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**Campus Police**

This report addresses campus police at community colleges<sup>1</sup> and at state-owned,<sup>2</sup> state-related,<sup>3</sup> and stated-aided<sup>4</sup> colleges and universities. The enabling statutory provisions regarding "Campus Police" are currently set forth in two consecutive provisions, Section 2416 and Section 2416.1, of the Administrative Code (Act 175 of 1929, as amended; 71 P.S. §§ 646 and 646.1). The first section (2416) governs security or campus police at state-owned colleges and universities and community colleges, and it also contains provisions governing the Capitol Police and

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<sup>1</sup>A community college is an institution now or hereafter created pursuant to Article XIX-A of the act of March 10, 1949 (P.L. 30, No. 14), known as the Public School Code of 1949, or the act of August 24, 1963 (P.L. 1132, No. 484), known as the Community College Act of 1963.

<sup>2</sup>State-owned colleges and universities are those institutions which are part of the State System of Higher Education, pursuant to Article XX-A of the act of March 10, 1949 (P.L. 30, No. 14), known as the Public School Code of 1949.

<sup>3</sup>State-related colleges and universities are The Pennsylvania State University, the University of Pittsburgh, Temple University, and Lincoln University and their branch campuses.

<sup>4</sup>State-aided colleges or universities are those nonprofit institutions that are legally authorized to grant degrees and which offer needed, specified higher education services in the public interest of the Commonwealth, receive a direct Commonwealth appropriation, and meet other specified requirements of the Department of Education relating to this status or classification.

the Commonwealth Property Police. The second, and newer, section (2416.1) governs campus police at state-aided and state-related colleges and universities.

The new section of the Administrative Code, Section 2416.1, specifically relating to police at state-aided and state-related colleges and universities, was added by Act 57 of 1997. It mirrors most of the elements in Section 2416, which still applies to the state-owned colleges and universities of the State System of Higher Education and to the colleges in the Commonwealth's Community Colleges system.

Under both provisions, campus police are given various enumerated powers; and, except as to their exercise beyond the grounds of the college or university, these powers appear to be similar for each category of campus police. All campus police are given to use, as deemed necessary, the same powers as the police in the municipalities where the college or university is located. In addition, a variety of specified purposes for campus police are set forth, such as excluding or removing trespassers and disorderly people, enforcing good order, and protecting the grounds and buildings of the college or university by arresting and bringing charges against persons committing offenses.

Over the years, a number of court cases have considered the arrest powers of campus police beyond the grounds of the college or university. In Commonwealth v. Holderman, 284 Pa. Super. 161,167, 425 A.2d 752, 756 (1981), the court reasoned that "[i]n order for a campus police agency to adequately protect the campus and its residents...its officers must be permitted to pursue and arrest persons who commit summary offenses on campus and attempt to escape into the adjoining municipality." The case of Commonwealth v. Savage, 403 Pa.Super. 446, 589 A.2d 696, (1991), however, clearly limits Holderman to situations where the offense occurs on campus and the perpetrator attempts to escape into the adjoining municipality. In Savage, the court noted that "Section 646(h)<sup>5</sup> provides very narrow circumstances under which a campus police officer may exercise his or her powers in a surrounding municipality."<sup>6</sup> Moreover, in another related case, the court found that the law relating to municipal police jurisdiction was inapplicable to park police.<sup>7</sup> This case was cited in Savage for the proposition that the same provision, 42 Pa.C.S.A. § 8953 of the law relating to

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<sup>5</sup>71 P.S. § 646 (h); Section 2416(h) of the Administrative Code.

<sup>6</sup>See 589 A.2d at 700, n.8.

<sup>7</sup>Commonwealth v. Roberts, 356 Pa.Super. 309, 514 A.2d 626, 629 (1986).

municipal police jurisdiction, also does not apply to campus police. See also Horton v. Commonwealth, Dept. of Transp., Bureau of Driver Licensing, 694 A.2d 1(Pa.Cmwlt. 1997).

The new provision of the Administrative Code, Section 2416.1, specifically relating to police at state-aided and state-related colleges and universities, added by Act 57 of 1997, addresses these jurisdictional issues. With regard to the scope of their jurisdiction, there is now a clear difference between campus police at the state-related and state-aided colleges and universities and those at state-owned colleges and universities and community colleges.

Not only may police at the state-related or state-aided institutions now exercise their primary jurisdiction on the grounds and within 500 yards of the grounds of the institution, they also may, where warranted in accordance with the law relating to municipal police jurisdiction,<sup>8</sup> exercise their powers beyond their primary jurisdiction (i.e., beyond 500 yards of the grounds of the college or university). On the other hand, except in cases of "hot pursuit," security or police employed by state-owned colleges and universities or community colleges may exercise their powers only on the premises of the institution, although the option is given to allow state-owned colleges or universities, except in Philadelphia or Pittsburgh, to enter into agreements with the municipalities in which they are located to aid the police in the municipality upon request in emergency situations.

With regard to training, a campus police department at a state-related or state-aided college or university campus police department certified by the Office of Attorney General as a "criminal justice agency"<sup>9</sup> comes under the law relating to municipal police education and training.<sup>10</sup> By contrast, police forces at state-owned colleges and universities and community colleges are not statutorily mandated to comply with the training requirements of the law relating to municipal police education and training. The governing legislation requires police in these departments to complete a course of training, including crisis intervention training and riot control, as approved by the Department of Education. Nevertheless, it is the policy of the State System of Higher Education and the Department of Education to require that campus police at institutions under their jurisdiction be trained in accordance with the law

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<sup>8</sup>Penna. Consolidated Statutes, Title 42, Chapter 89, Subchapter D.

<sup>9</sup>18 Pa.C.S. § 9102.

<sup>10</sup>Penna. Consolidated Statutes, Title 53, Chapter 21, Subchapter D.

**governing municipal police education and training.<sup>11</sup> It is to be emphasized, however, that police at state-owned colleges and universities and community colleges may not exercise their authority off-grounds<sup>12</sup> in accordance with the law relating to municipal police jurisdiction, in contrast to campus police at the state-related and state-aided institutions. Moreover, a police officer at a college or university subject to the municipal police education and training law may not enforce criminal laws, enforce moving traffic violations under Title 75 (relating to vehicles), or be authorized to carry a firearm unless the requisite training has been completed.<sup>13</sup>**

**Thus, as currently authorized, campus police at state-related and state-aided institutions effectively serve on (and within 500 yards of) the grounds of those institutions as the equivalent of municipal police and are clearly authorized to work in concert with municipal police. On the other hand, the authority of campus police of state-owned colleges and universities and community colleges is restricted to the grounds of the institutions with only very limited exceptions as previously discussed;<sup>14</sup> they do not have the extended jurisdiction<sup>15</sup> granted to campus police at state-related and state-aided colleges and universities.**

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<sup>11</sup>This policy was verified by telephone confirmation by Mr. Greig Mitchell, Vice Chancellor for Finance and Administration of the State System of Higher Education, and Mr. Richard Varner, Director of the Traffic Institute for Police Services of the Pennsylvania Department of Education.

<sup>12</sup>Exceptions to this restricted jurisdiction exist only in cases of “hot pursuit” or where there exists an agreement with the host municipality for assistance to be rendered in emergencies as requested by the municipality.

<sup>13</sup>53 Pa.C.S. § 2167.

<sup>14</sup>See note 11, supra.

<sup>15</sup>Jurisdiction: within 500 yards of the grounds of the institution; and beyond, if authorized in accordance with the law relating to municipal police jurisdiction.