD OFFICER

1. University Parking Violation Tickets shall be filled out completely by the issuing officer including:
 - a) complete date (day, month, year)
 - b) time of alleged violation (in 2400 hour system)
 - c) license plate number
 - d) University vehicle registration decal number
 - e) exact location of vehicle (i.e. "Front-State Quad" not just "State" or "State Area", and "Gym-Rear" not "Gym")
 - f) name and badge number of issuing officer
 - g) violation checked off
2. Under "Other remarks" section along the side of the ticket, the officer shall make note of any special conditions attending the violation (for example, "Vehicle in bus stop", or if violation 3 is checked, the facts of that violation must be clearly stated).
3. The completed violation is to be placed under the windshield wiper on the driver's side.

CONTINUED

4 OF 6

4. The violations shall be checked off for the following circumstances:

VIOLATIONS, Fine \$5.00

CIRCUMSTANCES

Not Registered

No SUNY Albany decal of any kind.

Expired

Decal on vehicle other than current year.

Obstructing (Traffic)

Vehicle parked on roadway, or blocking entrance to parking lot.

Obstructing (Entrance)

Vehicle blocking building entrance or loading dock area.

Obstructing (Fire Hydrant)

Vehicle parked within fifteen (15) feet of a fire hydrant or building stand pipe.

VIOLATIONS, Fine \$3.00

Roadway

Vehicle parked on roadway not otherwise blocking traffic.

End of Lane

Vehicle parked around and next to ends of parking islands in Dutch and State Lots.

On Grass

Vehicle parked anywhere on grass with at least one wheel on the grass.

No Parking Area

Vehicle parked in Bus Stop or other location from which all parking is forbidden. NOT to be used for vehicles improperly parked in special permit area.

Overtime

Vehicle parked in special permit area and displaying special permit whose time has expired.

Improper Area

Vehicle parked in special permit area without required special permit, or not displaying same.

Altered Special/Temporary Permit	Vehicle displaying special permit which appears to the officer as having been altered.
Improperly Displayed Decal	University vehicle registration decals displayed not according to instructions.
Disregarding (Traffic Sign)	This should not be used redundantly, but cited on vehicle parked in disregard of special parking sign.
Disregarding (Traffic Device)	Vehicle parked in disregard of temporary control device, i.e. wooden barricade, men working sign, etc.
Disregarding (Officer)	To be issued on vehicle after driver fails to heed instructions of officer.
Other	To be cited by officer on vehicles parked so as to create a hazard not otherwise listed herein. Violation to be described in "Other Remarks" portion of ticket.

5. Officers shall issue University Parking Violation Tickets to all vehicles found parked in violation of current parking regulations without regard to the owner or operator of said vehicle.
6. Officers shall be responsible for the University Parking Violation Tickets they are issued. Lost, stolen, damaged, and destroyed tickets shall be brought to the attention of the Shift Supervisor.
7. Officers shall not take back or destroy a ticket after having filled out same. It shall be placed on the vehicle.

8. Officers should not discuss the merits of the ticket in the field. Persons who wish to discuss same shall be advised to come to the Department building and file an Appeal Form.

6.2

PROCEDURE: SHIFT SUPERVISOR

1. Shift Supervisors shall keep records of University Parking Violation Ticket numbers assigned to individual officers.
2. Shift Supervisors shall frequently inspect violations placed on vehicles to assure that officers are issuing same according to these procedures.
3. Shift Supervisor shall ensure that officers turn in the carbon copy at the end of each tour of duty for filing.

Article 7.0

TOWED VEHICLES

PURPOSE: To describe Department policy with regard to the towing of illegally parked vehicles, their storage, and the conditions for release to owner or other authorized operator.

1. Vehicle shall be towed from locations on campus if any of the following conditions are met:
 - a) Vehicle is parked in violation of campus parking regulations so as to create a safety hazard (for example, blocking a fire hydrant or normal fire hose run from hydrant to building, blocking a wheel chair ramp, blocking a building entrance or bus stop, roadway or parking lot entrance).
 - b) Vehicle is parked in a restricted area without necessary permit.
 - c) Vehicle has been banned from campus pursuant to Art. 4, Sec. D, Parking Regulations, State University of New York at Albany.
 - d) Vehicle has been ordered towed by competent authority.
 - e) Vehicle meets conditions set forth in section on "Abandoned Vehicles" above.
2. All towing shall be performed by the Tow Truck owned and operated by the State University of New York at Albany.

3. Vehicles towed shall be secured in the impound area designated by the Shift Supervisor. Valuables shall not be left in an unlocked vehicle in the impound area. They shall be removed to the safety of the Department building, inventoried by the Shift Supervisor, and held for release to the owner or other authorized person.
4. Vehicles towed under item 1 above shall not be released until a \$10.00 towing fee has been paid by the owner or other authorized person.

7.1

PROCEDURE: FIELD OFFICER

1. Makes out report (PD-30) in field, noting all external damage on vehicle to be towed before it is hooked up to the tow truck.
2. Radios description of vehicle to Desk Officer (giving year, make, color, and plate number, violation involved, and location from which vehicle is being towed). Requests permission from Desk Officer to tow. (Note: Vehicle is not to be moved until authorization is granted by Desk Officer.)
3. Issues University Parking Violation ticket to vehicle.
4. Ascertains whether vehicle has acquired sufficient tickets to be towed if parked in a restricted area without necessary

permit. Because it is physically impossible to tow all illegally parked vehicle whose violation does not constitute a safety hazard, the Department establishes a minimum number of tickets to have been issued to said vehicle before it can be removed. That minimum number is changed from time to time, but is generally three(3).

5. Supervises correct hookup of vehicle to tow truck. (Note: Vehicles may be entered to effect hookup if necessary. In no case, however, shall a window be broken or the vehicle be otherwise damaged in towing unless it must be removed as constituting a safety hazard.)
6. Notifies Desk Officer by radio when vehicle has been safely secured in impound area.
7. If the vehicle is damaged during the towing operation, the officer shall immediately notify the Desk Officer by radio of said damage and prepare a report(PD-30) describing the extent of damage and the circumstances involved.

7.2

PROCEDURE: SUPERVISOR

1. Shift Supervisor shall assure that all procedures relating to the towing operation are observed.
2. If the vehicle is damaged during the tow operation, the

Shift Supervisor shall go to the scene of the incident and conduct an immediate investigation of the cause. At the conclusion of the investigation, he shall make a report (PD-30) to the Director.

3. Frequently inspects impound area to assure that vehicles are properly secured.

7.3

PROCEDURE: DESK OFFICER

1. Assures that vehicle meets conditions established for towing before it is removed from location.
2. Authorizes vehicle to be towed after ascertaining that conditions are met.
3. Accepts payment of towing fee from owner or other authorized person.
4. Assures that person claiming said vehicle is owner or is authorized to claim vehicle.
5. Issues receipt for fee to person.
6. Notifies Shift Supervisor of any unusual circumstances relating to the towing operation.
7. Immediately upon transmission of auto description from field unit and after having authorized the tow, the Desk Officer shall make proper entries on the Vehicle Tow Log maintained daily.

Article 8.0 UNIFORM TRAFFIC SUMMONSES

PURPOSE: To describe standards relating to the issuance of and accountability for Uniform Traffic Summonses.

1. All Uniform Traffic Summonses must be accounted for to the Commissioner, Department of Motor Vehicles.
2. The officer to whom Uniform Traffic Summonses are issued is accountable for their safety and condition at all times. Officers shall not obtain blank Uniform Traffic Summonses from each other. Spare Summonses are obtained from the Administrative Supervisor.
3. Officers shall immediately inform their Shift Supervisor about Uniform Traffic Summonses charged to them that are lost, damaged or destroyed.

8.1

PROCEDURE: FIELD OFFICER

1. Uniform Summonses shall not be issued outside the boundaries of the State University of New York at Albany unless the moving violation observed is a traffic crime as defined in the Vehicle and Traffic Law, or unless the violation or crime occurred on University property and the stop was effected outside. In the event a traffic crime occurs off

campus property, and a vehicle stop is effected, the officer shall radio the Desk Officer of his location and request that a police car from that jurisdiction rendezvous with him at the scene. The University officer shall then act as witness if the officer from the other jurisdiction chooses to issue a Summons; if the officer from the other jurisdiction does not wish to issue a Summons, the University officer shall do so.

2. Before completing the Summons, the issuing officer shall verify the correct court return date with the Desk Officer.
3. Operators of vehicles whose condition allows the officer reasonable cause to believe he was operating said vehicle while his ability to do so was impaired or he is under the influence of alcohol or drugs shall be taken into custody and the vehicle impounded. A breath test shall be administered unless refused by the operator.
4. All spaces on the face side of the Uniform Summons shall be filled out fully by the issuing officer using block letters, and in ballpoint pen. The officer shall be specific as to exact location of violation or crime in the "location" section.
5. Violations occurring in that portion of the University located in the Town of Guilderland shall be cited into the Guilderland Court. Violations occurring in that portion of

the University located in the City of Albany, shall be cited into Albany Traffic Court.

6. The officer's copy of the Summons, "Report of Action on Case", shall be filled out completely by him at the time the Summons is served. He shall note any statements made to him by the operator of the vehicle in the event he is later required to appear in court to defend the placing of the charge.

a) This portion of the Summons shall be maintained by the Officer throughout his tenure with the Department, and turned over to the Administrative Supervisor at the time he leaves the Department.

8.2

PROCEDURE: DESK OFFICER

1. Shall ensure that back up units are dispatched to scene of all vehicle stops if necessary.
2. Assures that correct return date is on all Summonses issued.
3. Notifies other law enforcement agencies of stops made in their jurisdiction by vehicles of this Department.

8.3

PROCEDURE: SHIFT SUPERVISOR

1. Reviews each Summons issued during his tour of duty as soon as possible after issuance to determine if it has been correctly filled out.
2. Reports to scene of all stops where impaired driving or driving under the influence of drugs is suspected and arranges for appropriate breath tests to be administered.

8.4

PROCEDURE: ADMINISTRATIVE SUPERVISOR

1. Maintains control over issuance of all Uniform Traffic Summonses to officers of the Department. Records serial numbers of Summonses issued to individual officers.
2. Assures that quarterly report of dispositions of Summonses to the Commissioner, Department of Motor Vehicles is prepared and submitted properly.
3. Immediately investigates the disappearance of any single Uniform Traffic Summons; investigates the causes of damage or destruction to any Uniform Traffic Summons; causes the officer to whom any lost, damaged, or destroyed Uniform Traffic Summons had been issued to submit a report to the

Director detailing the circumstances of such condition.

4. Brings to the attention of the Director all dispositions of "Dismissal" and "Not Guilty", or any other unusual disposition of a charge.

Article 9.0 DEMONSTRATIONS, CROWD CONTROL

PURPOSE: To establish procedures relating to Departmental response during demonstrations.

1. The President of the University, with the advice of senior University administrators, establishes the levels of response this Department may employ during demonstrations. In general, demonstrations arise over issues or conditions which, according to the participants, require a response from the University's senior administrators. It is the policy of the State University of New York at Albany to meet with the leaders or a delegation representing those demonstrating to attempt to resolve those issues or conditions to the satisfaction of those concerned.
2. This Department does not interfere with the course of the demonstration unless requested by the President or other senior official of the University, or unless circumstances arise that involve the safety or integrity of persons or property; such conditions may or may not involve criminal acts.
3. Firearms shall not be carried by any member of the Department at the scene of a demonstration.
4. Demonstrations, which in the opinion of the President of the State University of New York at Albany, unduly inter-

fere or disrupt the educational purposes of the University are responded to in the following manner:

- a) A representative of the office of student affairs notifies those present of the "Rules of Public Order" as specified under applicable Trustees' Rules and Student Conduct Guidelines.
- b) After an established period of time, those not responding to the instructions outlined in the reading, shall be identified by representatives of the office of student affairs, and appropriate disciplinary proceedings shall be instituted.
- c) If the disruption continues, this Department will be requested on the authority of the President of the State University of New York at Albany, to remove those demonstrators remaining so as to permit the normal business of the University to resume. Persons escorted out of an area will not be arrested unless:
 - 1) Instructions to arrest have been given by competent authority, or
 - 2) The person is overly disorderly, or assaults the officer or another person who wishes to press charges.

9.1

PROCEDURE: FIELD OFFICER

1. Officers assigned at the scene of a demonstration shall remain at the post assigned, or in the formation assigned unless ordered to act, change location, or is relieved by the Director or Assistant Director.
2. Officers shall not use force unless to protect themselves or another from injury, or unless ordered to do so by the Director, or other superior officer present and in command at the scene.
 - a) Officers shall not react to verbal taunts or abuse no matter how provocative, unless ordered to do so by the Director or other superior officer present and in command at the scene.
3. Breast badges shall be worn on the upper left side of the outermost garment.
4. Unless authorized by the Director, officers shall not appear at or be in the immediate vicinity of any demonstration, but instead shall maintain their routine patrol until ordered to a pre-arranged assembly point.

9.2

PROCEDURE: SUPERVISORS

1. Monitor activities of officers on patrol as directed, so

as to ensure that the availability of officers to proceed quickly and orderly to scene of the demonstration or other location is not impaired.

