



Impacts of the State Laws that Govern University Police Powers

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Campus police officers have existed at American colleges and universities for over 120 years. Despite recent calls to defund or abolish campus police, governments and institutions continue to financially support, expand, and increase policing on campus. Few researchers have critically analyzed the state laws that govern university police at public institutions of higher education. I conducted a study that updates and builds upon two previous studies that analyze the legal authority of university police. It is the third empirical study in fifty years to provide a comprehensive overview of the statutory authority of campus police officers and provides a critical perspective to the role, powers, and authority of university police.

State legislatures have provided campus police officers with notable expansions in their legal authority, granting enforcement powers and responsibilities beyond traditional campus boundaries. The expansion of legal authority is particularly concerning in light of the nationwide calls to address issues of race and policing and the potential for lack of transparency and accountability, as university police departments often operate with a degree of autonomy that hinders oversight from governing bodies that appoint them.

Findings

This study uses legal and qualitative methods to analyze the characteristics of university police statutes. The university police statutes in this study were active as of July 1, 2022.

Statutes

Forty-seven states and the District of Columbia have a state law governing campus police. Nearly 90% of states with a university police statute permit governing bodies with the lowest possible threshold to employ campus police officers. This is important because the statutory language could be interpreted to mean institutions do not appoint any campus police officers, either because they choose not to or because they believe campus police officers are not necessary. However, institutions have built and sustained multi-million-dollar police departments, imbuing their campuses with law enforcement practices reflective of a carceral political state that places a hyper-reliance on police.

Police power

Every state with university police statutes grants campus police officers with police powers. Conferring campus police officers with the authority of law enforcement officers cements the privileges associated with law enforcement, such as qualified immunity, arrest powers, and access to state and local financial resources. Access to qualified immunity and resources often shields police officers from accountability measures. This is concerning due to the racialized patterns and practices of violence perpetrated by university police.

Several states grant campus police officers the ability to also enforce university rules and regulations. This raises questions about the purpose of university police. If campus police officers at public institutions serve the public interest by enforcing public law, their ability to simultaneously enforce university rules and regulations expands their enforcement authority to serve private, institutional interests. University police that enforce laws and university policies serve two entities by enforcing public and private matters, effectively exposing students to dual paradigms of surveillance and institutional control.

Jurisdiction

Nearly half of the states with a university police statute authorize campus police officers to exercise their powers off-campus. For many, this includes public roads adjacent to the university, and provide no delineation on where campuses like the University of Chicago start or stop within city limits. The expansion of university police jurisdiction, particularly on campuses in metropolitan areas, raises significant concerns related to racial discrimination, over-policing, resource allocation, community encroachment, and economic disparities. Communities that already face high levels of policing are subject to additional police presence and further surveillance and harassment.

Expanding the jurisdiction of university police also requires institutions to invest resources in off-campus patrolling. This investment diverts already scarce campus resources away from the needs of campus community members, such as mental health counseling, affordable housing, and food security.

Weapons

The statutes authorizing university police to carry weapons raise concerns about the ways universities conceptualize safety. Student demands to disarm law enforcement on campuses underscores the disconnect between the perceived role of campus police officers and desires of the student body for a safer and more inclusive educational environment. For many, an armed police force on campus can contribute to an atmosphere of fear and intimidation, countering the missions of academic institutions.

Conclusions

Current attention on race, place, and policing in America, including on college and university campuses, has thrust the role, authority, and powers of university police to a critical subject of inquiry. The expansive powers of university police imbued by state legislatures raises critical questions about the role of state legislatures in expanding carceral logics and racialized policing practices on campus. As reform, defund, and student abolition movements continue to permeate the national discussion, it becomes imperative to include the evolving legal authority of university police in critical analyses.

In order to address some of these concerns, institutions might consider disarming university police, mandating public accountability oversight committees, establishing publicly accessible police misconduct reporting mechanisms, and rethinking reliance and relationships with municipal or state police departments.

Read more in Vanessa Miller, “A National Survey and Critical Analysis of University Police Statutes” *Buffalo Law Review* Forthcoming (2023).