CAMPUS POLICING ISSUES:  
POLICING IN AN AGE OF LITIGATION

Presenter:

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**Introduction** No one likes or wants to be sued. The mere thought gives one a "headache". The enormous amount of research, paperwork, meetings, responding to interrogatives preparing for court, the hearing, and labor hours seem almost insurmountable. We must effectively prime ourselves to defend our agency against a liability claim. Why? Because we desperately want the judge to say: This claim of liability is rejected because the agency provided "reasonable" protection to prevent this unfortunate incident. While some agencies may hear the aforementioned statement releasing them from liability, others may not. However, the agony of being sued is real because we are living in an age of litigation. Policing is a full-time business, and we must treat it like one.

Today, more and more people are questioning the actions of law enforcement agencies compared to yesteryear. When Congress passed the Student-Right-To-Know and Campus Security Act of 1990, parents and students wanted to know: *How safe is your campus?* This act, rightfully so, has propelled the issue of safety and security to the forefront for parents, students, administrators, and campus police officials. Safety and security is a major concern, and it can no longer be denied. It must be addressed by colleges and universities proactively because we must do what is reasonably expected of us in providing a safe and secure environment conducive for learning.

This paper will examine and discuss three major goals/benefits designed to guard against tort/liability claims.
1) To gain an understanding of the importance of establishing an effective relationship between University Police and Student Affairs.

2) To gain an understanding of the University environment as a "unique" environment, ripe with opportunity for effective community-oriented policing.

3) To illustrate how university police departments, which choose to take a proactive approach to enhancing relations with students, faculty and staff, and the community at-large, are less apt to be challenged by litigation.

The Relationship Between University Police and Student Affairs

If you want to create an adversarial atmosphere between university police and student affairs, do not communicate with each other. A lack of communication will almost guarantee failure when tort/ liability claims are filed. Also, the potential for tort/ liability claims will probably be higher if the relationship is anything less than good. Some students will sense the tension between these two groups and may play both ends against the middle. While it is not always easy, university police and student affairs officials must be willing to work together to decide what is best for the student and the university. The effort may be time-consuming, but a lawsuit is more time-consuming. If, on the other hand, you want to create a harmonious relationship, constant and continuous communication is a must. Communicating is an art; therefore, one must work hard at it—to perfect it.

In an effort to always assess the relationship between university police and student affairs officials, the Police and Public Safety Department at UNC-Charlotte implemented the following programs/strategies:
A) **Campus Appearance Ticket** - This form is utilized by Police & Public Safety to immediately cite a student to the Dean's office for violating a university rule/regulation or minor misdemeanor. Within forth-eight hours, the student contacts the division of student affairs for a disciplinary meeting. This form (Appendix A) has helped to prevent students from falling through the cracks and not being held accountable for their actions.

B) **Incident Reports** - A police summary report is faxed to each administrative division every business morning by 8:30 a.m. In addition, if an incident report involves a student that was arrested or issued a Campus Appearance Ticket (C.A.T.), a copy is sent to the Dean of Students Office.

C) **Ride-Along Program** - An effective way to build and sustain a positive rapport with the Division of Student Affairs is through a ride-along program. The Police and Public Safety Department is always willing to have a member(s) from Student Affairs ride with our police officers. A better understanding, appreciation, and respect is gained by members of Student Affairs for the job duties and responsibilities performed on a day-to-day basis by officers as a result of a ride-along. After a release form is signed, a student affairs official can contact our department for a ride-along at anytime. A copy of the release form is found in Appendix B.

D) **Meetings** - It is incumbent upon both parties to actively meet and discuss various issues concerning students. Therefore, we meet regularly to discuss disciplinary matters, safety and security issues, and ways to enhance our communicative process.
At UNC-Charlotte, we have found that if we meet and discuss an issue(s) first, we can, in all probability, resolve it rather quickly before it gets out-of-hand and fingers start to point. The old maxim, "Together we stand--Divided we fall," has never been truer than for the individuals who work in the Division of Student Affairs and the Police and Public Safety Department.

**Campus Community-Oriented Policing**

The University environment is a "unique" environment, ripe with the opportunity for effective community-oriented policing. A campus is a city within a city. We are faced with the same types of crimes as any municipality or county law enforcement agency. A college or university campus is not immune to crime.

