Memorandum to Presidents

Date: March 14
From: Office of the University Counsel and Vice Chancellor for Legal Affairs
Subject: Peace Officer Training

On January 11, 1973, this office sent a Memorandum to Presidents (copy attached) concerning security officers and peace officers. The 1974 Legislature is presently considering a technical modification to the training requirement for the appointment of university peace officers.

The following discussion affects peace officers only, not security officers who continue to have authority to issue the uniform traffic tickets but, in other respects, enjoy only those law enforcement powers which any citizen might exercise.

As you recall, shortly after the passage of our present legislation (Chapter 383, Laws of 1972) the currently operative four-week training program was approved by the Municipal Police Training Council in discussions with the University Coordinator of Campus Security.

Last Fall, the MPTC indicated its dissatisfaction with the four-week program as inadequate to qualify persons exercising full police powers. Accordingly, the University has secured the introduction of a bill (copy attached) to meet the MPTC objection to current practice.

If adopted by the Legislature and approved by the Governor, the legislation would authorize the Council of MPTC to approve a revised training program. In anticipation of passage, the University Coordinator of Security Services and the MPTC staff have agreed on a new six-week course, five of which involve classroom work, with an additional week of field training which can be pursued on campus. Accordingly, presently certified peace officers will lack one week of class work and one week of field work under the revised standard. I'm advised that a further week of drill may be necessary for those officers, if any, permitted to bear firearms. This seventh week, of course, would affect only a selected few.
Presently certified peace officers, or those to be certified before the effective date of the legislation (1 July 1974) will be required to complete the additional training before 1 July 1974. Meeting this requirement will protect the officers from liability for acts performed by them prior to 1 July which might otherwise arise solely by reason of failure to complete the same training required of local police officers.

The one-week additional classroom work, I understand, will be given at Albany sometime in June. Accordingly, it seemed important that this information reach you as early as possible to facilitate planning. Further word will be forwarded by the Vice Chancellor for University-wide Services, or the Coordinator, as circumstances warrant.

Walter J. Relihan, Jr.

Enclosure

This memorandum addressed to:

Presidents, State-operated Campuses
MEMORANDUM

January 11, 1973

TO: Presidents, State University of New York

FROM: Walter J. Relihan, Jr.

RE: Appointment of University Peace Officers

A number of inquiries have reached the Coordinator of Security Services indicating a degree of confusion regarding the 1972 legislation authorizing the appointment of security officers and peace officers by the State University.

Both classes of officers are charged by statute with responsibility for preserving law and order in and about the buildings and grounds of their institution.

Trustee resolution 72-232 specifically enumerates those positions which automatically confer security officer status. Security officers may issue simplified traffic informations and appearance tickets for traffic infractions. Like any citizen, the security officer may arrest for an offense when the person arrested has in fact committed the offense in his presence.

The peace officer status, by contrast, is conferred only by express designation of the chief administrative officer upon those in specified titles in whom special confidence is reposed. These appointees must have completed the minimum training required by the Municipal Police Training Council for local police officers.

Completion of such training, of course, does not compel appointment to peace officer status and the number of such officers at each institution rests in the discretion of the campus president.

Peace officers enjoy all the powers of police officers and, for example, may serve warrants and arrest without a warrant upon reasonable cause. These officers, however, are not authorized to carry firearms without both a license and the express permission of the campus president.
A copy of Chapter 383 of the Laws of 1972 (sub-

division 2m of Section 355 of the Education Law as 
recently amended) is attached along with a copy of

Resolution 72-232.

All peace officers should be given an appoint-

ment in writing by the chief administrative officer dated 
on or after May 22, 1972, even though the appointee may have

served in the same or similar capacity before the effective 
date of the 1972 legislation.

Attachments

WJR:cah

cc: Chancellor Boyer
RESOLUTION 232
of
The Board of Trustees
adopted September 30, 1972

6.11 Authorization of the Chief Administrative Officer to Appoint University Peace Officers with the Powers of Police Officers

Whereas pursuant to the authority of Chapter 525 of the Laws of 1953, the Trustees of State University by resolution 58-160 authorized the chief administrative officer to appoint any employee of a state-operated institution having the title of Institutional Patrolman as a special policeman who would be a peace officer; and

Whereas Chapter 383 of the Laws of 1972, authorized State University Trustees to appoint peace officers who would have all the powers of police officers under the Criminal Procedure Law and to appoint security officers who may issue simplified traffic informations as provided for under the Criminal Procedure Law; now, therefore, be it

Resolved that the resolution 58-160 dated November 13, 1958 be, and hereby is, amended to read as follows: (Brackets denote old material to be deleted; underlining denotes new material to be added.)

Resolved that, pursuant to paragraph m of subdivision 2 of Section 355 of the Education Law, the chief administrative officer of each State-operated institution of State University may designate and appoint any employee of such institution having the title of Institutional
Patrolman] Director or Assistant Director of Campus Security in the professional service of the State University; Supervising Campus Security Officer, Campus Security Specialist or Campus Security Officer II in the classified civil service of the state as a [special policeman] peace officer of the State University at the institution where he is employed with the powers and duties specified in said statute and subject to the provisions thereof, and such chief administrative officers may remove any such [employee] peace officer from office as such [special policeman] peace officer at any time, whereupon such employee shall cease to have and to exercise peace officer powers; provided 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; and be it

Resolved, that any such appointment and designation and any such removal shall be made in writing and shall be reported to the [President] Chancellor of the State University[.]; and be it further

Resolved: that an employee of such institution having the title of Director or Assistant Director of Campus Security in the professional service of the State University; Supervising Campus Security Officer, Campus Security Specialist, Campus Security Officer II, or Campus Security Officer I in the civil service of the state shall be security officers of the State University at the institution where they are employed with powers and duties specified in the aforesaid statute and subject to the provisions thereof. (72-232)
LAWS OF NEW YORK.—By Authority

CHAPTER 333

AN ACT to amend the education law and the criminal procedure law, in relation to designation and authority of security personnel for the state-operated institutions of the state university.

