Date: October 20, 1980

From: Offices of the University Counsel and Vice Chancellor for Legal Affairs and the Vice Chancellor for Educational Services

Subject: Unified Peace Officers Legislation

Chapter 843 of the Laws of 1980 deals comprehensively with the subject of peace officers, defining the positions which are to carry peace officer designation and setting forth the powers generally of all peace officers in the State of New York and their training requirements.

Several provisions of the new law, effective September 1, 1980, directly affect State University peace officer authority:

1. Overall, the new law should eliminate questions about the extent of University law enforcement authority. For the first time, peace officers appointed by State University are described in the Criminal Procedure Law (CPL) as well as the Education Law, thereby assuring that University law enforcement officers will be recognized directly as exercising the powers of peace officers under the Criminal Procedure Law. No change was made, however, in University peace officer appointment procedures or the removal of such designation at the pleasure of the appointing officer.

2. Technically, University peace officers will no longer exercise the powers of police officers in the course of and in the actual performance of their duties, but several of these powers have been specifically included under the revised definition of University peace officer authority.

--These include the execution of search and arrest warrants; the continuous close pursuit off-campus of persons reasonably believed to have committed an offense on campus and to arrest for such offense; and the issuance of uniform traffic tickets for traffic offenses. The law enforcement jurisdiction of University peace officers has also been expanded to include public highways which cross or adjoin University property.
--Arrest and search procedures must now comply generally with the requirements in the Criminal Procedure Law applicable to peace officers rather than police officers. In most cases, however, these requirements will not create any significant differences in existing law enforcement procedures.

--Inadvertently omitted is general authority for University peace officers to issue an appearance ticket; consequently, they may issue an appearance ticket only for the unlawful possession of marihuana (Criminal Procedure Law, §150.75) or a simplified traffic information for traffic offenses. Any person arrested for other offenses by a University peace officer must be brought before a local criminal court without unnecessary delay, although an appearance ticket may be issued by a police officer at the request of a University peace officer. The University intends, however, to submit a proposal to the Governor for the 1981 legislative session which would permit University peace officers generally to issue such tickets.

3. The new law further makes a technical amendment to the Education Law by eliminating any distinction between the two classes of law enforcement officers which had previously existed under the Education Law: (1) University peace officers with the powers of police officers under the Criminal Procedure Law and (2) security officers authorized only to issue uniform traffic tickets or parking tickets. This technical change to a uniform peace officer designation should not significantly affect University law enforcement procedures since most security officers have previously been appointed peace officers except in those few cases where law enforcement training has still to be completed.

4. Two important deadlines are set in the statute. One deals with the need of the University to report promptly, after September 1, 1980, to the Superintendent of the State Police, the make, calibre, and serial number of every firearm possessed by the University. Thereafter, within ten days of the acquisition or disposition of any such firearm, the University must make a report including information on the name and address of the person from whom the weapon was acquired or to whom it was disposed.
The second deadline establishes the University's obligation to transmit to the Division for Criminal Justice Services by January 15, 1981, information on the name, date of birth, rank or title, official station and whether employed full or part-time, of all persons appointed as peace officers. This information is to be maintained in the Central State Registry of peace officers by the Division.

We recommend that each campus forward the information requested in each category as soon as possible to Platt Harris, the Director of University Public Safety, for inclusion in University reports to these two agencies.

As noted above, the powers of University law enforcement personnel in the course of and in the actual performance of their duties are those of peace officers generally under the new uniform statute rather than peace officers with certain police powers under former law. We recommend, therefore, that all University law enforcement units be designated as "public safety departments" as recommended by a University-wide study group in 1978 and endorsed by the Council of Presidents.

If you have questions about any provisions of the Unified Peace Officers Law, the Office of Director of University Public Safety (473-1055) and the Office of University Counsel (473-7591) will be glad to assist. For your reference we have attached a copy of relevant excerpts from the new statute.