What is Community Policing? According to Trojanowicz and Bacqueroux (1994), community policing is a philosophy of full service personalized policing, where the same officers patrol and work in the same area on a permanent basis, from a decentralized place, working in a proactive partnership with citizens to identify and solve problems. Community-oriented policing is not only a concept, but a philosophy which advocates a cohesive bond between the police and the community to identify and resolve issues of concern. With this philosophy in mind, all members of the community become active allies in the effort to enhance safety and quality of life in our neighborhoods. When a campus law enforcement agency proactively works closely with its university family, safety and security is increased significantly. Within the campus environment, the students, faculty, staff, and visitors at-large serve as our community. A partnership must be formed with this community in order for community-
oriented policing to be effective.

At UNC-Charlotte, the Police & Public Safety Department believes and practices the philosophy of community-oriented policing. To that endeavor, we have implemented the following community policing programs.

A. **Zone Policing**

The campus is divided into three (3) zones with an officer(s) assigned to each particular zone. He or she is responsible for securing academic and non-academic buildings, and emergency telephones (twice a week) in his or her area. If any safety or security problems are found by the officer in his or her zone, he or she is solely responsible and accountable for reporting and calling someone to correct the problem immediately. Thus, officers are empowered to make decisions and follow-up on what they report.

B. **Residence Halls**

We have four squads assigned to twelve hour shifts working patrol. Each squad was given the opportunity to select the residence halls they primarily wanted for community policing purposes. As it turned out, the supervisors working days and nights at the same time, selected the same residence halls. Thus, it provides us with a consistent pattern of meeting with the residents days and nights. Each squad is responsible for meeting with the staff and students of each residence hall when they are working. If any safety and security problem or concern arises, the squad is responsible and accountable for reporting and correcting the problem(s) as soon as
possible. Again, the officers are empowered to make decisions and take the appropriate actions to rectify the problems. If the squad cannot handle the problem for whatever reason(s), this information is immediately given to the Assistant Chief or Chief for feedback on how to deal with and correct the problem(s). Examples of problems/concerns, discussed are: unsecured doors and windows, lighting, electrical, plumbing, and mechanical problems, parking, escorts, University and State Citations, misdemeanor and felony arrests, infractions, University rules and regulations, Student Code of Conduct, late night party/dance, visibility of police officers and security guards, etc., etc. A monthly report is submitted to the chief and discussed at the Command Staff Meeting for informative purposes and to explore better ways to handle a problem or potential problem in the future. At UNC-Charlotte, we inform each and every officer that we are, first and foremost, crime prevention officers.

C. **Crime Prevention**

An officer within our department is responsible for designating and implementing crime prevention programs and materials for the campus. Meetings, workshops, and seminars are held in the residence halls, academic, and non-academic buildings to educate our community about crime prevention techniques and solutions to solve a problem. Topics such as: larceny, date rape, burglary, motor vehicle theft, drugs, drinking and driving, escorts, weapons, assaults, securing doors and windows, etc. are thoroughly explored and examined.

D. **Foot Patrol**
Squad supervisors are responsible for assigning an officer(s) to foot patrol. This type of patrol lends itself to quick response in the academic and non-academic core. Officers have the opportunity to speak with students, faculty, staff, and visitors more frequently when on foot patrol.

E. Bicycle Patrol

We have five highly trained bicycle patrol officers and seven police bikes. One of our five officers is a state certified instructor. Police bicycles are a tremendous asset to any law enforcement agency because of the following reasons: 1) the ability to patrol areas inaccessible to motor vehicles, 2) quickness of response, 3) quiet operation, 4) cost effectiveness, 5) community relations, and 6) increased visibility. The bicycle patrol program is a very popular crime prevention and crime fighting tool.

At UNC-Charlotte, the Police & Public Safety Department is truly committed and dedicated to the philosophy and principle of community-oriented policing. We believe in forming and maintaining a "partnership" with our campus community. Together, we define the problem, ask questions about the problem, set short and long term goals, take action, and assess our effectiveness. You may ask yourself, why is this philosophy important to your agency. Our response is: "The Police are the Public and the Public are the Police. The Police being only members of the Public that are paid to give full-time attention to duties which are incumbent on every citizen, in the interest of community welfare and existence (Peel, 1829)."
**Proactive Approaches Designed To Decrease Litigation**

It is crucial and critical to the long term success of a campus law enforcement agency to form an allegiance with various entities, if one is serious about deterring or reducing litigation. While this list is not exhaustive, it does include, but not limited to, very important departments, associations, and organizations that a well developed "partnership" within the campus community should entail.

