

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the University of California Santa Cruz Police Department to perform their functions based on established legal authority.

100.1.1 DELEGATION OF AUTHORITY

The Regents of the University of California of California are authorized and empowered by California Education Code Section 92600 to appoint peace officers. The Standing Orders of The Regents, 100.4 and 100.6 provide for the delegation of authority for governance of the University of California to the President and for the governance of a campus to each Chancellor.

100.2 PEACE OFFICER POWERS

Sworn members of this department shall are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.2(b)). The authority of any such peace officer extends to any place in the State of California, as follows:

- (a) A member of the University of California of California Police Department appointed pursuant to § 92600 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in § 92600 of the Education Code.
- (b) As to any public offense committed or which there is probable cause to believe has been committed within the political subdivision which employs the peace officer; or
- (c) Where the peace officer has the prior consent of the chief of police, or person authorized by him or her to give consent, if the place is within a city or of the sheriff, or person authorized by him or her to give such consent, if the place is within a county; or
- (d) As to any public offense committed or which there is probable cause to believe has been committed in the peace officer's presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of the offense.

100.2.1 CONCURRENT JURISDICTION

Pursuant to Section 202 of the Universitywide Police Policies and Administrative Procedures Manual, jurisdiction is shared with local and state law enforcement agencies. The county sheriff's department has concurrent jurisdiction on all campuses and upon all properties owned or controlled by the University of California located within the county. If the campus or property is located within a municipality, the city police department has concurrent jurisdiction.

100.2.2 THE KRISTIN SMART CAMPUS SAFETY ACT OF 1998

Pursuant to Section 67381 to the Education Code, the Kristin

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Smart Campus Safety Act of 1998, the UC Santa Cruz Police Department shall enter into written agreements with local law enforcement agencies that clarify operational responsibilities for investigations of Part 1 violent crimes.

An annual review of written agreements shall be conducted by July 1, of each year, to permit changes or modifications to operational responsibilities for each agency, and to adopt new agreements, if necessary.

100.2.3 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE UNIVERSITY OF CALIFORNIA SANTA CRUZ POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the University of California Santa Cruz Police Department includes (Penal Code § 830.2(b); Penal Code § 836):

- (a) When the officer has probable cause to believe the person committed a felony.
- (b) When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.
- (c) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.
- (d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.
- (e) In compliance with an arrest warrant.

On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot or fresh pursuit, while following up on crimes committed with the University of California or while assisting another agency.

On-duty officers who discover criminal activity outside the jurisdiction of the University of California should when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

100.2.4 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE UNIVERSITY OF CALIFORNIA SANTA CRUZ POLICE DEPARTMENT

The arrest authority within the jurisdiction of the University of California Santa Cruz Police Department includes (Penal Code § 830.2(b); Penal Code § 836):

- (a) When the officer has probable cause to believe the person has committed a felony, whether or not committed in the presence of the officer.
- (b) When the officer has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the officer.
- (c) When the officer has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the officer and the officer reasonably believes there is an immediate danger to person or property, or of escape.

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- (d) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the officer such as certain domestic violence offenses.
- (e) In compliance with an arrest warrant.

100.2.5 TIME OF MISDEMEANOR ARRESTS

Officers shall not arrest a person for a misdemeanor between the hours of 10:00 p.m. of any day and 6:00 a.m. of the next day unless (Penal Code § 840):

- (a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
 - 1. A misdemeanor committed in the presence of the officer.
 - 2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).
- (b) The arrest is made in a public place.
- (c) The arrest is made with the person in custody pursuant to another lawful arrest.
- (d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

100.2.6 OREGON AUTHORITY

Sworn members of this department who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles from the California-Oregon border (ORS 133.405). Such authority shall only apply when officers are acting:

- (a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.
- (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.
- (c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

University of California Santa Cruz Police Department officers have no authority to enforce Oregon traffic or motor vehicle laws.

Whenever practicable, officers should seek permission from a department supervisor before entering Oregon to provide law enforcement services. As soon as practicable, officers exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.

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100.3 POLICY

It is the policy of the University of California Santa Cruz Police Department to limit its members to only exercise the authority granted to them by law.

While this department recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate the abuse of law enforcement authority.

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When an officer enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

The person arrested out of state must be taken without unnecessary delay before a magistrate of the county in which the arrest was made (ARS § 13-3833; NRS 171.158; ORS 133.440).

100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and California Constitutions.