

LAW ENFORCEMENT MANAGEMENT INSTITUTE

CAMPUS LAW ENFORCEMENT:
A HISTORICAL PERSPECTIVE

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CAMPUS LAW ENFORCEMENT: A HISTORICAL PERSPECTIVE

The first American college, Harvard, was founded in 1636. The university president and his faculty had the responsibility of policing their institutions. The fear of God and expulsion from college were all the security measures needed by the early colleges and universities. The president and his faculty exercised the powers to accomplish both. The president often exercised a moral power over the students which was even superior to the authority of the law.

The history of the campus police officer portrays a function that from earliest times included the protection of persons and property from the ravages of fire, marauding Indians, thievery, and misuse of the automobile. It has involved a variety of services performed by numerous individuals classified under differing job titles. Various levels of faculty and staff, the janitor, the proctor, the watchman, and the guard, at different times and places, have each performed acts that are today considered within the responsibility of the campus police officer.

The physical needs of early American higher education focused major concern on the maintenance of buildings, the providing of heat, the disposal of waste, the avoidance of fires and the protection of property from straying animals and irate townfolk. So, it is not surprising that the early janitor-watchman usually reported to the faculty chairman of

the grounds committee. Even today, some campus police departments still report to the director of the physical plant.

The authority of the president and his faculty were asserted in 1656 by an Act of the Massachusetts General Court, empowering them with the authority to punish all misdemeanors committed by Harvard youth, either by fines or by whippings in the hall. The president and his faculty maintained virtually an exclusive control over student conduct as well as over routine service problems that others might have more appropriately performed.¹ Dartmouth College identifies its first code of criminal law, enacted in 1782, which was enforced by the president and his faculty.²

The prevailing concept was what might be characterized as the "Chinese Wall" syndrome. In that concept, it was administratively deemed advisable to keep "strangers" out of the campus setting, except under strict guidelines, and to closely monitor students to ensure that they complied with institutional regulations.

The failure or inability of the faculty and administration to relinquish its authority to specially trained personnel, except in cases of dire emergency, delayed the growth of campus police forces.

The janitor-watchman performed significant tasks on campus. The threat of fires, night prowlers and Indians necessitated night watches. Their primary responsibilities

involved maintaining fire watches and locking doors. The development of the janitor-watchman in a policing capacity was rather sporadic. Some of the first references show that they were employed at different colleges to protect the grounds and buildings "only on pleasant summer afternoons." Some were also hired from noon to 10:00 pm on Sundays to keep objectionable women off campus. As time passed, the janitor-watchman position was expanded to include the detecting, reporting and apprehension of students who were violating university rules.

Schools offering military training relied on the military system for maintaining order. The commandant was especially charged with the details of policing the campus with the help of various cadet officers who were expected to exact obedience from their subordinates and to report in writing the infractions of the rules.

In some situations private detectives were hired for special investigations involving major unsolved cases of a serious nature. The use of private detectives on campus did not preclude the presence of local police officers from adjacent jurisdictions. Their enforcement forays onto the university campus generally ended with ill feelings.

The Yale University Police Department, established in 1894, was probably the beginning of organized and professional protective policing service at an institution of higher learning. Yale University claims to have hired the first

campus police when they "borrowed" two officers from the New Haven Police Department in 1894. The success of this "borrowing" prompted the two officers to resign from the police department, receive commissions as constables and become employed by the University.³

The advent of prohibition saw the situation aggravated by the frequent city and state police raids on fraternity drinking parties. Often the watchman supplied the needed information for the raids.

The development of the automobile marked the beginning of the 20th Century campus police officer. The control of traffic and the problems incident to parking necessitated laws and individuals to enforce them.

Those "simple" less complex days of the 40's and early 50's, when the kindly old watchman sufficed for even the largest of campuses, were disappearing. The problems of the campus of that period were pranks, panty-raids, and inter-campus rivalries. The campuses were not open to all and the boiler-checking, door-locking guard sufficed nicely. During the 50's, the security function gradually evolved to not only monitoring for student rule violations but also looking for violations of local ordinances. Some schools began hiring retired policemen but actual police functions were rare.⁴

Post World War II days saw the divestment of the watchman-janitor image and the formation of a formal organizational police structure. Some of the vestiges of the

past remained and an uncertainty persisted as to their actual police authority, but the "campus-cop" was a reality.

