



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN  
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751  
ANTITRUST: 296-5299

May 2, 1979

ATTORNEY GENERAL OPINION NO. 79- 75

Mr. Michael J. Davis  
General Counsel  
University of Kansas  
227 Strong Hall  
Lawrence, Kansas 66045

Re: State Institutions -- State Educational Institutions --  
Campus Police Officers

Synopsis: K.S.A. 76-726 grants general police powers to campus police officers only when they are functioning on property which is owned or operated by the state educational institution by whom they are employed. However, a campus police officer who is commissioned by the county sheriff or a municipality may perform police functions on property which is not owned or operated by the state educational institution, and while performing such functions the officer has the same rights, protections and immunities afforded to other police officers.

Assignment of a campus police officer to the Metropolitan Area Drug Enforcement program for a period of one (1) year would constitute an impermissible expansion of the authority granted in K.S.A. 76-726.

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Dear Mr. Davis:

You inquire whether a campus police officer may, at the direction of the Chancellor or other designated superior, exercise general police functions on property which is not owned or operated by the state

Mr. Michael J. Davis  
Page Two  
May 2, 1979

educational institution and retain the rights and privileges afforded to a state employee.

K.S.A. 76-726 provides:

"The chief executive officer of any state educational institution may employ campus police officers to aid and supplement state and local law enforcement agencies. Such campus police officers shall have the power and authority of peace and police officers on property owned or operated by the state educational institution. In addition to enforcement of state, county and city laws, resolutions and ordinances, campus police officers shall enforce rules and regulations of the board of regents and rules and policies of the state educational institution, whether or not violation thereof constitutes a criminal offense. . . .

"In performance of any of the powers, duties and functions authorized by this act or any other law, campus police officers shall have the same rights, protections and immunities afforded to other peace and police officers."

It is our opinion that the foregoing statute grants general police powers to campus police officers only when they are functioning on property which is owned or operated by the state educational institution. This limitation would apply even if the officers are acting at the direction of the Chancellor or other designated superior. However, this statute does not limit the powers, duties and functions which may be granted to campus police officers by other laws, *i.e.*, laws granting the sheriff and municipalities the authority to appoint deputies and police officers. The language of K.S.A. 76-726 indicates that campus police officers are entitled to the same rights, protections and immunities which are afforded to other police officers when they are performing the functions authorized by this act or by any other law. It is our understanding that the campus police officers hold special commissions by the county sheriffs and certain municipalities. In light of the authority vested by these special commissions, campus police officers could perform police functions, to the extent permitted by the commissions, and enjoy the rights, protections and immunities which are afforded to other peace and police officers. This would be true even though these functions are not performed on property owned or operated by the state educational institution.

For the foregoing reasons it is our opinion that the grant of authority set out in K.S.A. 76-726 must be supplemented by commissions from appropriate law enforcement agencies in order for campus police officers

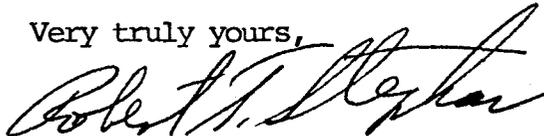
Mr. Michael J. Davis  
Page Three  
May 2, 1979

to perform the functions you describe on property which is not owned or operated by the state educational institution. It should be noted that the language of this opinion does not limit the extension of powers granted to all law enforcement officers in K.S.A. 1978 Supp. 22-2401a(3) under those specifically enumerated circumstances.

You further inquire whether it would be permissible for the University of Kansas Police Department to participate in the Metropolitan Area Drug Enforcement program by assigning a campus police officer to the unit for a period of one (1) year. Even under a liberal interpretation of K.S.A. 76-726 and related law enforcement statutes, it is our opinion that the assignment of a campus police officer to such a law enforcement unit would not be appropriate. The clear intent of K.S.A. 76-726 is to provide police protection and additional law enforcement capabilities for state educational institutions. As indicated previously in this opinion, as well as in K.S.A. 1978 Supp. 22-2401a, selected extensions of campus police jurisdiction are authorized upon the basis of exigent circumstances or collateral grants of authority. Unlike these situations, the assignment of a campus police officer to a non-related law enforcement unit for the period of one (1) year would constitute, in our opinion, an impermissible expansion of the specific legislative intent set out in K.S.A. 76-726. Such a long term assignment would not reasonably fall within the provisions of K.S.A. 22-2401a(3) which allows expanded jurisdiction upon the request of law enforcement officers in another jurisdiction.

This opinion should not be construed as limiting or prohibiting the involvement of campus police officers in various cooperative law enforcement squads or units which function on a case activation basis, i.e., metro squads, arson squads, tactical units, etc. In our judgment, these cooperative efforts are clearly allowable under the provisions of K.S.A. 1978 Supp. 22-2401a.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General of Kansas



JAMES E. FLODY  
Assistant Attorney General

RTS:TDH:JEF:may