Sanford H. Levine

Attachment

cc: Public Safety Directors,
    State-operated Campuses

This memorandum addressed to:

    Presidents, State-operated Campuses

Copies for information only sent to:

    Presidents, Community Colleges
    Deans, Statutory Colleges
    President Neville
    Vice Provost Spencer
AN ACT to amend the criminal procedure law, the executive law, the penal law, the public officers law, the election law, the tax law, the canal law, the navigation law, the transportation law, the vehicle and traffic law, the alcoholic beverage control law, the agriculture and markets law, the environmental conservation law, the parks and recreation law, the public authorities law, the public health law, the county law, the general municipal law, the military law, the second class cities law, the town law, the village law, the education law, the mental hygiene law, the retirement and social security law, the social services law, the general business law, the not-for-profit corporation law, the religious corporations law, the correction law, the New York city criminal court act, the civil practice law and rules, the family court act, the uniform district court act, the Suffolk county charter, the uniform justice court act, the uniform city court act, the pari-mutuel revenue law, chapter four hundred forty of the laws of nineteen hundred twenty-six, relating to corporations for raising, breeding and improving the breed of horses and continuing the state racing commission.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.
sion, the New York state defense emergency act, and the administrative
code of the city of New York, in relation to peace officer status and
repealing certain provisions of the criminal procedure law, the canal
law, the agriculture and markets law, the environmental conservation
law and the education law, relating thereto and making an appropria-
tion to the division for criminal justice services therefor

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

Section 1. Subdivision thirty-three of section 1.20 of the criminal
procedure law is repealed and a new subdivision thirty-three is added to
read as follows:

33. "Peace officer" means a person listed in section 2.10 of this
chapter.

§ 2. Such law is amended by adding a new article two to read as
follows:

ARTICLE 2
PEACE OFFICERS
Section 2.10 Persons designated as peace officers.
2.20 Powers of peace officers.
2.30 Training requirements for peace officers.
§ 2.10 Persons designated as peace officers.
Notwithstanding the provisions of any general, special or local law or
charter to the contrary, only the following persons shall have the pow-
er of, and shall be peace officers:
1. Constables or police constables of a town or village, provided
such designation is not inconsistent with local law.
2. The sheriff, undersheriff and deputy sheriffs of New York city.
3. Investigators of the office of the state commission of
Investigation.
4. Employees of the department of taxation and finance assigned to
enforcement of the tax on cigarettes imposed by article twenty of the
tax law by the commissioner of taxation and finance.
5. Employees of the New York city department of finance assigned to
enforcement of the tax on cigarettes imposed by title D of chapter
forty-six of the administrative code of the city of New York by the com-
missioner of finance.
6. Confidential investigators and inspectors, as designated by the
commissioner of the department of agriculture and markets, pursuant to
rules of the department.
7. Officers or agents of a duly incorporated society for the preven-
tion of cruelty to animals or children.
8. Inspectors and officers of the New York city department of health
when acting pursuant to their special duties as set forth in section
584-11.2 of the administrative code of the city of New York; provided,
however, that nothing in this subdivision shall be deemed to authorize
such officer to carry, possess, wear or display a firearm unless
the appropriate license therefore has been issued pursuant to section
400.00 of the penal law.
9. Park rangers in Suffolk county, who shall be authorized to issue
appearance tickets, simplified traffic information, simplified parks
information and simplified environmental conservation information.
10. Broome county park rangers, who shall be authorized to issue ap-
pearance tickets, simplified traffic information, simplified parks in-
formation and simplified environmental conservation information.
provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the Penal Law.

11. Park rangers in Onondaga county, who shall be authorized to issue appearance tickets, simplified traffic information, simplified park information and simplified environmental conservation information, within the county of Onondaga.

12. Special policemen designated by the commissioner and the directors of in-patient facilities in the office of mental health pursuant to section 7.25 of the Mental Hygiene Law, and special policemen designated by the commissioner and the directors of facilities under his jurisdiction in the office of mental retardation and development disabilities pursuant to section 13.25 of the Mental Hygiene Law, provided, however, that nothing in this subdivision shall be deemed to authorize such officers to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the Penal Law.

13. Persons designated as special policemen by the director of a hospital in the department of health pursuant to section four hundred fifty-five of the Public Health Law, provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the Penal Law.

14. Peace officers appointed by the state university pursuant to paragraph m of subdivision two of section three hundred fifty-five of the Education Law, provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the Penal Law.

15. Uniformed enforcement forces of the New York State Thruway authority, when acting pursuant to subdivision two of section three hundred sixty-one of the Public Authorities Law, provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the Penal Law.