During the late 50's and through the 60's, the field evolved through the guard stage to become a professional field similar to others in law enforcement. The field of security drastically changed during the 1960's due to the sociological changes and demands made on it. Such changes were necessary because of the increase in crimes, demonstrations, bombings, and the use of drugs. These types of problems required that security officers become better trained, that departments be better equipped, and that officers be prepared to deal with a variety of problems.

Past problems had been petty compared with those ahead. The big security problem had been the enforcement of the closing hour that terminated the daily hunting season in the girl's dormitories. The role concern was shifting from the implications of biology to the implications of anarchy.

Prior to the 60's, students and faculty were generally a passive body that accepted administrative control with little more than lip service protest. For better or worse, this placid, accepting nature was transformed during the 1960's into a militant, take charge, confrontational attitude that caught all governmental and institutional authority almost totally unprepared. Mass student demonstrations, takeovers of entire buildings, disruptive "sit-ins" in the university president's office, vandalism, arson, and similar incidents

were the problems of the time. College and university administrators quickly found that their understaffed, poorly trained security departments could not cope physically or emotionally with the level of demonstrations and protests then facing them. The decision to summon local law enforcement officers or federal troops to assist in maintaining order was a necessary but tragic one to make. To further complicate the situation, the "outside police" were found to be totally unprepared for response with the understanding and sensitivity the college or university community was accustomed to.

The campus disturbances of the 60's and 70's created a demand for better educated, better trained, and more responsible personnel to deal with institutional problems. The days of the unarmed and untrained security guards who were expected to do little more than make their foot rounds and call the "real police" if something happened were over. The disturbances partly arose out of a rebellion against the traditional administrative approach which had addressed the campus as a sanctuary. There was strong assertion for the constitutional rights of students to be respected as those of any other citizen. The nature of these protests and disturbances particularly affected the administrative concerns related to the protection of life and property under those tumultuous conditions.

Another development during this period saw an increasing reliance of the public, in general, and university- related

persons, in particular, on litigation. College and university related people manifest no qualms about instituting lawsuits alleging personal harm or property loss as a result of some conceived failure of the institution to provide "reasonable" functional responses to avoid such harm or property loss. There have been successful legal proceedings charging institutions with failure to employ professionally competent persons to protect lives and property. One university suffered a substantial judgment because of allegedly careless patrol activities by its law enforcement officers.

One of the theoretical arguments, that surfaced with the anti-police movement of the 60's, was whether campus law enforcement should be service oriented or enforcement oriented. The prevailing feeling today is that the service oriented method is the best. The service oriented police department on a college campus must provide a number of operations beneficial to the faculty, staff, and student body and it must be through these efforts that the department is recognized and appreciated. The enforcement responsibility should remain strong; however, emphasis should be placed on the service aspect.

Today there is no longer the emphasis toward policing the student body. The emphasis is on protecting the general public of the institution from criminal activity as well as from other hazards. There is no longer the emphasis on concern with "students," but on concern with "people," in

effect, with the institution's "public." To ignore or give special treatment to a law violator, who happens to be a faculty member or staff member of the institution, when the public record indicates that a student violator would be treated differently under similar circumstances, is to invite legal action against the institution based upon a policy of inequitable application of the law. Society no longer finds it acceptable to expect that because a person is a student, malicious damage to institutional property or any offense is excusable as "misconduct." Another change is that society does not find it acceptable that "white collar crime" be treated as calling for administrative action while at the same time the institution, through its campus law enforcement function, ensures the arrest and prosecution of a juvenile for bike theft. It is no longer acceptable for a faculty or staff member to steal from the institution without expecting to be treated as any other citizen responsible for such a theft.