2. Assure that notifications to other agencies are made as directed by competent authority.
3. Respond to the scene of the demonstration or other location as instructed.
4. Assure that officers are properly uniformed and equipped.

APPENDIX B

U.S. District Court for the
Western District of Missouri,
EN BANC, General Order of Judicial
Standards of Procedure and Sub-
stance in Review of STUDENT
DISCIPLINE IN TAX SUPPORTED INSTI-
TUTIONS OF HIGHER LEARNING

IN THE
UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF MISSOURI
EN BANC

GENERAL ORDER,

ON

JUDICIAL STANDARDS OF PROCEDURE
AND SUBSTANCE

IN REVIEW OF

STUDENT DISCIPLINE IN TAX SUPPORTED
INSTITUTIONS OF HIGHER EDUCATION

The recent filing in this Court of three major cases for review of student discipline in tax supported educational institutions of higher learning has made desirable hearings by this Court en banc in two such cases, namely Civil Actions No. 16852-4 (Western Division) and No. 1259 (Central Division). These hearings were desirable to develop uniform standards to be applied in the two civil actions and to ensure, as far as practicable, that the future decisions in similar cases in the four divisions of this Court would be consistent.

Because of the great interest in student discipline and because of the violence which has occurred in the educational institutions recently, counsel for all interested tax supported institutions,

STUDENT DISCIPLINE

Cite as 45 F.R.D. 133

135

"Mission" as used herein means a goal, purpose, task, or objective.

INTRODUCTION

The number of actions for review of student disciplinary action has been increasing in this and other courts as shown by the cases in this Court and the reported cases.¹

These cases reflect rapid development and much controversy concerning appropriate procedural and substantive standards of judicial review in such cases. Because of the importance in this district of clearly enunciated reliable standards, this Court scheduled hearings in the second *Esteban* case and in the *Scoggin* case for the purpose of hearing arguments and suggestions of the parties and of interested amici curiae on the standards which would be applied regardless of the judge to whom the cases are assigned by lot. This was done for the purpose of uniformity of decision in this district.

The following memorandum represents a statement of judicial standards of procedure and substance applicable, in the absence of exceptional circumstances, to actions concerning discipline of students in tax supported educational institutions of higher learning.

RELATIONS OF COURTS AND EDUCATION

Achieving the ideal of justice is the highest goal of humanity. Justice is not the concern solely of the courts. Education is equally concerned with the achievement of ideal justice. The administration of justice by the courts in the United States represents the people's best efforts to achieve the ideal of justice in the field of civil and criminal law. It is generally accepted

1. *Esteban et al. v. Central Missouri State College et al.* (W.D.Mo., 1967), 277 F.Supp. 619; *Esteban, et al. v. Central Missouri State College* (W.D.Mo.), 290 F.Supp. 622; *Scoggin et al. v. Lincoln University et al.* (W.D.Mo.), 291 F.Supp. 161; *Barker v. Hardway* (C.A.4, 1968), 399 F.2d 638, affirming (S.D.W.Va., 1968) 283 F.Supp. 228; *Madera v. Board of Education of City of New York* (C.A.2, 1967), 386 F.2d 778, reversing (S.D.N.Y., 1967) 267 F.Supp. 356; *Dixon v. Alabama State Board of Education* (C.A.5, 1961), 291 F.2d 150, reversing (M.D.Ala., 1960) 180 F.Supp. 945; *Moore v. Student Affairs Committee of Troy State University* (M.D.Ala., 1968), 284 F.Supp. 725; *Zanders v. Louisiana State Board of Education* (W.D.La., 1968), 281 F.Supp. 747; *Buttney v. Smiley* (D.Colo., 1968), 281 F.Supp. 280; *Dickson v. Sitterson* (M.D.N.C., 1968), 280 F.Supp. 486; *Jones v. State Board of Education of and for the State of Tennessee* (M.D.Tenn., 1968), 279 F.Supp. 190; *Dickey v. Alabama State Board of Education* (M.D.Ala., 1967), 273 F.Supp. 613; *Hammmond v. South Carolina State College* (D.S.C., 1967) 272 F.Supp. 947; *Duc v. Florida A. and M. University* (N.D.Fla., 1963), 233 F.Supp. 396.

counsel for any privately supported educational institution, counsel for the American Civil Liberties Union, the Attorney General of Missouri, and counsel for any officially elected or recognized student government or faculty association, were afforded an opportunity to file briefs and address oral argument to the federal questions of substance and procedure presented by cases involving student discipline. After consideration of the briefs and arguments this Court en banc does hereby

ORDER that hereafter, until further Order of the Court en banc, in the absence of exceptional circumstances, the judicial standards of procedure and substance, enunciated in the attached Memorandum, be treated as applicable to cases in this Court wherein questions involving disciplinary action of students in tax supported institutions of higher learning are presented; provided, however, that in any civil action, the jurisdiction and powers of the individual judge to whom the case is assigned are not affected hereby; and provided further, that no party to an action be precluded from submitting and requesting therein a decision *de novo* inconsistent with these standards.

September 18, 1968

- (s) William H. Becker, Chief Judge
- (s) John W. Oliver, District Judge
- (s) William R. Collinson, District Judge
- (s) Elmo B. Hunter, District Judge

MEMORANDUM ON JUDICIAL STANDARDS
OF
PROCEDURE AND SUBSTANCE
IN REVIEW OF
STUDENT DISCIPLINE IN TAX SUPPORTED
INSTITUTIONS OF HIGHER EDUCATION
DEFINITIONS

"Education" as used herein means tax supported formal higher education unless the context indicates another meaning.

"Institution" and "educational institution" as used herein mean a tax supported school, college, university, or multiversity.

that the courts are necessary to this administration of justice and for the protection of individual liberties. Nevertheless, the contributions of the modern courts in achieving the ideals of justice are primarily the products of higher education. The modern courts are, and will continue to be, greatly indebted to higher education for their personnel, their innovations, their processes, their political support, and their future in the political and social order. Higher education is the primary source of study and support of improvement in the courts. For this reason, among others, the courts should exercise caution when importuned to intervene in the important processes and functions of education. A court should never intervene in the processes of education without understanding the nature of education.

Before undertaking to intervene in the educational processes, and to impose judicial restraints and mandates on the educational community, the courts should acquire a general knowledge of the lawful missions and the continually changing processes, functions, and problems of education. Judicial action without such knowledge would endanger the public interest and be likely to lead to gross injustice.

Education is the living and growing source of our progressive civilization, of our open repository of increasing knowledge, culture and our salutary democratic traditions. As such, education deserves the highest respect and the fullest protection of the courts in the performance of its lawful missions.

There have been, and no doubt in the future there will be, instances of erroneous and unwise misuse of power by those invested with powers of management and teaching in the academic community, as in the case of all human fallible institutions. When such misuse of power is threatened or occurs, our political and social order has made available a wide variety of lawful, non-violent, political, economic, and social means to prevent or end the misuse of power. These same lawful, non-violent, political, economic and social means are available to correct an unwise but lawful choice of educational policy or action by those charged with the powers of management and teaching in the academic community. Only where erroneous and unwise actions in the field of education deprive students of federally protected rights or privileges does a federal court have power to intervene in the educational process.²

2. These principles are not applicable where influences outside the educational community seek to impose unlawful and irrelevant con-

ditions on the educational institution. Cf. *Dickson v. Sitterson* (M. D.N.C.) 280 F.Supp. 486, in which the legislature of North Carolina

STUDENT DISCIPLINE

Cite as 45 F.R.D. 133

137

LAWFUL MISSIONS OF TAX SUPPORTED
HIGHER EDUCATION

The lawful missions of tax supported public education in the United States are constantly growing and changing. For the purposes of this analysis, it is sufficient to note some of the widely recognized traditional missions of tax supported higher education in this country. Included in these lawful missions of education are the following:

- (1) To maintain, support, critically examine, and to improve the existing social and political system;
- (2) To train students and faculty for leadership and superior service in public service, science, agriculture, commerce and industry;
- (3) To develop students to well rounded maturity, physically, socially, emotionally, spiritually, intellectually and vocationally;
- (4) To develop, refine and teach ethical and cultural values;
- (5) To provide fullest possible realization of democracy in every phase of living;
- (6) To teach principles of patriotism, civil obligation and respect for the law;
- (7) To teach the practice of excellence in thought, behavior and performance;
- (8) To develop, cultivate, and stimulate the use of imagination;
- (9) To stimulate reasoning and critical faculties of students and to encourage their use in improvement of the existing political and social order;
- (10) To develop and teach lawful methods of change and improvement in the existing political and social order;
- (11) To provide by study and research for increase of knowledge;
- (12) To provide by study and research for development and improvement of technology, production and distribution for increased national production of goods and services

Attempted by statute to limit protected free speech in the facilities

45 F.R.D.—912

of the University of North Carolina.

desirable for national civilian consumption, for export, for exploration, and for national military purposes;

- (13) To teach methods of experiment in meeting the problems of a changing environment;
- (14) To promote directly and explicitly international understanding and cooperation;
- (15) To provide the knowledge, personnel, and policy for planning and managing the destiny of our society with a maximum of individual freedom; and
- (16) To transfer the wealth of knowledge and tradition from one generation to another.³

The tax supported educational institution is an agency of the national and state governments. Its missions include, by teaching, research and action, assisting in the declared purposes of government in this nation, namely:

- To form a more perfect union,
- To establish justice,
- To insure domestic tranquility,
- To provide for the common defense,
- To promote the general welfare, and
- To secure the blessing of liberty to ourselves and to posterity.

The nihilist and the anarchist, determined to destroy the existing political and social order, who direct their primary attacks on the educational institutions, understand fully the missions of education in the United States.

3. In addition to standard encyclopedic treatises some authoritative statements of the missions of tax supported education may be found in the following works and documents: Report of Commissioners Appointed To Fix The Site of The University of Virginia found in *Crusade Against Ignorance—Thomas Jefferson on Education*, (Teachers College Columbia University 1961), 114-118; *Cremia, The Genius of American Education* (Vintage Books 1966); *Higher Education for American Democracy: The Report of President's Commission, I. Establishing the Goals*, (Washington Government Printing Office

1947); *The Student Personnel Point of View*, (American Council on Education, Washington, D. C., 1938 Revised 1949); *Einstein, Out of My Later Years*, (Philosophical Library, New York 1950) 31; *Gardner, Excellence: Can We Be Equal and Excellent Too?* (Harper and Bros., New York 1961); *Dewey, Democracy and Education*, (Appleton Century Crofts, New York 1950); *Mueller, Student Personnel Work On Higher Education* (Houghton Mifflin, Boston 1961) 4-10; *Hatch and Steffle, Administration of Guidance Services*, (Prentice-Hall, Inc. 1965, 2 ed., Englewood, N. J.) 3-16.

STUDENT DISCIPLINE

Cite as 45 F.R.D. 133

139

Federal law recognizes the powers of the tax supported institutions to accomplish these missions and has frequently furnished economic assistance for these purposes.

The genius of American education, employing the manifold ideas and works of the great Jefferson,⁴ Mann, Dewey and many

4. Thomas Jefferson, the earliest and greatest advocate of tax supported higher education and the unequalled defender of personal liberty, reported in his correspondence on an early instance of a student riot at his creation, the University of Virginia, in these words:

From letter of August 27, 1825, to Ellen W. Coolidge:

"Our University goes on well. We have passed the limit of 100 students some time since. As yet it has been a model of order and good behavior, having never yet had occasion for the exercise of a single act of authority. We studiously avoid too much government. We treat them as men and gentlemen, under the guidance mainly of their own discretion. They so consider themselves, and make it their pride to acquire that character for their institution. In short, we are as quiet on that head as the experience of six months only can justify. Our professors, too, confine to be what we wish them. Mr. Glimmer accepts the Law chair, and all is well."

From letter of October 13, 1825, to Joseph Coolidge, Jr.:

"The news of our neighborhood can hardly be interesting to you, except what may relate to our University, in which you are so kind as to take an interest. And it happens that a serious incident has just taken place there, which I will state to you the rather, as of the thousand versions which will be given not one will be true. My position enables me to say what is so, but with the most absolute concealment from whence it comes; regard to my own peace requiring that,—except with friends whom I can trust and wish to gratify with the truth.