A. **Student Government Association**

The most important ally a campus law enforcement agency must have is the support and respect of the student government association and its president. This governing body represents the entire student population; therefore, the majority of questions, issues, concerns, and problems about safety and security will come from the students. An established relationship with student government is created by being open, honest, straight-forward, trustworthy, concerned, and willing to take action to correct a problem as soon as possible. A constant and continuous line of communication is necessary with student government to maintain a positive long term relationship. As long as students can understand, but not necessarily always agree, why campus police is doing or not doing something, their complaints can probably be resolved with little fanfare. However, what you tell students you will do, you should be able to accomplish. If not, your problems will probably double. Without students, the college or university will close. Therefore, we must be highly sensitive to their needs.
B. Student Affairs Division

This division advocates the success of students. Thus, the leadership, guidance, and support of students are primarily disseminated from this area. Comparatively speaking, a campus law enforcement agency protects and serves, and is charged with providing a safe environment conducive for learning. On its face then, it appears that the Division of Student Affairs and the Police and Public Safety Department should "never" have any problems or disagreements. So what is the problem? Let's talk enforcement. It is paramount for student affairs and police personnel to have a "clear" understanding of the enforcement role the Police & Public Safety Department will practice. Without his understanding up-front, students are apt to play both ends against the middle. This produces anxiety and frustration for each area. Mutual support and respect should always be displayed in an effort to do what is in the best interest of the University.

C. Legal Staff

Law enforcement agencies may not be able to successfully survive litigation without the support and guidance of its legal staff. In this age of litigation, a campus law-enforcement agency must be able to solicit advice from legal counsel to ward off formidable foes.

D. Faculty and Staff

The ability to effectively handle issues and concerns pertaining to safety and
security by the faculty and staff is also necessary. A well-educated and highly trained police department is vital in the campus environment. Meetings designed to share information with members of the faculty senate, deans, and department chairs should be a top priority. Likewise, meetings held with members of the professional staff organization should be a top priority.

E. Service Surveys

An effective tool for measuring how officers are delivering their services and being perceived in the university setting is through a service survey. Information to complete this survey is collected over the telephone by the Assistant Chief. The victim of each crime is called and asked to respond to eight (8) questions. This information is analyzed by the Assistant Chief to locate any area(s) of weakness by an officer(s). Feedback is immediately given to the officer for improvement. Also, the supervisor uses this information to assist in evaluating the officer. A copy of the service survey is found in Appendix C.

Summary

Communicating with your campus community through all available media about safety and security issues is perhaps the most important method for maintaining a long-term positive relationship and partnership in campus policing. This paper has addressed three major goals designed to reduce tort/liability claims. While each college or university is unique in its own way, we all share similar safety and security issues. Being sued is no laughing matter; therefore, we must be proactive in our programs, strategies, and methods in today’s policing as
much as possible. If we decide to wait until something happens, placing us in a "reactive" mode, we may not be able to successfully defend many lawsuits. A constant and continuous assessment of your law enforcement agency is required for effective policing in this age of litigation.
REFERENCE

APPENDIX

Campus Appearance Ticket ........................................ Appendix A

Release Form ............................................................ Appendix B

Service Survey ............................................................ Appendix C
### UNCC PUBLIC SAFETY
### CAMPUS APPEARANCE TICKET

<table>
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<tr>
<th>Name of Accused Student</th>
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<tr>
<td>Local Address</td>
<td>Local Phone</td>
<td></td>
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<tr>
<td>Permanent Address</td>
<td>Permanent Phone</td>
<td></td>
</tr>
<tr>
<td>Location of Incident</td>
<td>Date of Birth</td>
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<tr>
<td>Social Security Number</td>
<td>Yes _ _ No _ _</td>
<td>Yes _ _ No _ _</td>
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The undersigned officer has reason to believe that on or about ___ (A) (P) the ___ day of __________ 19____, the student named did the following act(s) in violation of the UNCC Code of Conduct and/or regulations and policies.