In the absence of fully armed and commissioned university police officers, the local authorities perceived a vacuum in the provision of law enforcement services on campus and at times stepped in to fill it. The response of the municipal police was to either patrol the campus or to intervene in the event of some sort of crisis. Thus, the university administrations were faced with the question, whose armed peace officers do we want to have on campus dealing with the academic community of students, faculty, and staff? Would it

be desirable to have outside police intervene, whose only recourse was arrest? Or was it more desirable to have their own university police, carefully screened and fully prepared to handle students and/or criminal matters, and who were willing by training and orientation, to deal with on-campus lawbreakers using either arrest or established discipline procedures? To whom do municipal police answer, the campus or the city authorities? The academic powers to be had only one viable solution to their quandary if they were to remain somewhat in control of their own kingdoms: University Police Departments.

College administrators, realizing that profound changes had occurred, were now faced with the reality of policing their own communities. Since the negative experience of outside police intervention was fresh in their minds, the decision to upgrade and professionalize campus police was made. Professional police administrators were sought out and employed. They, in turn, assumed the unenviable task of reshaping the "security department" at their institution into first rate police organizations. This effort was slow at best and was complicated by the grudging surrender of power by the academic community.

By the 1980's, the image of the campus security department was that of a police department. Most colleges maintained their own private campus police forces to avoid calling on outside police.

Policing a campus is very similar to policing a municipality or county. The campus has its own geography, a permanent and transient population, and its own businesses. Campus police perform the same functions as other officers. These functions include routine patrol, traffic enforcement, investigations, crime prevention, and security duties. The only difference is the security functions performed by campus police are performed for their own employers instead of private citizens.

To establish an effective campus police department, the university administration must maintain competent officers who have a well rounded education. The "general public" a campus officer comes in contact with on a daily basis, is on a higher level than the "general public" that a municipal or county officer encounters daily in terms of economics, education, and intellect. College professors and their fellow researchers are, theoretically, the intellectual cream-of-the-crop of society. If campus officers are to encounter and service this group, the officers must be able to effectively communicate with them.

Accordingly, the demands upon the personnel involved in protecting the institution and public through the campus law enforcement function have resulted in the demand for staffs that, educationally, can relate well to (1) the academic community being served, (2) the criminal justice system, and (3) the civil liability process arising out of performance or

non-performance in these areas of institutional responsibility.

Today emphasis is on a policy of providing carefully selected, well educated, professionally trained personnel equal to or superior to those found in state and local law enforcement agencies to fulfill the campus law enforcement role. Quite frequently, these officers are themselves students attending school part time, looking toward the achievement of a graduate or undergraduate degree.

Until the mid 1960's, the authority of campus police officers had been questionable. There had been little legislation which specifically enumerated their duties and most functioned under authority derived through deputization by the local municipal police. Others functioned under statutes that appeared to provide some legal authority, but in fact had not been tested in court. Previous attention devoted to campus police resulted in passage of a body of statutory law devoted specifically to campus police officers. These statutes authorize state institutions of higher learning to appoint campus police personnel who will have peace officer authority. Among private colleges and universities, only a few states provide for statutory appointment of campus police officers. Instead, these institutions must rely solely upon deputization by local police agencies.

The University of Texas at Austin was established in 1883. In 1947 the university had one traffic officer and six

nightwatchmen employed. The traffic officer had no police powers to aid him in handling the growing traffic/parking problems on campus. The six nightwatchmen worked under the janitorial supervisor. In the early 1950's, Luther Stromquist, a sergeant with the Austin, Texas Police Department, was employed as the first Chief of the traffic and security personnel. The nightwatchmen were then placed under his supervision. By 1966 the university had approximately fifty non-sworn security guards in their Traffic and Security Service Department.⁵

Campus police became an issue in Texas on 08-01-66. On this date a subject by the name of Charles Whitman killed several members of his family and then proceeded to climb to the top of the tower on the campus of the University of Texas at Austin. Once there he started firing at anybody that moved. Before two Austin police officers were able to shoot and kill Mr. Whitman, seventeen people were dead or dying and another thirty-five had been wounded. The university did not have any commissioned police officers employed. This situation was handled by a combination of Austin Police Department Officers, Department of Public Safety Officers, Capitol Police personnel, and private citizens who grabbed up their rifles and shotguns and rushed to the campus in an effort to stop "the madman on the top of the tower." It was even reported that someone in a private airplane was flying around the tower and firing out of a window at the lone

gunman. This tragedy ended even though there was little organization in the efforts of the law enforcement officers present. All this occurred within eyesight and earshot distance to the State Capitol Building. Less than a year later, laws for campus law enforcement were being passed.