"The University had gone on with a degree of order and harmony which had strengthened the hope that much of self government might be trusted to the discretion of the students of the age of 16 and upwards, until the 1st instant. In the night of that day a party of fourteen students, animated first with wine, masked themselves so as not to be known, and turned out on the lawn of the University, with no intention, it is believed, but of childish noise and uproar. Two professors hearing it went out to see what was the matter. They were received with insult, and even brick-bats were thrown at them. Each of them seized an offender, demanded their names (for they could not distinguish them under their disguise), but were refused, abused, and the culprits calling on their companions for a rescue, got loose, and withdrew to their chambers. The Faculty of Professors met the next day, called the whole before them, and in address, rather harsh, required them to denounce the offenders. They refused, answered the address in writing and in the rudest terms, and charged the Professors themselves with false statements. Fifty others, who were in their rooms, no ways implicated in the riot and knowing nothing about it, immediately signed the answer, making common cause with the rioters, and declaring their belief of their assertions in opposition to those of the Professors. The next day chanced to be that of the meeting of the Visitors; the Faculty sent a deputation to them, informing them of what had taken place. The Visitors called the whole body of students before them, exhorted them to make known the persons masked, the innocent to aid the cause of order by bearing witnesses to the

other living authorities, has made the United States the most powerful nation in history. In so doing, it has in a relatively few years expanded the area of knowledge at a revolutionary rate.

truth, and the guilty to relieve their innocent brethren from censures which they were conscious that themselves alone deserved. On this the fourteen maskers stepped forward and avowed themselves the persons guilty of whatever had passed, but denying that any trespass had been committed. They were desired to appear before the Faculty, which they did. On the evidence resulting from this enquiry, three, the most culpable, were expelled; one of them, moreover, presented by the grand jury for civil punishment (for it happened that the district court was then about to meet). The eleven other maskers were sentenced to suspensions or reprimands, and the fifty who had so gratuitously obtruded their names into the offensive paper retracted them, and so the matter ended.

"The circumstances of this transaction enabled the Visitors to add much to the strictness of their system as yet new. The students have returned into perfect order under a salutary conviction they had not before felt that the laws will in future be rigorously enforced, and the institution is strengthened by the firmness manifested by its authorities on the occasion. It cannot, however, be expected that all breaches of order can be made to cease at once, but from the vigilance of the Faculty and energy of the civil power their restraint may very soon become satisfactory. It is not perceived that this riot has been more serious than has been experienced by other seminaries; but, whether more or less so, the exact truth should be told, and the institution be known to the public as neither better nor worse than it really is."

From letter of November 14, 1825, to Ellen W. Coolidge:

"My Dear Ellen,—In my letter of October 13 to Mr. Coolidge, I gave

an account of the riot we had had at the University and of its termination. You will both, of course, be under anxiety till you know how it has gone off. With the best effects in the world, having let it be understood from the beginning that we wished to trust very much to the discretion of the students themselves for their own government. With about four-fifths of them this did well, but there were about fifteen or twenty bad subjects who were disposed to try whether our indulgence was without limit. Hence the licentious transaction of which I gave an account to Mr. Coolidge; but when the whole mass saw the serious way in which that experiment was met, the Faculty of Professors assembled, the Board of Visitors coming forward in support of that authority, a grand jury taking up the subject, four of the most guilty expelled, the rest reprimanded, severer laws enacted and a rigorous execution of them declared in future,—it gave them a shock and struck a terror, the most severe as it was less expected. It determined the well-disposed among them to frown upon everything of the kind hereafter, and the ill-disposed returned to order from fear, if not from better motives. A perfect subordination has succeeded, entire respect towards the professors, and industry, order, and quiet the most exemplary, has prevailed ever since. Every one is sensible of the strength which the institution has derived from what appeared at first to threaten its foundation. We have no further fear of anything of the kind from the present set, but as at the next term their numbers will be more than doubled by the accession of an additional band, as unbroken as these were, we mean to be prepared, and to ask of the legislature a power to call in the civil authority in the first instant of disorder, and to

STUDENT DISCIPLINE

Cite as 45 F.R.D. 133

141

With education the primary force, the means to provide the necessities of life and many luxuries to all our national population, and to many other peoples, has been created. This great progress has been accomplished by the provision to the educational community of general support, accompanied by diminishing interference in educational processes by political agencies outside the academic community.

If it is true, as it well may be, that man is in a race between education and catastrophe, it is imperative that educational institutions not be limited in the performance of their lawful missions by unwarranted judicial interference.

OBLIGATIONS OF A STUDENT

Attendance at a tax supported educational institution of higher learning is not compulsory. The federal constitution protects the equality of opportunity of all qualified persons to attend. Whether this protected opportunity be called a qualified "right" or "privilege" is unimportant. It is optional and voluntary.

The voluntary attendance of a student in such institutions is a voluntary entrance into the academic community. By such voluntary entrance, the student voluntarily assumes obligations of performance and behavior reasonably imposed by the institution of choice relevant to its lawful missions, processes, and functions. These obligations are generally much higher than those imposed on all citizens by the civil and criminal law. So long as there is no invidious discrimination, no deprivation of due process, no abridgement of a right protected in the circumstances, and no capricious, clearly unreasonable or unlawful action employed, the institution may discipline students to secure compliance with these higher obligations as a teaching method or to sever the student from the academic community.

No student may, without liability to lawful discipline, intentionally act to impair or prevent the accomplishment of any lawful mission, process, or function of an educational institution.

quell it on the spot by imprisonment and the same legal coercions provided against disorder generally committed by other citizens from whom, at their age, they have no right to distinction."

All the foregoing quotations are found in The Writings of Thomas Jefferson, Library Edition, The Thomas Jefferson Memorial Association, Washington, D. C., 1904, Volume 18, pp. 311-318.

THE NATURE OF STUDENT DISCIPLINE
COMPARED TO CRIMINAL LAW

The discipline of students in the educational community is, in all but the case of irrevocable expulsion, a part of the teaching process. In the case of irrevocable expulsion for misconduct, the process is not punitive or deterrent in the criminal law sense, but the process is rather the determination that the student is unqualified to continue as a member of the educational community. Even then, the disciplinary process is not equivalent to the criminal law processes of federal and state criminal law. For, while the expelled student may suffer damaging effects, sometimes irreparable, to his educational, social, and economic future, he or she may not be imprisoned, fined, disenfranchised, or subjected to probationary supervision. The attempted analogy of student discipline to criminal proceedings against adults and juveniles is not sound.

In the lesser disciplinary procedures, including but not limited to guidance counseling, reprimand, suspension of social or academic privileges, probation, restriction to campus and dismissal with leave to apply for readmission, the lawful aim of discipline may be teaching in performance of a lawful mission of the institution.⁵ The nature and procedures of the disciplinary process in such cases should not be required to conform to federal processes of criminal law, which are far from perfect, and designed for circumstances and ends unrelated to the academic community. By judicial mandate to impose upon the academic community in student discipline the intricate, time consuming, sophisticated procedures, rules and safeguards of criminal law would frustrate the teaching process and render the institutional control impotent.

5. Brady and Snoxell, *Student Discipline in Higher Education*, American Personnel and Guidance Association, 1965; Williamson, *Student Personnel Services in Colleges and Universities*, McGraw Hill, 1961, pp. 141-212; Mueller, *Student Personnel Work in Higher Education*, Houghton, Mifflin, Boston, 1961, pp. 332-335; Hatch and Steffire, *Administration of Guidance Services*, Prentice-Hall, Inc., 1965, 2d ed., Englewood, N. J., pp. 16-27; Williamson and Foley, *Counseling and Discipline*, McGraw Hill, New York,

1949, pp. 1-49; Baaken, *The Legal Basis For College Student Personnel Work*, 2d ed. 1968, The American Personnel and Guidance Association, Washington, D. C.; Cullen, *Educational Aspects of In Loco Parentis*, 8 *Journal of College Student Personnel*, 231-233, July 1961; Cf. Van Alstyne, *Student Academic Freedom and Rule Making Powers of Public Universities*, 2 *Law in Transition Quarterly* 1; *Developments in the Law - Academic Freedom*, 81 *Harvard Law Review* 1045-1159.

STUDENT DISCIPLINE
Cite as 45 F.R.D. 133

143

A federal court should not intervene to reverse or enjoin disciplinary actions relevant to a lawful mission of an educational institution unless there appears one of the following:

- (1) a deprivation of due process, that is, of fundamental concepts of fair play;
- (2) invidious discrimination, for example, on account of race or religion;
- (3) denial of federal rights, constitutional or statutory, protected in the academic community; or
- (4) clearly unreasonable, arbitrary or capricious action.

PROVISIONAL PROCEDURAL AND JURIS-
DICTIONAL STANDARDS .

In the absence of exceptional circumstances these standards are applicable.

Jurisdiction

1. Under Sections 1343(3), Title 28, and 1983, Title 42, U.S.C., and also in appropriate cases under Sections 2201, 1331(a) or 1332(a), Title 28, U.S.C., the United States District Courts have jurisdiction to entertain and determine actions by students who claim unreasonably discriminatory, arbitrary or capricious actions lacking in due process and depriving a student of admission to or continued attendance at tax supported institutions of higher education.

Nature of Action

2. The action may be
 - (a) Under Section 1983, an action at law for damages triable by a jury;
 - (b) Under Section 1983, a suit in equity; or
 - (c) Under Section 1983 and Section 2201, a declaratory judgment action, which may be legal or equitable in nature depending on the issues therein.

Question of Exhaustion of Remedies

3. In an action at law or equity under Section 1983, Title 42, U.S.C., the doctrine of exhaustion of state judicial remedies is not applicable. The fact that there is an existing state

judicial remedy for the alleged wrong is no ground for stay or dismissal.⁶

Ordinarily until the currently available, adequate and effective institutional processes have been exhausted, the disciplinary action is not final and the controversy is not ripe for determination.

Right to Jury Trial

- 4. In an action at law under Section 1983, the issues are triable by jury and equitable defenses are not available.

Trial of Equitable Actions

- 5. In an equitable action by a court without a jury under Section 1983, equitable doctrines and defenses are applicable.
 - (a) There must be an inadequate remedy at law.
 - (b) The plaintiff must be in a position to secure equitable relief under equitable doctrines, for example, must come with "clean hands."

Question of Mootness

- 6. In an action at law or equity under Section 1983, Title 42, U.S.C., to review severe student disciplinary action, the doctrine of mootness is not applicable when the action is timely filed.⁷

PROVISIONAL SUBSTANTIVE STANDARDS IN STUDENT DISCIPLINE CASES UNDER SECTION 1983, TITLE 42

- 1. Equal opportunity for admission and attendance by qualified persons at tax supported state educational institutions of higher learning is protected by the equal privileges and immunities, equal protection of laws, and due process clauses of the Fourteenth Amendment to the United States Constitution. It is unimportant whether this protected opportunity is defined as a right or a privilege. The protection of the opportunity is the important thing.

6. *Monroe v. Pape*, 365 U.S. 167, 81 S.Ct. 473, 5 L.Ed.2d 492; *Damico v. California*, 389 U.S. 416, 88 S.Ct. 526, 19 L.Ed.2d 617; *McNeese v. Board of Education*, 373 U.S. 685, 83 S.Ct. 1433, 10 L.Ed.2d 622.

7. *Cf. Carnfas v. La Valle*, 391 U.S. 234, 88 S.Ct. 1556, 20 L.Ed.2d 554

(1968), overruling *Parker v. LL* 362 U.S. 574, 80 S.Ct. 909, 4 L.Ed.2d 963 (1960), and *Sibron v. State of New York*, 392 U.S. 40, 88 S.Ct. 1889, 20 L.Ed.2d 917 (1968), quoting *St. Pierre v. United States* 319 U.S. 41, 63 S.Ct. 910, 87 L.Ed. 1199 (1943).

2. In an action under Section 1983, issues to be determined will be limited to determination whether, under color of any statute, ordinance, regulation, custom or usage of a state ("state action"), a student has been deprived of any rights, privileges, or immunities secured by the Constitution and laws of the United States.
3. State constitutional, statutory, and institutional delegation and distribution of disciplinary powers are not ordinarily matters of federal concern. Any such contentions based solely on claims of unlawful distribution and violation of state law in the exercise of state disciplinary powers should be submitted to the state courts. Such contentions do not ordinarily involve a substantial federal question of which the district court has jurisdiction under Section 1983. This rule does not apply, however, to actions based on diversity jurisdiction under Sections 1331, 1332 or 2201, Title 28, U.S.C.
4. Disciplinary action by any institution, institutional agency, or officer will ordinarily be deemed under color of a statute, ordinance, regulation, custom or usage of a state ("state action") within the meaning of Section 1983, Title 42, U.S.C.
5. In the field of discipline, scholastic and behavioral, an institution may establish any standards reasonably relevant to the lawful missions, processes, and functions of the institution. It is not a lawful mission, process, or function of an institution to prohibit the exercise of a right guaranteed by the Constitution or a law of the United States to a member of the academic community in the circumstances. Therefore, such prohibitions are not reasonably relevant to any lawful mission, process or function of an institution.
6. Standards so established may apply to student behavior on and off the campus when relevant to any lawful mission, process, or function of the institution. By such standards of student conduct the institution may prohibit any action or omission which impairs, interferes with, or obstructs the missions, processes and functions of the institution.

Standards so established may require scholastic attainments higher than the average of the population and may require superior ethical and moral behavior. In establishing standards of behavior, the institution is not limited to the standards or the forms of criminal laws.

7. An institution may establish appropriate standards of conduct (scholastic and behavioral) in any form and manner reasonably calculated to give adequate notice of the scholastic attainments and behavior expected of the student.

The notice of the scholastic and behavioral standards to the students may be written or oral, or partly written and partly oral, but preferably written. The standards may be positive or negative in form.

Different standards, scholastic and behavioral, may be established for different divisions, schools, colleges, and classes of an institution if the differences are reasonably relevant to the missions, processes, and functions of the particular divisions, schools, colleges, and classes concerned.