Became a law May 22, 1972, with the approval of the Governor. Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph m of subdivision two of section three hundred fifty-five of the education law, as added by chapter five hundred twenty-five of the laws of nineteen hundred fifty-three, is hereby amended to read as follows:

m. To appoint from time to time, [special policemen] security officers and peace officers for the state university, who shall be peace officers, and to remove such peace officers at pleasure, or to provide for their appointment and removal, 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, and their jurisdiction shall extend to the buildings and grounds of such institution and to the extent of one mile beyond such grounds. Every special policeman appointed under this paragraph shall, when on regular duty, wear conspicuously a metallic shield with the words “Special Police Officer State University of New York” thereon. The compensation, if any, of such special policemen shall be paid by the state university. Persons appointed peace officers shall, in the course of and in the 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 infraction shall be administered pursuant to the provisions of article 2-A of the vehicle and traffic law.

EXPLANATION—Matter in italics is new; matter in brackets [ ] is old law to be omitted.
The appointment of such [special policemen] security officers and peace officers shall not be deemed to supersede in any way the authority of other peace officers [of a jurisdiction within which such buildings or grounds are located]. The provisions of this paragraph shall not apply to any of the state institutions and property referred to in section five thousand seven hundred nine of this chapter.

§ 2. Subdivision five of section 1.20 of the criminal procedure law is hereby amended to read as follows:

5. "Simplified traffic information" means a written accusation [by a police officer], more fully defined and described in article one hundred, by a police officer or other public servant authorized by law to issue same, filed with a local criminal court, which, being in a brief or simplified form prescribed by the commissioner of motor vehicles, charges a person with one or more traffic violations or misdemeanors relating to traffic, and which may serve both to commence a criminal action for such offense and as a basis for prosecution thereof.

§ 3. Subdivision two of section 100.10 of such law is hereby amended to read as follows:

2. A "simplified traffic information" is a written accusation by a police officer, or other public servant authorized by law to issue same, filed with a local criminal court, which charges a person with the commission of one or more traffic violations and/or misdemeanors relating to traffic, and which, being in a brief or simplified form prescribed by the commissioner of motor vehicles, designates the offense or offenses charged but contains no factual allegations of an evidentiary nature supporting such charge or charges. It serves as a basis for commencement of a criminal action for such traffic offenses, alternative to the charging thereof by a regular information, and, under circumstances prescribed in section 100.25, it may serve, either in whole or in part, as a basis for prosecution of such charges.

§ 4. This act shall take effect immediately.
MEMORANDUM

AN ACT to amend the education law, in relation to the training of state university peace officers, and to legalize, ratify and confirm the acts of certain peace officers appointed by the state university of New York

Purpose of Bill:

To amend paragraph m, subdivision 2, section three hundred fifty-five of the education law to eliminate the mandate that training of state university peace officers be the minimum required for local police officers, and to eliminate liability for peace officers' acts prior to the bill's effective date.

Summary of provisions of Bill:

This bill authorizes the university to appoint as peace officers those persons who have completed training approved by the municipal police training council (MPTC) in consultation with the university.

It removes the present requirement that such training must be the minimum required for local police officers by the MPTC. Liability of the university and of its peace officers is eliminated for acts in the line of duty prior to the effective date of this bill based solely on a failure to complete the minimum MPTC training for local police officers.

Statement in support of Bill:

The minimum training prescribed for local police officers by the MPTC includes phases of instruction which are not pertinent to university peace officers. In addition to a substantially different curriculum, university peace officers require a training emphasis which differs from that for local police officers. This bill would permit the MPTC and the university to develop a special training course peculiarly suited to university peace officers. Presently, the statute permits a peace officer appointee to complete within six months the
minimum MPTC training for local police officers. With the passage of this bill permitting specialized training for university peace officers a transition period will be required to permit present appointees to complete the required training. The university and its peace officers would continue to be free from liability for acts prior to this bill's effective date based solely on incomplete training, during this period of additional training as they are now free from such liability during the initial six months after appointment.

Budgetary Implications:

None
AN ACT to amend the education law, in relation to the training of state university peace officers, and to legalize, ratify and confirm the acts of certain peace officers appointed by the state university of New York.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph m of subdivision two of section three hundred fifty-five of the education law, as last amended by chapter three hundred eighty-three of the laws of nineteen hundred seventy-two, is hereby amended to read as follows:

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] a course of law enforcement training [required for local police officers] approved by the municipal police training council in consultation with the university. 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.

The appointment of such security officers and peace officers shall not be deemed to supersede in any way the authority of other peace officers. The provisions of this paragraph shall not apply to any of the state institutions and property referred to in section five thousand seven hundred nine of this chapter.

§2. Notwithstanding any other provisions of any other law, no person appointed as a peace officer pursuant to the provisions of paragraph m of section three hundred fifty-five of the education law shall incur any liability for any acts performed, prior to the effective date of this act, in the course of his duties as such a peace officer, solely because of his failure to complete within six months after the date of his appointment the minimum training required for local police officers by the municipal police training council, nor shall the state university of New York incur any liability on behalf of such a peace officer because of such failure.

§3. This act shall take effect July first, nineteen hundred seventy-four.