The Sixtieth Regular Session of the Texas Legislature addressed this issue on Campus Police in 1967 when it passed Senate Bill 162. Sec. 3 of this article stated:

The governing boards of the state institutions of higher education of this state are hereby authorized to employ campus security personnel for the purpose of carrying out the provisions of this act and may commission such officers as peace officers...⁶

The Texas Code of Criminal Procedure Article 2.12 (9) under the heading, "Who are peace officers" then stated:

The following are peace officers: officers commissioned by the governing board of any state institution of higher education, public junior college or the Texas State Technical Institute...

Article 2.123 under the heading, "Adjunct Police Officers" states:

(a) Within counties under 200,000 population, the chief of police of a municipality or the sheriff of the county, if the institution is outside the corporate limits of a municipality, that has jurisdiction over the geographical area of a private institution of higher education, provided the governing board of such institution consents, may appoint up to fifty peace officers who are commissioned under Section 51.212, Education Code, and who are employed by a private institution of higher education located in the municipality or county, to serve as adjunct police officers of the municipality or county. Officers appointed under this article shall aid law enforcement agencies in the protection of the municipality or county in a geographical area that is designated by agreement on an annual basis between the appointing chief of police or sheriff and the private

institution...⁷

In the mid 1980's controversy arose again as to what the jurisdictional boundaries were for a campus officer. In 1987 House Bill Number 391 was passed amending Section 51.203 of the Texas Education Code clarifying the powers of the campus police. The bill also stated:

The primary jurisdiction of a peace officer commissioned under this section includes all counties in which property is owned, leased, rented, or otherwise under the control of the institution of higher education or public technical institute that employs the peace officer...

Today, the University of Texas at Austin's Police Department is one of fourteen agencies that make up the University of Texas System Police Department. Austin's sixty-three sworn police officers and its ninety-three non-sworn guards are only a part of the system's authorized strength of two hundred and sixty-four officers and three hundred and ninety-three non-sworn guards. Each agency has its own Chief of Police who reports to the System's Director of Police Office located in Austin. New police officers must complete a sixteen-week System's Police Academy before putting on their badge and gun and reporting to their respective campus.

A good "campus-town" relationship requires the campus police to have a good working rapport with neighboring law enforcement agencies, magistrates and court officials, and the local district attorney's office.

Campus police departments are here to stay. They will continue to combine the countless police, preventive and

security services into one unique professional skill. In the future, they will continue to correlate their functions with the more traditional police services performed by various other law enforcement agencies. They must also be sure that the public interest will always be the catalyst for cooperation and understanding between the various segments of the criminal justice community.

ENDNOTES

1. Samuel E. Morison, Harvard College in the 17th Century (Cambridge, Mass.: Harvard University Press, 1936), p. 23.
2. Leon B. Richardson, History of Dartmouth College (Hanover, N.H.: Dartmouth College Press, 1932), p. 267.
3. Royce E. Neil, "A History of Campus Security - Early Origins." Campus Law Enforcement Journal Vol. 10, No. 6 (November / December, 1980), p. 29.
4. H.E. Van Benthuyzen, " Armed Does Not Mean Dangerous." Campus Law Enforcement Journal Vol. 6, No. 6 (November / December, 1976), p. 12.
5. George W. Carlson, Report and Recommendations: Traffic and Security Services and Implementation of Senate Bill 162 (Austin, Tex.: University of Texas Press, 1967), i.
6. Carlson, Report and Recommendations, p. ii.
7. Texas Code of Criminal Procedure (Austin, Tex.: Texas Department of Public Safety, 1987), p. 123-126.

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