8. When a challenged standard of student conduct limits or forbids the exercise of a right guaranteed by the Constitution or a law of the United States to persons generally, the institution must demonstrate that the standard is recognized as relevant to a lawful mission of the institution, and is recognized as reasonable by some reputable authority or school of thought in the field of higher education.⁸ This may be determined by expert opinion or by judicial notice in proper circumstances. It is not necessary that all authorities and schools of thought agree that the standard is reasonable.

9. Outstanding educational authorities in the field of higher education believe, on the basis of experience, that detailed codes of prohibited student conduct are provocative and should not be employed in higher education.⁹

For this reason, general affirmative statements of what is expected of a student may in some areas be preferable in higher education. Such affirmative standards may be employed, and discipline of students based thereon.

10. The legal doctrine that a prohibitory statute is void if it is overly broad or unconstitutionally vague does not, in the absence of exceptional circumstances, apply to standards of student conduct. The validity of the form of standards of student conduct, relevant to the lawful missions of higher

8. Cf. Van Alstyne, Student Academic Freedom and Rule Making Powers of Public Universities: Some Constitutional Considerations, 2 *Law in Transition Quarterly* 1, l. c. 23-25.

9. Brady and Snoxell, Student Personnel Work In Higher Education (Houghton-Mifflin, Boston, 1961) p. 378.

education, ordinarily should be determined by recognized educational standards.

11. In severe cases of student discipline for alleged misconduct, such as final expulsion, indefinite or long-term suspension, dismissal with deferred leave to reapply, the institution is obligated to give to the student minimal procedural requirements of due process of law.¹⁰ The requirements of due process do not demand an inflexible procedure for all such cases. "But 'due process' unlike some legal rules, is not a technical conception with a fixed content unrelated to time, place and circumstances."¹¹ Three minimal requirements apply in cases of severe discipline, growing out of fundamental conceptions of fairness implicit in procedural due process. First, the student should be given adequate notice in writing of the specific ground or grounds and the nature of the evidence on which the disciplinary proceedings are based. Second, the student should be given an opportunity for a hearing in which the disciplinary authority provides a fair opportunity for hearing of the student's position, explanations and evidence.¹² The third requirement is that no disciplinary action be taken on grounds which are not supported by any substantial evidence.¹³ Within limits of due process, institutions must be free to devise various types of disciplinary procedures relevant to their lawful missions, consistent with their varying processes and functions, and which do not impose unreasonable strain on their resources and personnel.

There is no general requirement that procedural due process in student disciplinary cases provide for legal representation, a public hearing, confrontation and cross-examination of witnesses, warnings about privileges, self-incrimination, application of principles of former or double jeopardy, compulsory production of witnesses, or any of the remain-

10. *Dixon v. Alabama State Board of Education* (C.A.5) 294 F.2d 150, cert. den. 368 U.S. 930, 82 S.Ct. 368, 7 L.Ed.2d 193 (1961); *Esteban v. Central Missouri State College* (W. D.Mo., 1967) 277 F.Supp. 619.

11. Cf. concurring opinion in *Joint Anti-Fascist Refugee Committee v. McGrath*, 341 U.S. 123, 71 S.Ct. 624, 95 L.Ed. 817; *Cafeteria and Restaurant Workers Union v. McElroy*, 307 U.S. 886, 81 S.Ct. 1743, 6 L.Ed. 2d 1230, 1 c. 1230.

12. The first two requirements are supported by *Dixon v. Alabama State Board of Education*, supra, and *Esteban v. Central Missouri State College*, supra.

13. Cf. *Thompson v. City of Louisville*, 362 U.S. 199, 80 S.Ct. 624, 4 L.Ed.2d 654, 1 c. 659. In citing the *Thompson* case there is no intention to require adherence to the judicial exclusionary rules of evidence.

ing features of federal criminal jurisprudence.¹⁴ Rare and exceptional circumstances, however, may require provision of one or more of these features in a particular case to guarantee the fundamental concepts of fair play.

It is encouraging to note the current unusual efforts of the institutions and the interested organizations which are devising and recommending procedures and policies in student discipline which are based on standards, in many respects far higher than the requirements of due process. See for example the Joint Statement on Rights and Freedoms of Students, 54 A.A.U.P. Bulletin No. 2, Summer 1968, 258, a report of a joint committee of representatives of the U. S. National Students Association, Association of American Colleges, American Association of University Professors, National Association of Student Personnel Administrators, National Association of Women's Deans and Counselors, American Association of Higher Education, Jesuit Education Association, American College Personnel Association, Executive Committee, College and University Department, National Catholic Education Association, Commission on Student Personnel, American Association of Junior Colleges; and the University of Missouri, Provisional Rules of Procedure In Student Disciplinary Matters.

Many of these recommendations and procedures represent wise provisions of policy and procedure far above the minimum requirements of federal law, calculated to ensure the confidence of all concerned with student discipline.

The excellent briefs and arguments, including those of amici curiae, have been of great assistance in the preparation of this memorandum.

14. Dixon v. Alabama State Board of Education, supra; Madera v.

Board of Education of City of New York, supra.

APPENDIX C

Report to SUNYA University Senate,
CAMPUS FIREARMS POLICY

CAMPUS FIREARMS POLICY

Report to the University Senate by the
University Community Council in response to
Senate Bill 197374-07 -- January 17, 1974

In a meeting of January 17, 1974, the University Community Council approved by a vote of 11-1-1 the report of its Ad Hoc Committee on Campus Firearms Policy. The background and analysis statements prepared by the sub-committee are appended. The University Community Council recommends that the Faculty Senate approve the following statement as Senate policy.

1. There is no serious question as to the legitimacy of Campus Police firearms usage within the limitations and restrictions of the SUNY Board of Trustees' policies.
2. There is a need for selective arming of the Campus Police.
3. The conditions tentatively imposed on the Campus Police firearms usage by the Vice President for Management and Planning and approved in an interim position taken by the University Senate are appropriate and adequate and should be continued in effect. Arming is permitted for:
 - a) the guarding and transportation of large amounts of cash for the Bursar's Office and for F.S.A.;
 - b) the arrest by warrant for serious felonies or execution of search warrants;
 - c) the escorting of distinguished campus visitors when armed protection is requested by their own government or agency;
 - d) in response to a felony in progress on campus or to a holdup alarm.
4. Training in the use of firearms given to those Campus Police who are authorized to carry them, considerably exceeds the

State mandated level and would seem to be adequate and appropriate.

5. The provisions for Campus Police carrying and usage of firearms contained in Article 12 of the University Police Manual of Standards and Procedures have been amended by the Director of Campus Police to incorporate all suggestions of the Ad Hoc Committee (these suggestions are detailed in the appended material). These provisions seem adequate and appropriate.

6. The provisions for review of Campus Police action involving firearms and appropriate record and report contained in Article 12 of the University Police Manual of Standards and Procedures have been amended by the Director of Campus Police to incorporate all suggestions of the Ad Hoc Committee (these suggestions are detailed in the appended material). These provisions seem adequate and appropriate.

Background

1. In its meeting of September 12, 1973, the University Community Council considered Bill 197374-07 (Campus Firearms Policy) which had been referred to it by the University Senate for study and recommendation. A sub-committee of E. Klee (Chairperson), J. Williams, W. Brown, and S. Gerber assembled documentary information relative to the SUNY/A firearms policy and presented it with a report of September 21, 1973.

2. On October 15, 1973, another sub-committee composed of W. Brown, P. Buchalter, E. Klee, G. Knibloe, K. Krieger, E. Lonschein, and J. Williams was appointed to study the following questions and make specific recommendations thereon:

- a) Whether there is an apparent need for selected firearms usage on campus,
- b) Whether the conditions under which firearms may be carried by Campus Police Officers as listed in paragraph II of Senate Bill No. 197374-07 are appropriate and adequate,
- c) Whether the training given to the Campus Police in the use of firearms is adequate,
- d) Whether the provisions for carrying and usage of firearms are appropriate, and
- e) Whether the provisions for review of action involving firearms and appropriate record and report are adequate.

3. The question of legitimacy of firearms carrying was not considered to be a charge of this specific committee since it was decided in the affirmative at a meeting of the total University Community Council.

- ° 4. Members of the sub-committee met on five occasions. W. Brown was chosen as chairperson, P. Buchalter as co-chairperson. As a result of their study, they have prepared the following report which was approved by all members of the sub-committee.
- ° 5. James Williams, Director of the Campus Police and a member of the sub-committee, has accepted the suggestions of the sub-committee and, accordingly, revised Article 12 of the University Police Manual of Standards and Procedures. The sub-committee wishes to be clear that it makes no claim to any participation in the administrative process involved in the Manual revision. Mr. Williams has this power and chose to exercise it in line with the sub-committee recommendations.
- ° 6. Is There A Need for Selective Armament of the Campus Police?

The sub-committee concluded that there was a need for selectively arming the Campus Police.

The argument for such armament is not based on the belief that it will prevent crime. Police are armed so that they can respond effectively, not with any belief that their armament will reduce the number of crimes committed.

It seems unrealistic to expect campus police officers to respond promptly to serious crimes--particularly those involving armed criminals--unless they have some ability to meet armed resistance. The problem is greater than is indicated by the number of serious crimes which occur. Calls for police service often mistakenly allege that a felony involving deadly weapons is in progress and the police must assume that such a possibility exists. In a recent incident, two non-student youths were playing with a starter pistol and firing it at night on the Podium. Such a matter may be reported as "shots being fired," a not infrequent signal to the police of a holdup.

The possibility of relying on external police agencies for armed response was considered. However, the main campus is at the extreme edge of the Albany Police Department's territory. Because of the geography of Albany, the University edge of the jurisdiction is the most inaccessible part of the Capital City. The Town of Guilderland, which has jurisdiction over approximately one-quarter of the campus, has only one patrol car for a large suburban area and would seem equally unable to respond effectively.

The campus is, in effect, a community of moderate size, somewhat isolated from the communities which, technically, have concurrent police jurisdiction. There seems little likelihood that the limited police resources of these communities of Guilderland or Albany could respond effectively and willingly to campus emergencies, yet those emergencies will occur.

Beyond the question of capacity of these external agencies to respond, there is the nature of the relationship between the students and, respectively, the campus and the external police agency representatives. There was unanimous agreement on the committee that students could anticipate greater understanding from Campus Police.

7. Appropriateness and Adequacy of Interim Policy

At the present time, firearms usage on the campus is governed by a set of conditions determined in Senate approval of the request of the Vice President for Management and Planning. Arming is permitted for:

- a) the guarding and transportation of large amounts of cash for the Bursar's office and for F.S.A.;
- b) the arrest by warrant for serious felonies or execution of search warrants;

- c) the escorting of distinguished campus visitors when armed protection is requested by their own government or agency;
- d) in response to a felony in progress on campus or to a holdup alarm.

The Director of Campus Security has agreed that these provisions are adequate and the members of the committee believe that they are reasonable and appropriate. Experience during the time since the adoption of this policy appears to confirm that it is an adequate and appropriate guideline for Campus Police firearms usage.

8. Training

James Williams, Director of the Campus Police and a member of the sub-committee, gave assurance that every one of the eleven members of the Campus Police Department who fall within the provisions of the mandated training requirement (that is, all except the Director and the Assistant Director of the Campus Police) have received at least 75 hours of training. This is considerably in excess of the Municipal Police Training Council requirement and involves refresher training at six-month intervals, a requirement not found in the Municipal Police Training Council recommendations. Training is given at the local range of the New York State National Guard in Guilderland.

9. Carrying, Usage, Report Record

The requirements for the carrying, usage, reporting and recording of information concerning firearms used by the Campus Police are controlled by the regulations in Article 12 of the University Police Manual of Standards and Procedures. The following changes in this series of regulations are recommended:

12.3 -- Instead of a listing of specific standards, the provision will be that only University owned guns and ammunition will be carried. It is recommended, however that the present description of the appropriate police weapon be retained.

12.4 -- This Article defines the usage of firearms on the campus. It is recommended that these provisions be amended as follows:

1. In place of sub-paragraph a, substitute paragraph E.9 of the Regulations* of April 10, 1973.
2. In place of the reference to §35.30, sub.2, New York Penal Law, the subdivision will be quoted.

* Regulations adopted by SUNY Board of Trustees Resolution 73-148 of May 23, 1973. These Regulations have been formally adopted as Item 080.1 of the Administrative Policies of the State University of New York by TR73-13 of November 8, 1973. The entire substance of the Trustee Regulations has been included in the suggested Manual provisions. Changes have only been introduced to give greater specificity to the provisions governing campus police conduct.

APPENDIX D

QUESTIONNAIRES

QUESTIONNAIRE TO PRESIDENTS

The following statement of goals for campus security were contained in the 1971 monograph, Order and Justice on Campus. Please note your opinion of the importance of each goal in the box to the right. If you believe that any goal should be added, please list it in the spaces below.