16. Employees of the department of health designated pursuant to section thirty-three hundred eighty-five of the Public Health Law, provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the Penal Law.

17. Uniformed housing guards of the Buffalo Municipal Housing Authority.

18. Fire constables of the towns of Hempstead, Oyster Bay, Southampton, Islip, Shelter Island, Brookhaven, Babylon and North Hempstead, provided, however, that nothing in this subdivision shall be deemed to authorize the fire constables in the towns of Brookhaven, Babylon, Islip and Shelter Island to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the Penal Law.

19. Harbor masters appointed by a county, city, town or village.

20. Bridge and tunnel officers, sergeants and lieutenants of the Triborough Bridge and Tunnel Authority.

21. Uniformed court officers of the unified court system.
b. Court clerks of the unified court system in the first and second
districts.

c. Marshall, deputy marshall, clerk or uniformed court officer of a
district court.

d. Persons appointed as railroad policemen pursuant to section
eighty-eight of the railroad law.

e. Parole officers or warrant officers in the division of parole.

f. Probation officers.

g. Officials, as designated by the commissioner of the department of
rectification services pursuant to rules of the department, and
officials of any state correctional facility or of any penal correc-
tional institution.

h. Peace officers designated pursuant to the provisions of the New
York state defense emergency act, as set forth in chapter seven hundred
eighty-four of the laws of nineteen hundred fifty-one, as amended, when
acting pursuant to their special duties during a period of attack by
enemy forces, or during official drills in preparation for an attack by
enemy forces; provided, however, that nothing in this subdivision shall
be deemed to authorize such officer to carry, possess, repair or dispose
of a firearm unless the appropriate license therefor has been issued
pursuant to section 400.00 of the penal law; and provided further, that
such officer shall have the powers set forth in section 2.20 of this ar-
ticle only during a period of attack by enemy forces.

i. New York city special patrolmen appointed by the police commis-
sioner pursuant to subdivision (c) of section 434-3.0 of the admis-
istrative code of the city of New York; provided, however, that nothing in
this subdivision shall be deemed to authorize such officer to carry, possess,
repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law and
the employer has authorized such officer to possess a firearm during any
phase of the officers on-duty employment. Special patrolmen shall have
the powers set forth in section 2.20 of this article only when they are
acting pursuant to their special duties.

j. All officers and members of the uniformed force of the New York
city fire department as set forth and subject to the limitations con-
tained in section 487a-15.0 of the administrative code of the city of
New York; provided, however, that nothing in this subdivision shall be
deemed to authorize such officer to carry, possess, repair or dispose of
a firearm unless the appropriate license therefor has been issued pur-
suant to section 400.00 of the penal law.

k. Special policemen for horse racing, appointed pursuant to the
provisions of the pari-mutuel revenue law as set forth in chapter two
hundred fifty-four of the laws of nineteen hundred forty; as amended;
provided, however, that nothing in this subdivision shall be deemed to
authorize such officer to carry, possess, repair or dispose of a firearm
unless the appropriate license therefor has been issued pursuant to sec-
tion 400.00 of the penal law.

l. Supervising fire inspectors, fire inspectors, the fire marshall
and assistant fire marshals of the county of
New York, fire marshal's office; when acting pursuant to their special
duties in matters arising under the laws relating to fires, the extin-
guishment thereof and fire perils.

m. A district ranger, assistant district ranger or a forest ranger
employed by the state department of environmental conservation.

n. Investigators of the department of motor vehicles, pursuant to
section three hundred ninety-two-b of the vehicle and traffic law.
provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

33. A city marshal of the city of New York who has received training in firearms handling from the federal bureau of investigation or in the New York city police academy, or in the absence of the available training programs from the federal bureau of investigation and the New York city police academy, from another law enforcement agency located in the state of New York, and who has received a firearms permit from the license division of the New York city police department.