- ___ Alcohol Violation
- ___ Disorderly Conduct
- ___ False Alarm
- ___ Racial Harassment
- ___ Inflicting or Threat of Bodily Harm
- ___ Possession, Distribution, or Sale of Controlled Substance
- ___ Rape and Sexual Assault
- ___ Sale or Exchange of Stolen Property
- ___ Trespass
- ___ Violations of UNCC Regulations and Policies
- ___ Other Offenses
- ___ Contempt
- ___ Failure to Submit Identification
- ___ Sexual Harassment
- ___ Hazing
- ___ Misuse of Fire or Safety Equipment
- ___ Receipt and/or Possession of Stolen Property
- ___ Providing False Information
- ___ Theft
- ___ Vandalism or Defacement of Property
- ___ Weapons

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**Signature of Accused**  
**Date**

**Officer**  
**Date**

The accused student must report to the Assistant Dean of Students for the Judicial Program, 217 King Building or call 547-2378 within the next two business days between 9:00 a.m. and 5:00 p.m. to schedule an appointment. Failure to do so could result in disciplinary actions on grounds of contempt.
The University of North Carolina at Charlotte
Police & Public Safety Department
Anthony B. Purcell
Director

GENERAL RELEASE OF LIABILITY BY PATROL CAR PASSENGERS AND/OR THOSE PERSONS ACCOMPANYING UNCC POLICE & PUBLIC SAFETY DEPARTMENT OFFICERS IN THE PERFORMANCE OF THEIR DUTIES.

I, the undersigned, request permission to ride in a UNCC Police Department patrol car and/or accompany UNCC Police Officers in the performance of their duties for my personal education or for informers purposes. In consideration of granting my request, I understand and agree that I ride in the patrol car and/or accompany the officers in the performance of their duties at my own risk, and I do voluntarily assume any risk of accompanying UNCC Police Officers in a patrol car and/or in the performance of their duties.

I agree and understand that the State of North Carolina, The University of North Carolina at Charlotte, UNCC Board of Trustees and the UNCC Police & Public Safety Director will take no special protective measures to safeguard me as a passenger in a patrol car and/or while I am accompanying in the performance of his duties, or by any supervisory or command officer.

I FURTHER DO HEREBY RELEASE, QUITCLAIM, AND FOREVER DISCHARGE THE STATE OF NORTH CAROLINA, THE UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE, THE UNCC BOARD OF TRUSTEES AND THE UNCC POLICE & PUBLIC SAFETY DIRECTOR and any of their employees from and of any claims, damages, injuries or cause of action generally arising out of or relating to my riding in a UNCC Police Department patrol car and/or accompanying UNCC Police Department Officers in the performance of their duties, and do hereby agree, to hold and save the State of North Carolina, The University of North Carolina at Charlotte, The UNCC Board of Trustees, The UNCC Police and Public Safety Director, their agents and employees, free and harmless from any and all liability from any injuries or damages that I might at any time suffer from riding as a passenger in a UNCC Police Department patrol car and/or while accompanying UNCC Police Department Officers in the performance of their duties, whether the same arises out of the vehicle operation, hostile acts of any person encountered by me during the time I am accompanying UNCC Police Department Officers, or any negligent acts or omissions or accidents of any type.
I am _____ years old.

Signed by me, this____day of ________, 19__ with the intention of legally obligating myself. I understand what I have signed.

__________________________________________
(Signature of Passenger or person accompanying officer)

__________________________________________
(Title/Position)
SERVICE SURVEY

Name: ____________________________ Date of Survey: ________________

Officer: __________________________ Report #: ______________________

Incident: _________________________ Date of Incident: ________________

1. Did you feel that our officer was professional in the manner in which he/she handled your case? If No, explain: Yes No

2. Was our officer friendly and helpful? If No, explain: Yes No

3. Was the officer neat in appearance? If No, explain: Yes No

4. Did our officer give you their name and how to contact the office if you had any further questions concerning your incident? If No, explain: Yes No

5. Have you called the office since you first reported the incident? If so, did you feel that the person receiving the call was professional, friendly and helpful? If No, explain: Yes No

6. Did you feel that the officer responded in a reasonable amount of time? If No, explain: Yes No

7. Other than this incident, have you had any other contact with this Department? If Yes, explain: Yes No

8. Are there any comments/suggestions that you wish to express concerning the service the department provides or any service which you would like us to provide? Yes No