	Very important	Important	Mildly useful	Unimportant	Should not be a goal
1. The protection of members of the campus community against crime on campus.	13	1			
2. The protection of members of the campus community in their civil rights if they are charged with a crime or if they are charged with a violation of University rules.	10	4			
3. The preservation of order and the protection of property on campus.	10	4			
4. To the maximum extent possible, the assumption of the enforcement burden by campus community consensus rather than by the enforced control of official regulatory agencies.	7	4	2		
5. The provision of information and designated emergency and regulatory services on University grounds. (see: page 12)	5	7	2		
6. That the University community comes to accept the campus administration of justice as not only efficient and directed toward acceptable goals but also as just and humane.	12	1	1		
7. That the total picture which the external social and political communities receive of the University's administration of its security function demonstrates a responsible stewardship over the University campus and those who people it.	7	7			
8. Other goal, please identify:					

9-1

9-11

9. Since August, 1972, has your executive office formally discussed any issues surrounding the operation of the following:

	Yes	No	Don't Know.
Security Operations	12	2	
Rule Making and Enforcement	11	3	
Faculty-Staff Disciplinary Hearing Process	8	6	
Student Disciplinary Hearing Process	11	3	

If yes to any of the above in question 9, please briefly describe the nature of the issue(s) discussed and the results of the discussion(s). If you need more space than is allocated, then please write on the back of this page.

10. Has your executive office appointed a committee to consider any of the issues listed in question 9 or referred such issues to an existing committee for study and recommendation?

14 Yes 16 No 3 Not applicable 9-1

11. If yes to question 10, please describe the make-up of the committee(s); i.e., the percentage of students, faculty and/or staff composing the committee. Please also indicate from which group the chairperson came by placing a C in the space allotted for the percentage of that group.

Committee's Name	% of students	% of faculty	% of staff
1-3	mixed 2		
	unmixed 1		

12. How frequently does your executive receive reports concerning the operations of the following: (Please check each appropriate box)

	Monthly	Quarterly	Annually	When a problem develops	Other, please identify:
Security Operations	9		1	2	2 1-2
Rule Making and Enforcement			1	11	9-2
Faculty-Staff Disciplinary Hearing Process			1	12	9-1
Student Disciplinary Hearing Process		1		11	9-2

13. In your estimation, how well do these reports inform your executive?

	Very Well	Well	Neither well nor badly	Badly	Very Badly	No Opinion
Security Operations	6	6	1			9-1
Rule Making and Enforcement	1	5	3			3 9-2
Faculty-Staff Disciplinary Hearing Process	1	6	1			5 9-1
Student Disciplinary Hearing Process	4	5				3 9-2

14. If you have any comments - either expressing satisfaction with what your executive now receives or suggesting changes concerning the reporting systems of the above operations - please give them here.

15. In your estimation, how serious a problem is crime on campus?

- Very serious
- Cause of concern
- Minor concern
- No concern
- No opinion

16. With regard to the legislation which confers police officer powers on those campus security officer who are peace officers, do you think that this legislation gives these campus security officers:

- Too much authority
- Adequate authority
- Too little authority
- No opinion

17. To what extent should your campus security force be responsible for enforcing local, state, and federal laws on campus?

- Entire enforcement burden, including major disruptions
- Entire enforcement burden, short of major disruptions
- Ability to handle most incidents which come to their attention, but with the mandate to get external assistance (local or state police) for unusual situations
- Ability to stabilize situations until an external police agency can respond to the incident and investigate the matter
- Very restricted law enforcement burden -- generally summon an external police agency
- Other, please describe: _____

- No opinion

12. How well would your executive rate the following:

	Very high	High	Medium	Low	Very Low	No opinion
Security						
Response to crime	6	7				9-1
Crime prevention	3	7	3			9-1
Traffic regulation	2	9	1		1	9-1
Assistance rendered to incapacitated persons	8	3	2			9-1
Rule Making						
Capability to reformulate rules		6	2	1		2 9-3
Amendment procedures	1	5	2			3 9-3
Ability to gain community support		3	7			1 9-3
Faculty - Staff Disciplinary Hearing Process						
Adequacy of due process	2	7				3 9-2
Ability to handle workload	2	7				3 9-2
Fairness	5	4				3 9-2
Student Disciplinary Hearing Process						
Adequacy of due process	3	9				9-2
Ability to handle workload	3	8	1			8-2
Fairness	7	5				9-2

19. Has your campus revised its rules governing:

	Yes	No	Don't know	
Personal Conduct				
Faculty - Staff	4	7	2	9-1
Student	6	5	1	9-2
Disciplinary Hearing Body Procedures				
Faculty - Staff	4	7	1	9-2
Student	9	4	1	

20. If yes to any of the above, was your executive generally satisfied with the procedures which were followed in making the revisions?

	Yes	No	No opinion	
Personal Conduct				
Faculty - Staff	5		2	9-7
Student	7		1	9-6
Disciplinary Hearing Body Procedures				
Faculty - Staff	4		3	9-7
Student	9		1	9-4

If no to any of the above in question 20, please briefly describe the nature of the dissatisfaction.

21. In your estimation, is your executive satisfied with the existing structures which allow for campus community participation (students and faculty) in the formulation of administrative policies for:

	Yes	No	No Opinion	
Security Operations	10		3	9-1
Rule Making and Enforcement	12			9-2
Faculty-Staff Disciplinary Hearing Process	9		3	9-2
Student Disciplinary Hearing Process	13			9-1

If no to any of the above in question 21, please briefly describe the nature of the dissatisfaction.

9. Approximately, how much time percentagewise does your office spend on disciplinary matters; i.e., rule formulation and review, enforcement of rules and supervision of campus judicial bodies? _____ % out of 100%

198-1 | 59-3 | 158-1 | 398-2
38-1 | 108-1 | 258-2 |

10. When your office has to discuss discipline issues (rule formulation and review, enforcement of rules and the operation of the campus judicial system) with faculty senate representatives, how often is agreement reached?

- 2 1. All of the time
- 9 2. Most of the time
- _____ 3. Some of the time
- _____ 4. Rarely
- _____ 5. Never
- _____ 6. No opinion

11. Whenever your office has to discuss discipline issues with student government representatives, how often is agreement reached?

- 2 1. All of the time
- 8 2. Most of the time
- 1 3. Some of the time
- _____ 4. Rarely
- _____ 5. Never
- _____ 6. No opinion

12. How many times has your campus had to re-ise its rules governing behavior since 1967? _____

1 time - 4 | 3 times 2 | 6 times 1
2 times - 1 | 5 times 3 |

13. Have your campus' rules governing behavior and any subsequent amendments been filed with the Secretary of State in Albany?

	Yes	No	Not known
Rules	8	2	1
Amendments	5	2	2

2

14. In addition to traffic regulations and the Board of Trustee's Rules, are there other rules governing non-academic behavior which apply to faculty - staff personnel as well as to students?

- 8 1. Yes
- 2 2. No
- 1 3. Not known

If yes, please specify: _____

15. Is there one office or committee which is responsible for overseeing the development of rules governing behavior which affect faculty, staff and students?

- 4 1. Yes. Please identify: _____
- 7 2. No
- _____ 3. Not known

16. In your campus' rules governing student behavior, is there a schedule of maximum possible sanctions based on the seriousness of the rule infraction?

- 5 1. Yes
- 6 2. No
- _____ 3. Not known

17. If such a schedule is in effect, or were to take effect, on your campus, what is, or would be, your opinion of it?

- 5 1. Be a help
- 3 2. Be a hindrance
- 1 3. Make no difference
- _____ 4. Other, please describe _____

- 1 5. No opinion

- 1 9.

18. If such a schedule of sanctions for infractions does not exist, do your rules governing non-academic behavior distinguish between serious infractions and minor infractions?

- 2 1. Yes
- 4 2. No
- 4 3. Not applicable
- 1 4.

19. In your campus' rules governing student behavior, can a student theoretically be expelled for the infraction of any rule?

- 7 1. Yes
- 3 2. No
- 1 3. Not applicable

20. Has your campus experienced an incident within the past two years wherein administrative problems resulted because the rules governing student behavior were vague or non-existent with regard to the particular circumstances?

- 3 1. Yes
- 8 2. No
- 3. Not known

If yes, do you view this development as:

- 26 3 1. An isolated incident
- 0 2. A recurring problem

21. With respect to disciplinary matters, who is responsible for overseeing student organizations? Please check each appropriate box.

- 2 1. Student Government
- 2. Faculty Senate
- 5 3. Student Affairs Office
- 4. Other, please identify _____

 5. Not clarified

1 6

6. #3 + 1 other

7. #3 + 2 others

8. 2 responses other than #3

22. Within the past two years, has the Central Office of S.U.N.Y. informed you that some rule governing behavior on your campus was inconsistent with the rules and policies of the Board of Trustees?

- 1. Yes
- 11 2. No
- 3. Not known

23. Of how much concern has the intervention of appellate courts throughout the country in university handling of student disciplinary matters been to your office?

- 2 1. No concern
- 4 2. Some concern
- 4 3. Great concern
- 1 4. No opinion

24. Have any appellate court decisions prompted your campus to amend its rules and procedures governing behavior?

- 2 1. Yes
- 8 2. No
- 1 3. Not known

If yes, please briefly describe the amendments _____

25. Within the academic year, August 1, 1972 to July 31, 1973, how many times did a student take your unit of the University to court over campus rules or disciplinary procedures? _____

0-11- | 2- |
1- | 3- |

Please briefly describe the issue(s) being litigated.

26. Between August 1, 1972 and July 31, 1973, how many times has a security officer or other official acting for your campus brought a student to court for a crime or in a civil action arising from an on-campus incident such as a theft or property damage?

8 = 8 and above

Criminal Court	0-5 1-1	5-1 8-2 9-2
Civil Court	0-5 3-1	6-1 9-4

27. Do written criteria exist as to when your campus will pursue either the criminal law route or the campus judicial system when a student, staff or faculty member violates the law on campus?

	Yes	No	Not Known
Student	3	8	
Faculty	2	8	9-1
Staff	2	8	9-1

28. Have such criteria been implemented in written guidelines for security personnel as to, when they should arrest an individual of the campus community for violating the law as opposed to when they should refer the matter on to the campus judicial system?

	Yes	No	Not Known
Student	2	5	3 9-1
Faculty	1	5	3 9-2
Staff	1	5	3 9-2

29. Does a written policy exist which explains the relationship between your office and the security office?

- 4 1. Yes
- 7 2. No
- _____ 3. Not known

30. Do written procedures exist which outline how a request for external police agency assistance is to be made through your campus' administration?

- 10 1. Yes
- 1 2. No
- _____ 3. Not known

31. Are you familiar with the legislation of last May which allows for certain members of the security force to have police officer powers?

11 1. Yes

_____ 2. No

32. Does your office think that this legislation which confers police officer powers on certain members of the security force will have any ramifications with respect to your office's relationship to the security unit?

5 1. Yes

5 2. No

1 3. No opinion

If yes, please briefly describe _____

33. In your opinion, how serious a problem is crime on your campus?

_____ 1. Very serious

8 2. Cause of concern

3 3. Only a minor concern

_____ 4. No concern

_____ 5. No opinion

34. In regard to meeting the demands of your job, do you feel sufficiently informed as to what the security force does on your campus?

9 1. Yes

2 2. No

_____ 3. No opinion

35. Are you familiar with the type of training which a security officer receives?

9 1. Yes

2 2. No

36. Do you see any needs with respect to formulating and enforcing rules governing behavior or the procedures for the enforcement of the criminal law on campus which are not currently being met on your campus?

- 3 1. Yes
- 7 2. No
- 1 3. No opinion

If yes, please briefly describe those needs and what you think is necessary to meet them _____

37. Please enumerate the various hearing bodies dealing with student discipline on your campus. We would appreciate knowing how they are staffed and operated. If this information is contained in a student or other handbook, we would appreciate your enclosing a copy of that document. If not, please advise us how to obtain the information.

- 9 1. Relevant documents attached
- 2. Information is attached in non-published form
- 2 3. Other, please explain _____

38. Do the hearing officers of your student disciplinary hearing boards undergo a training program?

- 6 1. Yes
- 5 2. No
- _____ 3. Don't know

If yes, please describe the nature of this training

39. If training is given, do you think that it is sufficient?

- 2 1. Yes
- 3 2. No
- 5 3. Not applicable
- 1 9.

40. If training is not given, do you think this lack of training is:

- 2 1. Against the best interests of the campus
- 3 2. Makes no difference
- 1 3. No opinion
- 3 4. Not applicable
- 2 9.

41. Do the hearing bodies generally manage to take care of cases within a time period which meets the needs of the campus?

- 10 1. Yes
- 1 2. No
- 3. No opinion

42. Are there written provisions within the rules governing hearing body procedures which allow your office to appeal evidentiary, procedural or substantive findings of the student hearing bodies?

- 4 1. Yes If yes, these provisions are contained in: _____
 - 6 2. No
 - 1 3. Not known Attached Not attached
- 9-7

43. Are you satisfied with respect to the scope and clarity of the rules of procedure for the student disciplinary hearing bodies?

- 8 1. Yes
- 3 2. No
- 3. No opinion

44. How many times has your campus had to restructure its disciplinary hearing boards since 1967? _____

0-2	2-3
1-4	3-2

45. Do you see any needs with respect to the operations of the student disciplinary hearing boards which are not currently being met on your campus?