34. Waterfront and airport investigators, pursuant to subdivision four of section ninety-nine hundred six of the unconsolidated laws, provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

35. Special investigators appointed by the state board of elections, pursuant to section 3-107 of the election law.

36. Investigators appointed by the state liquor authority, pursuant to section fifteen of the alcoholic beverage control law, provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

37. Special patrolmen of a political subdivision, appointed pursuant to section two hundred nine-v of the general municipal law, provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

38. A special investigator of the New York city department of investigation who has received training in firearms handling in the New York police academy and has received a firearms permit from the license division of the New York city police department.

39. Broome county special patrolman, appointed by the Broome county attorney; provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

40. Special officers employed by the city of New York; provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

41. Fire police squads organized pursuant to section two hundred nine of the general municipal law, at such times as the fire department, fire company or an emergency rescue and first aid squad of the fire department or fire company are on duty, or when, on orders of the chief of the fire department or fire company of which they are members, they are separately engaged in response to a call for assistance pursuant to the provisions of section two hundred nine of the general municipal law, provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.
42. Special deputy sheriffs appointed by the sheriff of a county within which any part of the grounds of Cornell University or the grounds of any state institution constituting a part of the educational
and research plants owned or under the supervision, administration or control of such university are located pursuant to section fifty-seven hundred nine of the education law; provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

43. Housing patrolman of the Mount Vernon housing authority, acting pursuant to rules of the Mount Vernon housing authority; provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

44. The officers, employees and members of the New York city division of fire prevention in the bureau of fire, as set forth and subject to the limitations contained in subdivision one of section 487a-1.0 of the administrative code of the city of New York; provided, however, that nothing in this subdivision shall be deemed to authorize such officer to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to section 400.00 of the penal law.

§ 2.20 Powers of peace officers.

The person designated in section 31.10 of this title shall have the following powers:

1. The power to make warrantless arrests pursuant to section 140.25 of this chapter.

2. The power to use physical force and deadly physical force in making an arrest or preventing an escape pursuant to section 16.10 of the penal law.

3. The power to carry out warrantless searches whenever such searches are constitutionally permissible and acting pursuant to their special duties.

4. The power to issue appearance tickets pursuant to subdivision three of section 150.20 of this chapter, when acting pursuant to their special duties. New York city special patrolmen shall have the power to issue an appearance ticket only when it is pursuant to rules and regulations of the police commissioner of the city of New York.

5. The power to issue uniform appearance tickets pursuant to article twenty-seven of the parks and recreation law and to issue simplified traffic informations pursuant to section 100.25 of this chapter and section two hundred seven of the vehicle and traffic law whenever acting pursuant to their special duties.

6. The power to issue a uniform navigation summons and/or complaint pursuant to section nineteen of the navigation law whenever acting pursuant to their special duties.

7. The power to issue uniform appearance tickets pursuant to article seventy-one of the environmental conservation law whenever acting pursuant to their special duties.

8. The power to possess and take custody of firearms not owned by the peace officer, for the purpose of disposing, guarding, or any other lawful purpose, consistent with his duties as a peace officer.

9. Any other power which a particular peace officer is otherwise authorized to exercise by any general, special or local law or charter
whenever acting pursuant to his special duties, provided such power is not inconsistent with the provisions of the penal law or this chapter.

For the purposes of this section a peace officer acts pursuant to his special duties when he performs the duties of his office, pursuant to the specialized nature of his particular employment, whereby he is required or authorized to enforce any general, special or local law or chapter, rule, regulation, judgment or order.

§ 2.30. Training requirements for peace officers.

1. Every peace officer in the state of New York, appointed after the effective date of this article, who works a full complement of hours which constitutes full-time employment for the officer's employer, must successfully complete a training program, a portion of which shall be prescribed by the municipal police training council and by his employer, the state or local agency, unit of local government, state or local commission, or public authority or private organization that employs him. The portion prescribed by the municipal police training council shall be comprised of subjects, and the hours each is to be taught, that shall be required of all types or classes of peace officers. The hours of instruction required by the municipal police training council shall not exceed thirty-five, unless a greater amount is either required by law or regulation, or is requested by the employer.

The segment prescribed by the employer for his employees shall be comprised of subjects, and the hours each is to be taught, relating to the special nature of the duties of the peace officers employed by him. Each state or local agency, unit of local government, state or local commission, or public authority, or public or private organization which employs peace officers shall transmit to the municipal police training council within six months after the effective date of this article the proposed training program for peace officers, comprised of subjects required by the employer, the cost of which will be borne by the employer. The program shall:

(a) List the subjects comprising the proposed curriculum and the number of hours each is to be taught;

(b) List the proposed instructors for each subject with their qualifications, and

(c) Indicate the proposed location of the school.

