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August 19, 1991

ATTORNEY GENERAL OPINION NO. 91- 96

The Honorable Sheila Hochhauser
State Representative, Sixty-Seventh District
1636 Leavenworth
Manhattan, Kansas 66502

Re: State Institutions and Agencies; Historical
Property--State Educational Institutions;
Management and Operation--University Police
Officers; Powers and Authority; Jurisdiction

Synopsis: University police officers have the authority of
law enforcement officers in the areas described in
K.S.A. 76-726(a)(1) and (2) and K.S.A.
22-2401a(3)(a) and (b). Such officers may exercise
law enforcement powers outside of the areas
described in three separate instances: (1) When in
fresh pursuit of a suspect; (2) upon notification
of and coordination with local law enforcement
agencies; or (3) upon request of local law
enforcement officers. Cited herein: K.S.A.
22-2401a; 76-726.

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Dear Representative Hochhauser:

You request our opinion regarding the authority of a
university police officer to arrest a suspect anywhere within
the city in which the university is located when the officer
is in fresh pursuit of the suspect having reason to believe a
crime was committed within the officer's jurisdiction. You
question whether Kansas State University police officers are

required to notify and coordinate such arrests with the Riley county police department.

Two statutes describe the authority of university police officers. K.S.A. 76-726 provides in part:

"(a) The chief executive officer of any state educational institution may employ university police officers to aid and supplement state and local law enforcement agencies. Such university police officers shall have the power and authority of law enforcement officers on: (1) Property owned or operated by the state educational institution, by a board of trustees of the state educational institution, an endowment association, an athletic association, a fraternity, sorority or other student group associated with the state educational institution; and (2) on the streets, property and highways immediately adjacent to the campus of the state educational institution. When there is reason to believe that a violation of a state law, a county resolution, or a city ordinance has occurred on property described in provisions (1) or (2), such officer, with appropriate notification of, and coordination with, local law enforcement agencies, may investigate and arrest persons for such a violation anywhere within the city where such property, streets and highways are located. . . ."
(Emphasis added).

K.S.A. 22-2401a provides in part:

"(3) University police officers employed by the chief executive officer of any state educational institution may exercise their powers as university police officers anywhere on:

"(a) Property owned or operated by the state educational institution, by a board of trustees of the state educational institution, an endowment association, an

athletic association, a fraternity, sorority or other student group associated with the state educational institution; and

"(b) the streets, property and highways immediately adjacent to the campus of the state educational institution. When there is reason to believe that a violation of a state law, a county resolution, or a city ordinance has occurred on property described in this subsection, such officers with appropriate notification of, and coordination with, local law enforcement agencies or departments, may investigate and arrest persons for such a violation anywhere within the city where such property, streets and highways are located. Such officers also may exercise such powers in any other place when in fresh pursuit of a person.

. . . .

"(5) In addition to the areas where university police officers may exercise their powers pursuant to subsection (3), university police officers may exercise the powers of law enforcement officers in any area outside their normal jurisdiction when a request for assistance has been made by law enforcement officers from the area for which assistance is requested.

"(6) As used in this section:

. . . .

"(c) 'Fresh pursuit' means pursuit, without unnecessary delay, of a person who has committed a crime, or who is reasonably suspected of having committed a crime." (Emphasis added).

The provisions of both these statutes dealing with university police officers' authority outside their usual jurisdiction were enacted in the same bill. L. 1982, ch. 380, §§ 1, 2. Therefore, these statutes clearly are in pari materia and

must be read together to give effect to all of the provisions. State v. Bradley, 215 Kan. 642, 647 (1974).

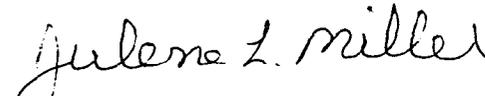
K.S.A. 22-2401a very clearly authorizes university police officers to exercise their law enforcement powers "in any other place when in fresh pursuit." Fresh pursuit is defined as "pursuit, without unnecessary delay, of a person who has committed a crime, or is reasonably suspected of having committed a crime."

If a university police officer is not in fresh pursuit of a suspect, he or she may still exercise law enforcement powers outside of the normal jurisdiction in two instances: (1) If the officer has reason to believe a law was violated on property described at K.S.A. 76-726(a)(1) or (2) [or K.S.A. 22-2401a(3)(a) or (b)], the officer may investigate and arrest persons for such violations anywhere in the city where such property is located if such efforts are made pursuant to appropriate notification of, and coordination with, local law enforcement agencies; (2) when a request for assistance has been made by law enforcement officers from the area for which assistance is requested. Neither notification and coordination nor request are necessary if the university police officer is in fresh pursuit of a suspect.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Julene L. Miller
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