- 3 1. Yes
- 7 2. No
- 1 3. No opinion

If yes, please briefly describe those needs and what you think is necessary to meet them _____

46. Have any disruptions affecting the maintenance of campus order occurred on your campus, but not requiring the invocation of the Trustee's Rules,

- 1. Yes, please give number 1-1
3-1
- 7 2. No 9-2

47. Has your campus had cause to invoke the rules and regulations of the Board of Trustees on the maintenance of campus order

- 1. Yes, please give number 1-4
2-1
- 4 2. No
- 3. Don't know 9-2

48. If these rules of the Board of Trustees were invoked on your campus, how well did the procedures for which these rules provide work out?

- 1 1. Very well
- 2 2. Well
- 2 3. All right
- 1 4. Badly
- 5. Very badly
- 5 6. Not applicable

49. Was it necessary for your campus to retain legal counsel at any time to conduct these proceedings?

- 3 1. Yes
- 3 2. No
- 5 3. Not applicable

50. Did the Rules and Regulations of the Board of Trustees add anything new to the already existing rules governing student conduct on your campus?

- 1 1. Yes
- 3 2. No
- 1 3. Don't know

51. Did the Central Office of S.U.N.Y. contact your campus prior to the installation of these rules so as to solicit your campus' opinion of them?

- 5 1. Yes
- 2 2. No
- 4 3. Don't know

52. Has your campus obtained an injunction against any activity on its grounds within the past two years?

- 1. Yes
- 11 2. No
- 3. Don't know

If an injunction was obtained, please answer questions 53-57. Otherwise disregard these questions and go to question 58.

53. Was the injunction:

- 1. Temporary only
- 2. Permanent
- 3. Don't know
- 11 9.

54. Was the injunction for: Please check each appropriate line.

- 1. An ongoing demonstration
- 2. A planned demonstration
- 3. Other, please identify _____
- 4. Don't know

55. Was the campus security force able to enforce the injunction?

- 1. Yes
- 2. No
- 3. Injunction did not have to be enforced
- 4. Don't know
- 11 9.

56. Was it necessary to call in outside police agencies to enforce the injunction?

_____ 1. Yes

_____ 2. No

_____ 3. Don't know

11 9.

57. Overall, how would you rate the effectiveness of the injunction?

_____ 1. Very good

_____ 2. Good

_____ 3. Neither good nor bad

_____ 4. Bad

_____ 5. Complete failure

_____ 6. No opinion

11 9.

58. Do you feel adequately informed about the limitations and capabilities of the injunction?

4 1. Yes

3 2. No

4 3. No opinion

59. Has your office heard from other campuses within the S.U.N.Y. system as to their experiences with the use of the injunction?

_____ 1. Yes

10 2. No

_____ 3. Don't know

1 9.

60. If yes to 59, was what you heard about the use of the injunction:

_____ 1. Favorable

_____ 2. Neither favorable nor unfavorable

_____ 3. Unfavorable

2 4. Not applicable

9 9.

61. Do you see any needs which are not being met with regard to your campus' contingency plans for disorder on campus?

- 1 1. Yes
- 9 2. No
- 1 3. No opinion

If yes, please briefly describe those needs and what you think must be done to meet them _____

62. In the case of an investigation of a member of the campus community by a government agency (that is, the investigation is not being done at the request of the individual), does your campus have a written policy regarding the disclosure of:

For Faculty - Staff

- security records
- disciplinary records
- employment records

Yes	No	Don't know
7		4
7	1	3
7		4

For Students - Alumni

- transcripts
- other academic records
- security records
- disciplinary records
- employment records

10		1
10		1
9		1
10	1	
9		1

9-1

9-1

63. Has your campus attempted to implement the concept of student participation with respect to the following:

- Rule making
- Disciplinary Hearing Boards
- Security Operations

Yes	No	Don't know
11		
11		
7	2	2

64. How would you rate the effectiveness of participation with respect to:

	Very good	Good	Adequate	Needs Improvement	Failure, but can work	Failure, can never work	Not Applicable
Rule Making	4	3	3	1			
Hearing Body	5	3	2	1			
Security Operations		4	2	3	1		1

65. In implementing the concept of student participation at the above junctures, how receptive was the student body on your campus?

- 3 1. Most of the student body was receptive and willing to participate.
- 2 2. A majority of the student body was receptive and willing to participate.
- 6 3. A limited number of students were receptive and willing to participate.
- _____ 4. No one was receptive and willing to participate.
- _____ 5. Not applicable.

66. Would you characterize those students who were receptive and willing to participate as being representative of:

- 2 1. Every major student interest group on campus
- 4 2. Most major student interest groups on campus
- 5 3. A small number of student interest groups on campus
- _____ 4. No student interest groups on campus
- _____ 5. Not applicable

67. Can you please identify those groups by type, not by name, (for example, political groups, student government, fraternities, etc.) which take charge of the situation when student participation is introduced? Please list:

68. Are there any noticeable interest groups which are not represented when efforts toward student participation are undertaken? Please list:

69. Has the introduction of participation prolonged the decision making process?

- 6 1. Yes
- 5 2. No
- _____ 3. Not applicable

70. Has the introduction of participation blurred lines of responsibility with respect to:

	Yes	No	Not applicable
Rule making	3	8	
Hearing body process	3	8	
Security operations	1	6	3

9-1

71. Has your office or any other office evaluated student participation with respect to its efficiency and effectiveness?

- 4 1. Yes
- 5 2. No
- 2 3. Don't know

QUESTIONNAIRE TO SECURITY EXECUTIVES

The following statement of goals for campus security were contained in the 1971 monograph, Order and Justice on Campus. Please note your opinion of the importance of each goal in the box to the right. If you believe that any goal should be added, please list it in the spaces below.

	Very important	Important	Mildly useful	Unimportant	Should not be a goal
1. The protection of members of the campus community against crime on campus.	12	2			
2. The protection of members of the campus community in their civil rights if they are charged with a crime or if they are charged with a violation of University rules.	9	4			
3. The preservation of order and the protection of property on campus.	9	5			
4. To the maximum extent possible, the assumption of the enforcement burden by campus community consensus rather than by the enforced control of official regulatory agencies.	2	9	2		1
5. The provision of information and designated emergency and regulatory services on University grounds. (see: page 12)	6	6	2		
6. That the University community comes to accept the campus administration of justice as not only efficient and directed toward acceptable goals but also as just and humane.	13	1			
7. That the total picture which the external social and political communities receive of the University's administration of its security function demonstrates a responsible stewardship over the University campus and those who people it.	9	4	1		
8. Other goal, please identify:	2	2			

9-1

9-10

For the following set of questions, please check the appropriate box:

		Good	Adequate	Inadequate	Very bad	No opinion
In terms of adequacy:						
9.	The current authorized strength of Grade 8 officers in your dept. is	3	6	2	2	9-1
10.	The current authorized strength of Grade 12 officers in your dept. is	1	4	6	3	
11.	The amount of physical resources (cars, radios, scooters, etc.) at your command is	1	3	9	1	
12.	The clarity in the definition of the roles your dept. is expected to play on campus is	4	6	3	1	
Generally, in carrying out your work, is the cooperation from:						
13.	Student Affairs	10	4			
14.	Campus President's Office	13		1		
15.	Housing	10	3	1		
16.	Faculty	6	7	1		
17.	Faculty Senate	5	6	1		2
18.	Student Body	6	8			
19.	Student Government	7	6			9-1
20.	Your dept.'s relationship to the local police departments is	11	1	1		9-1

Does a written policy exist on your campus which explains the relationship between the college and external police departments?

21. 7 1. Yes
 6 2. No
 1 3. Don't know

22. Generally, contacts with external police departments with regard to their relationship to the campus are made:

- 1. Only by the executive branch of the college.
- 2. Only by the executive branch of the college but the director of security is consulted beforehand on some of the issues.
- 2 3. The executive branch and the director of security together.
- 6 4. Either by the executive branch or the director of security, not necessarily together.
- 1 5. Only by the director of security but the executive branch of the college is consulted beforehand on all of the issues.
- 3 6. Only by the director of security, with executive consultation on important matters.
- 1 7. Other arrangement, please identify. _____
- 1 9. _____

23. Generally, are you adequately informed of official contacts between the executive branch of the college and the external police departments?

- 12 1. Yes
- 2. No
- 2 3. Not applicable

24. For what types of contact between your security personnel and external police agencies do you notify campus executives? _____

 1-10

 9-1

25. Under what circumstances do you meet with representatives of the local police departments? Please place a check next to each appropriate line.

- 1-4
 9-10 On a regular basis (monthly or quarterly) to discuss developments on your campus
- 1-10
 4-4 When you both agree that there is a joint problem.

- 1-9
 - 9-5 When a major event is to take place on campus (well known guest speaker, sporting events, graduation, etc.).
 - 1-8
 - 9-6 To initiate or update plans for seeking their assistance in case of an emergency.
 - 1-0
 - 2-7
 - 9-7 Other, please describe.
-
-
-
-

26. Generally, do your meetings with the local police departments achieve their objectives?

- 6 1. Almost always
- 7 2. Most of the time
- 3. Some of the time
- 4. Hardly ever
- 5. Never

1 9.

27. Do written criteria exist which indicate when it would be appropriate to summon police to your campus?

- 7 1. Yes If yes, we would appreciate your sending a copy.
- 6 2. No criteria attached.
- 1 3. Don't know criteria not attached

28. Do written procedures exist which outline how the request for outside police assistance to your campus is to be made through institutional channels?

- 8 1. Yes If yes, we would appreciate your sending a copy.
- 4 2. No criteria attached
- 1 3. Don't know criteria not attached

1 9.

29. Within this academic year (August, 1972 to present) did your campus request the assistance of external police agencies for:

	No	Yes	9	If yes, how often
Making an arrest	5	8	1	2-1/1-3/1-4/1-8
Making a search	10	3	1	1-1/1-2/1-7
Conducting an investigation	5	9		1-1/1-2/3-3
Maintaining general order	11	1	2	
Other (please identify)	2	1	11	1-8

9-2
9-1
9-1
9-1
9-2

30. Have uniformed members of external police agencies entered your campus without your request within this academic year (August to present) to:

	No	Yes	If <input checked="" type="checkbox"/> yes, how often
Make an arrest	11	2	2-1
Conduct a crime investigation	11	2	2-1
Conduct a search	11	2	2-1
Maintain order	13		8-1
To enforce traffic or local laws	13	1	-
To perform some service (i.e., ambulance, etc.)	11	2	
Other (please identify)	1	1	3-1/8-1

more than 1X
9-1
9-9

31. Have non-uniformed investigators of external police agencies entered your campus without your request within this academic year (August to present) to:

	No	Yes	If yes, how often
Make an arrest	10	2	2-2
Conduct an investigation	8	3	2-2
Conduct a search	10	2	2-2
Maintain order	13		
Other (please identify)	1		3-1/5-1

9-1
9-1
9-11

32. If external police agencies entered you campus within the present academic year without your campus' request, was your office notified in advance of their coming?

4 1. Yes, in every instance

4 2. Generally yes

 3. Only sometimes

 4. No, never notified

5 5. Not applicable

1 9
33. On any occasion when external police agencies entered your campus within the present academic year, did their presence generate adverse reactions from within the campus community?

6 1. No

 2. Yes 1-5 9-2
2-1

If yes, how often

34. If you have indicated that adverse reactions did occur, please indicate your opinion as to what brought about these adverse reactions.

0-10

1-3

9-1

35. Generally, considering both the times you have requested their help and the times when they have come uninvited, how do external police departments manage themselves when they make their interventions into your campus?

8 1. Well

3 2. Adequately

1 3. Poorly

1 4. There were no interventions

 5. We have no information on this matter

1 9

36. Approximately how many arrests has your security force made on campus within the academic year, August 1, 1972 to July 31, 1973, among the following groups:

Faculty	0-12 / 5-1				
	1-1				
Staff	00-11	05-1			
	03-1	12-1			
Students	00-3	04-1	15-2	18-1	31-2
	02-1	10-2	16-1	30-1	
Non-University Personnel	00-3	10-1	15-1	30-1	63-1
	05-2	14-1	20-2	50-1	61-1

37. How clear are the guidelines to your line officers concerning when an arrest would be appropriate?

- 5 1. Very clear
- 4 2. Clear
- 3 3. Could use some further clarification and elaboration
- 4. Not clear at all
- 2 5. Generally, guidelines are not used; each case is judged on its unique merits

38. With the Grade 12 security officers now possessing police powers, do you foresee the possibility of difficulties arising between these security officers and the administration of the campus if a security officer makes an arrest for an offense which the campus administration would have preferred to have handled internally?

- 2 1. Yes
- 12 2. No
- 3. No opinion

39. Does the recent legislation which gives Grade 12 security officers police powers meet your department's needs in responding to crime incidents?

- 4 1. Yes
- 7 2. Yes, some of them
- 2 3. No, none of them
- 1 4. No opinion

40. Upon whom have you relied for information concerning the meaning of this legislation? Please place a check next to each appropriate line.