In the reviewing of the employer's submission, the instructors must be found qualified by background and experience, and if so found, the course shall be certified by the municipal police training council. When the subjects prescribed by the employer are identical to the subjects in the training program required by the municipal police training council, the officer shall not be required to take duplicate training for those subjects. It is the responsibility of every employer to provide the training program certified by the municipal police training council. Each peace officer satisfactorily completing the course shall be awarded a certificate by the division of criminal justice services attesting to that effect, and no person appointed as a peace officer after the effective date of this article shall exercise the powers of a peace officer, unless he has received such certification within twelve months of appointment. Where an employer has authorized a peace officer to carry or use a weapon during any phase of the officer's official duties, which constitutes on-duty employment, the program shall include the same number of hours of instruction in deadly physical force and the use of firearms and other weapons as is required in the basic training program for police officers by the municipal police training council. The program shall include the information set forth in subdivision seven of
1. Any individual who is a peace officer or a New York city special
patrolman on the effective date of this article and has previously taken
a formalized course of training while a peace officer or a New York city
special patrolman, may apply, in writing, to the municipal police training
council for certification. The application shall be granted or
denied for reasons specifically and concisely stated in writing, and if
granted, the exact extent of any waiver of the training then presently
required for new appointees shall be set forth. The certification shall
be granted only if the municipal police training council determines that
the course of training previously taken by the applicant is in substantial
compliance with the training then presently required for new
appointees.

When an application is denied, it is the responsibility of the officer
to obtain the training that is required in order to obtain
certification. When a peace officer meets the training requirements spe-
cified herein in the division of criminal justice services, shall issue
that person a certificate attesting to the fact that he has satisfac-
torily completed the required training.

2. * * *
§ 165. Paragraph m of subdivision two of section three hundred fifty-five of the education law, as separately amended by chapters one hundred seventy-four and three hundred thirteen of the laws of nineteen hundred seventy-four, as amended, is amended to read as follows:

m. To appoint [from time to time] security officers [and peace officers] who shall have the powers of peace officers as set forth in section 2.20 of the criminal procedure law 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 a course of law enforcement training 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] on the campus and other property of the university at which the officer is appointed to serve, including any public highway which crosses or adjoins such property. [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.] and, when so engaged, shall be exempt from prosecution under the penal law for possession of a police nightstick or baton.] Persons so appointed shall, in the course of and in the actual performance of their official duties have the power to execute arrest warrants pursuant to article one hundred twenty of the criminal procedure law and search warrants pursuant to article six hundred ninety of the criminal procedure law. [Persons appointed security officers] In addition, such peace officers shall, in the course of and in the actual performance of their official duties have the power to follow a person in continuous close pursuit outside the campus or other property of the state university when the officer has reasonable cause to believe such person has committed an offense on the campus or other property of the state university including any public highway which crosses or adjoins such property and may arrest such person for such offense where the person is apprehended, and shall 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] offense in his presence on the site owned, operated, and maintained by state university, and where applicable, such simplified traffic [infractions] informations 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 or police officers. The provisions of this paragraph [m.] shall not apply to any of the state institutions and property referred to in section five thousand seven hundred nine of this chapter.

§ 166. Subdivision four of section three hundred sixty-two of such law, as added by chapter one hundred forty-eight of the laws of nineteen hundred eighty-two, is amended to read as follows:

4. Notwithstanding any inconsistent provision of law, the persons designated as peace officers by the board of trustees, pursuant to paragraph m of subdivision two or section three hundred fifty-five of this chapter, shall have the power to issue a uniform traffic citation and complaint as provided in the vehicle and traffic law and simplified traffic informations as provided for in the criminal procedure law for traffic violations committed upon the property, streets, roads and highways owned, controlled and maintained by state university and within the
grounds of any institution therein constituting a part of the administrative, educational or research plant or plants owned or under the supervision, administration and control of said university, such information to be administered pursuant to the provisions of article two of the vehicle and traffic law, where applicable.