- 0-8
1-6 1. Your campus administration (legal staff, etc.)
- 0-8
1-6 2. Security Directors from other campuses
- 0-3
1-11 3. Central Office of S.U.N.Y.
- 0-8
1-0 4. Other, please identify
- 2-6

41. Please list some of the major consequences which this legislation has had on your day-to-day operations.

- 0-3
- 1-11
- _____
- _____
- _____
- _____

42. What effect has this legislation had on the relationship between your department and external police agencies?

- 7 1. Good effect
- 6 2. Negligible effect
- _____ 3. Bad effect
- 1 4. Other, please identify

43. Is crime a problem on your campus?

- 3 1. Very serious
- 8 2. Cause of concern
- 3 3. Only a minor concern
- _____ 4. No concern
- _____ 5. No opinion

44. Within this academic year, how would you break down criminal offenses on your campus--percentagewise--among the following categories:

Crime against property	50-2 54-1	55-1 60-2	70-1 75-1	80-3 90-1	95-1 98-1	
Crime against persons	06-2 01-1	03-2 05-1	10-1 14-1	15-1 17-1	20-1 30-1	35-2
Drugs	00-1 01-3	02-2 04-1	05-5 20-2			
Other victimless crime (gambling, intoxication, etc.)	00-2 01-3	02-3 05-3	10-1 20-1	30-1		
Miscellaneous	06-6 01-1	02-1 03-1	04-1 08-1	10-1 12-1	14-1	
	100%					

45. With respect to these criminal offense categories, how much--percentage-wise--in your estimate, is attributable to people who are not members of the campus community?

Crime against property	_____
Crime against persons	_____
Drugs	_____
Other victimless crime (gambling, intoxication, etc.)	_____
Miscellaneous	_____
	100%

46. Do you have contact with the District Attorney's office in your county? Please check each appropriate line.

- 0-9
1-5 1. On a regular basis (monthly or quarterly)
- 0-7
1-7 2. Under special conditions only, i.e., an investigation on your campus
- 0-5
1-9 3. When a member of your security force makes an arrest
- 0-10
1-4 4. Other, please identify _____
- 0-14
_____ 5. No contact

47. How would you describe your relationship to the District Attorney's office?

- 12 1. Good
- 1 2. Neither good nor bad
- _____ 3. Bad

48. Do you submit regular crime reports to the executive of your campus?

5 1. No

9 2. Yes

If yes, how often DAILY-3, Weekly-2, MONTHLY-6, 9-1

49. Does your department conduct investigations into: Please check appropriate box.

	On its own	In conjunction with external police agencies	No
a) Organized drug traffic	2	8	3
b) Organized theft	5	6	3
c) Other organized criminal activity	5	6	3
d) Serious criminal incidents (Class C Felony or higher)	7	6	1
e) Other criminal incidents (Class D felony or lower)	11	2	1
f) Special problems as requested by your campus' administration	12	1	1
g) Other, please identify _____			

9-1

9-14

50. Is there a written policy which outlines the proper use of paid informants?

5 1. Yes

5 2. No

9 3. Not applicable since no paid informants are used

51. Is there a problem of hard drugs (Narcotic drugs and cocaine) on your campus?

11 1. Very serious

1 2. Serious

1 3. Minor

2 4. Non-existent

2 5. Not known

52. Has there been a rise in the presence of hard drugs on your campus within the past year?

- 1. Yes
- 11 2. No
- 3 3. Not known

53. How often has your security force been called upon within the academic year, August 1, 1972 to July 1, 1973, to enforce the Rules and Regulations of the Board of Trustees regarding the maintenance of campus order? 0-9 3-1 9-2
8-1

54. How often has your security force been called upon within the current academic year (August to present) to enforce an injunction? 0-13
9-1

55. Can you roughly estimate the percentage breakdown of your department's time allocation to the following:

Crime control-incident response and investigations	10-2	20-2	30-3	50-1
	15-2	25-3	35-1	
Crime control-prevention and patrol	10-1	30-1	40-2	55-1
	25-1	35-2	50-4	60-2
Regulatory activity (traffic control, policing special events, observing fire drills, etc.)	10-6	30-3		
	20-3	40-2		
Service activities (transporting sick students, providing information, escort services, opening doors for people who are locked out, etc.)	10-6	30-2		
	20-5	40-1		
	100%			

56. What effect has the legislation of May, 1972, with regard to parking had on your operations? Please place a check in each appropriate box.

	Yes	No	Not Known	
a) Increased your department's work load	7	5	1	9-1
b) Enabled your department to control traffic	8	4		9-2
c) Adversely affected the relationship between your department and the campus community	1	10	1	9-2
d) Other, please describe _____	1	1		9-12

57. Given the internal structure of your campus, how much can your department do to control parking on the campus?

- 3 1. Effectively control it
- 10 2. Adequately control it
- 1 3. Unable to control it
- 4. No opinion

58. In enforcing parking regulations, how would you describe the cooperation you receive from:

	Good	Adequate	Poor	No Opinion
Executive Branch	13	1		
Faculty Senate	6	3	1	4
Faculty in general	5	7	2	
Staff in general	6	7	1	
Student Government	6	4	1	3
Students in general	5	7	2	

Regulatory functions and service functions are two terms commonly used to describe police or security officer activities other than those related to crime prevention or control. Briefly, regulatory functions address themselves to society's regulation of certain legal but controlled activities. For example, traffic control, crowd control and registration of guns are some regulatory functions. Service functions are those helping activities which are not strictly related to the control and prevention of crime or to regulatory functions. For example, transporting sick students, providing information, escort services, and opening locked doors for people who are locked out are some service functions.

59. Please list those service and regulatory activities for which your department has forms to record your officers' response to those activities.

0-1

1-13

60. How importantly do you view the task of improving your reporting systems for regulatory and service activities?

- 10 1. Important
- 3 2. Of limited value
- 1 3. Unimportant
- 4. No opinion

61. How often are records of your regulatory activities sent to the executive branch of the administration? (Please check each of the appropriate item.)

- 10 1. Periodically each day (³ week, ⁶ month, quarter, etc.) ¹ year
- 2. On executive request
- 3 3. When an extraordinary incident occurs
- 1 4. Such reports are not ordinarily sent to or requested by the executive branch.

62. How often are records of your service activities sent to the executive branch of the administration? (Please check each appropriate item.)

- 8 1. Periodically each day (¹ week, ⁶ month, quarter, etc.) ¹ year
- 2. On executive request
- 3 3. When an extraordinary incident occurs
- 3 4. Such reports are not ordinarily sent to or requested by the executive branch.

63. How well trained are your security personnel to perform regulatory and service functions?

- 7 1. Well
- 7 2. Adequately
- _____ 3. Poorly

64. Please number the following items in order of the priority you would establish if you could use funds from your budget to meet your unit's service and regulatory duties.

- a) Additional staff training ¹⁻⁸ 2-3 ³⁻² 9-1

- b) Purchase of new equipment ¹⁻⁵ 2-3 ³⁻⁴ 4-1 ⁹⁻¹

- c) Development of standardized procedures ²⁻⁵ 3-5 ⁴⁻³ 9-1

- d) Development of a forms system ²⁻¹ 3-2 ⁴⁻⁹ 5-1 ⁹⁻¹

- e) Other, please identify ²⁻¹ 5-3 ⁹⁻¹⁰

65. With regard to the following groups, does your department maintain security files on individuals suspected of criminal activity?

	Yes	No
Students	5	9
Faculty	5	9
Staff	5	9

66. With regard to the following groups, does your department have a written policy concerning the disclosure of information from such files:

	Yes	No	Not applicable
Students	4	4	6
Faculty	4	4	6
Staff	4	4	6

00-5
20-1
25-1
50-1

66-1
75-1
99-4

- 460 -
- 17 -

00-4
10-1
25-1
30-1
60-1

75-1
90-2
99-3

26-77

1E 79

74. Approximately what percentage of your Grade 8 and Grade 12 officers belong to the union? % Grade 8; % Grade 12
↳ if 100% listed as 99

75. Has there been an increase in union membership within the present academic year?

- 7 1. Yes
- 5 2. No
- 1 3. No idea

76. Generally, what kind of an effect has the past union agreement had on your daily operations?

- 1. Seriously adverse
- 2. Adverse
- 9 3. Little
- 2 4. Favorable
- 5. Good
- 2 6. No opinion

77. Is there an officially established review body on your campus to investigate complaints concerning improper actions by security personnel?

- 2 1. Yes
- 9 2. No
- 3 3. Don't know

78. This review body operates out of:

- 2 1. Security department
- 2. The administration of the campus
- 3. Faculty Senate
- 4. Student Government
- 5. A Panel of Faculty, Staff and Student Government
- 1 6. Other (please identify) _____
- 8 7. Not applicable

79. Has any special purpose committee been established by governance structures on your campus within this academic year to look into security operations?

- 1 1. Yes
- 9 2. No
- 4 3. Don't know

80. What is the membership of this special purpose committee?

- 1. Students only
- 2. Faculty only
- 1 3. Students and faculty
- 4. Other (please identify) _____
- 11 5. Not applicable
- 2 9.

81. How often does the executive branch of the campus require information concerning your department's operations?

- 4 1. Regularly, on a daily basis
- 4 2. Regularly, on a weekly basis
- 2 3. Regularly, on a monthly basis
- 2 4. Annually
- 2 5. Sporadically
- 6. Only when a problem situation develops
- 7. Never
- 8. Don't know

82. Do you receive a daily report showing work activity of all officers during the preceding twenty-four hours?

- 13 1. Yes
- 1 2. No

QUESTIONNAIRE TO FACULTY ORGANIZATIONS

The following statement of goals for campus security were contained in the 1971 monograph, Order and Justice on Campus. Please note your opinion of the importance of each goal in the box to the right. If you believe that any goal should be added, please list it in the spaces below.

	Very important	Important	Mildly useful	Unimportant	Should not be a goal
1. The protection of members of the campus community against crime on campus.	3	1			
2. The protection of members of the campus community in their civil rights if they are charged with a crime or if they are charged with a violation of University rules.	4				
3. The preservation of order and the protection of property on campus.	2	2			
4. To the maximum extent possible, the assumption of the enforcement burden by campus community consensus rather than by the enforced control of official regulatory agencies.	4				
5. The provision of information and designated emergency and regulatory services on University grounds. (see: page 12)	1	2	1		
6. That the University community comes to accept the campus administration of justice as not only efficient and directed toward acceptable goals but also as just and humane.	2	2			
7. That the total picture which the external social and political communities receive of the University's administration of its security function demonstrates a responsible stewardship over the University campus and those who people it.	1	3			
8. Other goal, please identify:	1				

9. Are there any committees within your organization which reviews any of the following operations:

	Yes	No	If yes, please identify the committee
Security Operations	3	1	
Rule Making and Enforcement	2	1	9-1
Faculty-Staff Disciplinary Hearing Process		3	9-1
Student Disciplinary Hearing Process	3		9-1

10. Since August, 1972, has your organization formally discussed any issues specifically related to the operations of the following:

	Yes	No	Don't know
Security Operations	3	1	
Rule Making and Enforcement	3	1	
Faculty-Staff Disciplinary Hearing Process	1	2	9-1
Student Disciplinary Hearing Process	3		9-1

If yes to any of the above in question 10, please briefly describe the nature of the issue(s) discussed and the results of the discussion.

11. In comparison with all the issues discussed by your organization, how frequently are those issues which address themselves to the administration of justice discussed?

- / / One of the most frequently discussed
- / / / Discussed with greater frequency than most other issues
- / / / Discussed as often as most other issues
- / 2 / Rarely discussed
- / / Never discussed
- / / Don't know

12. With regard to your organization's discussion of issues surrounding the administration of justice on campus, how often (percentagewise) would you estimate these discussions to be initiated by:

Your organization itself	15-1	70-1
	50-1	99-1
The administration of the campus	00-1	50-1
	05-1	75-1
Other elements of the campus community	00-2	25-1
	10-1	
	100%	

13. How frequently does your organization receive reports concerning the operations of the following: (Please check each appropriate box).

	Monthly	Quart- erly	Annu- ally	When a problem situation develops	Other, please identify
Security Operations			1	3	
Rule Making and Enforcement			2	2	
Faculty-Staff Disciplinary Hearing Process				2	9-2
Student Disciplinary Hearing Process				2	1 9-2

14. In your opinion, how well do these reports inform the members of your organization?

	Very well	Well	Neither well nor badly	Badly	Very badly	No opinion	
Security Operations		2	2				
Rule Making and Enforcement		2	2				
Faculty-Staff Disciplinary Hearing Process					1	2	9-1
Student Disciplinary Hearing Process		1	1			1	9-1

This question is one of those to which the special instructions concerning subgroup opinions apply. Please identify any significant faction(s) which you think would differ with your response:

- A. _____ % of the organization } 2-1
- B. _____ % of the organization } 9-3
- C. _____ % of the organization }

Using the identifying letter, please indicate among the above responses which you think these factions would take on the question being asked.

15. In your estimation, how serious a problem do the members of your organization view crime on campus?

- Very serious
- Cause of concern
- Minor concern
- No concern
- No opinion

This question is one of those to which the special instructions concerning subgroup opinions apply. Please identify any significant faction(s) which you think would differ with your response:

- A. _____ % of the organization
- B. _____ % of the organization
- C. _____ % of the organization

Using the identifying letter, please indicate among the above responses those which you think these factions would take on the question being asked.

16. To what extent should your campus security force be responsible for enforcing local, state, and federal laws on campus?

- Entire enforcement burden, including major disruptions
- Entire enforcement burden, short of major disruptions
- Ability to handle most incidents which come to their attention, but with the mandate to get external assistance (local or state police) for unusual situations
- Ability to stabilize situations until an external police agency can respond to the incident and investigate the matter
- Very restricted law enforcement burden -- generally summon an external police agency
- Other, please describe: _____

- No opinion

This question is one of those to which the special instructions concerning subgroup opinions apply. Please identify any significant faction(s) which you think would differ with your response:

- A. _____ % of the organization
- B. _____ % of the organization
- C. _____ % of the organization

Using the identifying letter, please indicate among the above responses those which you think these factions would take on the question being asked.

In your estimation, how well does your organization rate the following:

	Very high	High	Medium	Low	Very Low	No opinion	
Security							
Response to crime		2	1			1	
Crime prevention	1		1			2	
Traffic regulation			1	3			
Assistance rendered to incapacitated persons	1		2			1	
Rule Making							
Capability to reformulate rules		2	1			1	
Amendment procedures		1	1			1	9-1
Ability to gain community support		2		1		1	
Faculty - Staff Disciplinary Hearing Process							
Adequacy of due process		1				1	9-2
Ability to handle workload			1			1	9-2
Fairness				1		1	9-2
Student Disciplinary Hearing Process							
Adequacy of due process	1	1				1	9-1
Ability to handle workload	1	1				1	9-1
Fairness	1	1				1	9-1

This question is one of those to which the special instructions concerning subgroup opinions apply. Please identify any significant faction(s) which you think would differ with your response:

A. _____ % of the organization

B. _____ % of the organization

C. _____ % of the organization

Using the identifying letter, please indicate among the above responses

18. Has your campus revised its rules governing:

	Yes	No	Don't know
Personal Conduct		3	1
Faculty - Staff			
Student	2	2	
Disciplinary Hearing Body Procedures			
Faculty - Staff		2	9-2
Student	4		

19. If yes to any of the above in question 18, in your estimation, was your organization generally satisfied with the procedures which were followed in making the revisions?

	Yes	No	No opinion
Personal Conduct			1
Faculty - Staff			
Student	2		
Disciplinary Hearing Body Procedures			
Faculty - Staff			1
Student	3	1	

This question is one of those to which the special instructions concerning subgroup opinions apply. Please identify any significant faction(s) which you think would differ with your response:

- A. _____ % of the organization
- B. _____ % of the organization
- C. _____ % of the organization

Using the identifying letter, please indicate among the above responses those which you think these factions would take on the question being asked.

20. In your estimation, are the members of your organization satisfied with the existing structures for participating in the formulation of administrative policies for:

	Yes	No	No opinion	
Security Operations		2	1	9-1
Rule Making and Enforcement	2	1	1	
Faculty-Staff Disciplinary Hearing Process	1	1	1	9-1
Student Disciplinary Hearing Process	4	1	1	5-1

This question is one of those to which the special instructions concerning subgroup opinions apply. Please identify any significant faction(s) which you think would differ with your response:

- A. _____ % of the organization
- B. _____ % of the organization
- C. _____ % of the organization

Using the identifying letter, please indicate among the above responses those which you think these factions would take on the question being asked.

If no to any of the above in question 20, please briefly describe the nature of the dissatisfaction.

21. In your estimation, are the members of your organization satisfied with the leadership of the campus administration in its handling of:

	Yes	No	No opinion	
Security Operations	2	1		9-1
Rule Making and Enforcement	3	1		9-1
Faculty-Staff Disciplinary Hearing Process	1	1	1	9-1
Student Disciplinary Hearing Process	4	1		

This question is one of those to which the special instructions concerning subgroup opinions apply. Please identify any significant faction(s) which you think would differ with your response:

- A. _____ % of the organization
- B. _____ % of the organization
- C. _____ % of the organization

Using the identifying letter, please indicate among the above responses those which you think these factions would take on the question being asked.

If no to any of the above in question 21, please briefly point out the major reasons for the dissatisfaction.

22. Of the issues concerning the administration of justice on campus discussed, can you enter what you consider to be the top five issues and then rate the degree of interest expressed by the entire campus community toward the issue?

	Very great	Great	Moderate	Little	Very little	No opinion
1. _____						
2. _____						
3. _____						
4. _____						
5. _____						

1-3

2-1

Fire in dorms - 1

Unfair Treatment - 1

Sporadic Enforcement - 1

Training of Security - 1

Use of Women + minorities - 1

→ Personal Protection (Robbery + Assault) - 11

Crime prevention - 1

Property Protection - 1

→ Traffic Regulation - 11

victimless Crime

Arming of Police

QUESTIONNAIRE TO STUDENT ORGANIZATIONS

The following statement of goals for campus security were contained in the 1971 monograph, Order and Justice on Campus. Please note your opinion of the importance of each goal in the box to the right. If you believe that any goal should be added, please list it in the spaces below.

	Very important	Important	Mildly useful	Unimportant	Should not be a goal
1. The protection of members of the campus community against crime on campus.	5	2	1	1	
2. The protection of members of the campus community in their civil rights if they are charged with a crime or if they are charged with a violation of University rules.	7	2			
3. The preservation of order and the protection of property on campus.	5	2	1	1	
4. To the maximum extent possible, the assumption of the enforcement burden by campus community consensus rather than by the enforced control of official regulatory agencies.	6	1	1		
5. The provision of information and designated emergency and regulatory services on University grounds. (see: page 12)	3	5	1		
6. That the University community comes to accept the campus administration of justice as not only efficient and directed toward acceptable goals but also as just and humane.	6	3			
7. That the total picture which the external social and political communities receive of the University's administration of its security function demonstrates a responsible stewardship over the University campus and those who people it.	2	3	2	1	1
8. Other goal, please identify:	2				

9-1

9-7

9. Are there any committees within your organization which reviews any of the following operations:

	Yes	No	If yes, please identify the committee
Security Operations	3	1	
Rule Making and Enforcement	2	1	9-1
Faculty-Staff Disciplinary Hearing Process		3	9-1
Student Disciplinary Hearing Process	3		9-1

10. Since August, 1972, has your organization formally discussed any issues specifically related to the operations of the following:

	Yes	No	Don't know
Security Operations	3	1	
Rule Making and Enforcement	3	1	
Faculty-Staff Disciplinary Hearing Process	1	2	9-1
Student Disciplinary Hearing Process	3		9-1

If yes to any of the above in question 10, please briefly describe the nature of the issue(s) discussed and the results of the discussion.

11. In comparison with all the issues discussed by your organization, how frequently are those issues which address themselves to the administration of justice discussed?

- / / One of the most frequently discussed
- / / / Discussed with greater frequency than most other issues
- / / / Discussed as often as most other issues
- / 2 / Rarely discussed
- / / Never discussed
- / / Don't know

12. With regard to your organization's discussion of issues surrounding the administration of justice on campus, how often (percentagewise) would you estimate these discussions to be initiated by:

Your organization itself	15-1	70-1
	50-1	99-1
The administration of the campus	00-1	50-1
	05-1	75-1
Other elements of the campus community	00-2	25-1
	10-1	
	100%	

13. How frequently does your organization receive reports concerning the operations of the following: (Please check each appropriate box).

	Monthly	Quarterly	Annually	When a problem situation develops	Other, please identify
Security Operations			1	3	
Rule Making and Enforcement			2	2	
Faculty-Staff Disciplinary Hearing Process				2	9-2
Student Disciplinary Hearing Process				2	1 9-2

14. In your opinion, how well do these reports inform the members of your organization?

	Very well	Well	Neither well nor badly	Badly	Very badly	No opinion	
Security Operations		2	2				
Rule Making and Enforcement		2	2				
Faculty-Staff Disciplinary Hearing Process					1	2	9-1
Student Disciplinary Hearing Process		1	1			1	9-1

This question is one of those to which the special instructions concerning subgroup opinions apply. Please identify any significant faction(s) which you think would differ with your response:

- A. _____ % of the organization } 2-1
- B. _____ % of the organization } 9-3
- C. _____ % of the organization }

Using the identifying letter, please indicate among the above responses which you think these factions would take on the question being asked.

15. In your estimation, how serious a problem do the members of your organization view crime on campus?

- Very serious
- Cause of concern
- Minor concern
- No concern
- No opinion

This question is one of those to which the special instructions concerning subgroup opinions apply. Please identify any significant faction(s) which you think would differ with your response:

- A. _____ % of the organization
- B. _____ % of the organization
- C. _____ % of the organization

Using the identifying letter, please indicate among the above responses those which you think these factions would take on the question being asked.

CONTINUED

5 OF 6

16. To what extent should your campus security force be responsible for enforcing local, state, and federal laws on campus?

- Entire enforcement burden, including major disruptions
- Entire enforcement burden, short of major disruptions
- Ability to handle most incidents which come to their attention, but with the mandate to get external assistance (local or state police) for unusual situations
- Ability to stabilize situations until an external police agency can respond to the incident and investigate the matter
- Very restricted law enforcement burden -- generally summon an external police agency
- Other, please describe: _____

- No opinion

This question is one of those to which the special instructions concerning subgroup opinions apply. Please identify any significant faction(s) which you think would differ with your response:

- A. _____ % of the organization
- B. _____ % of the organization
- C. _____ % of the organization

Using the identifying letter, please indicate among the above responses those which you think these factions would take on the question being asked.

In your estimation, how well does your organization rate the following:

	Very high	High	Medium	Low	Very Low	No opinion	
Security							
Response to crime		2	1			1	
Crime prevention	1		1			2	
Traffic regulation			1	3			
Assistance rendered to incapacitated persons	1		2			1	
Rule Making							
Capability to reformulate rules		2	1			1	
Amendment procedures		1	1			1	9-1
Ability to gain community support		2		1		1	
Faculty - Staff Disciplinary Hearing Process							
Adequacy of due process		1				1	9-2
Ability to handle workload			1			1	9-2
Fairness				1		1	9-2
Student Disciplinary Hearing Process							
Adequacy of due process	1	1				1	9-1
Ability to handle workload	1	1				1	9-1
Fairness	1	1				1	9-1

This question is one of those to which the special instructions concerning subgroup opinions apply. Please identify any significant faction(s) which you think would differ with your response:

- A. _____ % of the organization
- B. _____ % of the organization
- C. _____ % of the organization

Using the identifying letter, please indicate among the above responses those which you think these factions would take on the question being asked.

18. Has your campus revised its rules governing:

	Yes	No	Don't know
Personal Conduct		3	1
Faculty - Staff			
Student	2	2	
Disciplinary Hearing Body Procedures		2	9-2
Faculty - Staff			
Student	4		

19. If yes to any of the above in question 18, in your estimation, was your organization generally satisfied with the procedures which were followed in making the revisions?

	Yes	No	No opinion
Personal Conduct			1
Faculty - Staff			
Student	2		
Disciplinary Hearing Body Procedures			1
Faculty - Staff			
Student	3	1	

This question is one of those to which the special instructions concerning subgroup opinions apply. Please identify any significant faction(s) which you think would differ with your response:

- A. _____ % of the organization
- B. _____ % of the organization
- C. _____ % of the organization

Using the identifying letter, please indicate among the above responses those which you think these factions would take on the question being asked.

20. In your estimation, are the members of your organization satisfied with the existing structures for participating in the formulation of administrative policies for:

	Yes	No	No opinion	
Security Operations		2	1	9-1
Rule Making and Enforcement	2	1	1	
Faculty-Staff Disciplinary Hearing Process	1	1	1	9-1
Student Disciplinary Hearing Process	4			7-1

This question is one of those to which the special instructions concerning subgroup opinions apply. Please identify any significant faction(s) which you think would differ with your response:

- A. _____ % of the organization
- B. _____ % of the organization
- C. _____ % of the organization

Using the identifying letter, please indicate among the above responses those which you think these factions would take on the question being asked.

If no to any of the above in question 20, please briefly describe the nature of the dissatisfaction.

21. In your estimation, are the members of your organization satisfied with the leadership of the campus administration in its handling of:

	Yes	No	No opinion	
Security Operations	2	1		9-1
Rule Making and Enforcement	3	1		9-1
Faculty-Staff Disciplinary Hearing Process	1	1	1	9-1
Student Disciplinary Hearing Process	4	1		

This question is one of those to which the special instructions concerning subgroup opinions apply. Please identify any significant faction(s) which you think would differ with your response:

- A. _____ % of the organization
- B. _____ % of the organization
- C. _____ % of the organization

Using the identifying letter, please indicate among the above responses those which you think these factions would take on the question being asked.

If no to any of the above in question 21, please briefly point out the major reasons for the dissatisfaction.

END

7. 10/25/1944