

# **MEMORANDUM OF UNDERSTANDING**

**between**

**Syracuse Police Department**

**and**

**Syracuse University Department of Public Safety**

The parties of the Memorandum Of Understanding (MOU) are the City of Syracuse Government, acting through its Syracuse Police Department (SPD), and Syracuse University (hereinafter referred to as the "University"), acting through its Syracuse University Department of Public Safety (DPS).

It shall be the intent of this MOU to establish, promote, and maintain a continued, harmonious working relationship and cooperative effort between SPD and DPS.

It shall be the purpose and spirit of this MOU that, by the mutual and cooperative efforts of SPD and DPS, effective law enforcement and a secure environment are provided on and about the Syracuse University campus. To further those purposes, SPD and DPS agree as follows:

1. Subdivision 77, Section 2.10 of the New York Criminal Procedure Law (hereinafter referred to as the "SU Campus Peace Officer Act") authorizes the University to forward nominations of personnel to the Chief of SPD for approval of commissioning them as *campus peace officers* for the purpose of providing those law enforcement services, which are prescribed by law and which are agreeable to the City and the University, for and to all property within Onondaga County under the University's ownership, control, or administration. Section 6435 of the Education Law of the State of New York and the Laws of 1995, Chapter 611, which amended County, General Municipal and Education Laws (hereinafter referred to as the "Enhanced Authority Laws"), authorizes the University to forward nominations of personnel to the Chief of SPD for approval of establishing them as *enhanced authority officers* for the purpose of providing those non-sworn law enforcement services, which are prescribed by law and which are agreeable to the City and the University, for and to all property within Onondaga County under the University's ownership or control.
2. Members of DPS designated by SPD as *campus peace officers* may exercise the law enforcement authority as specified by state law and this MOU; they may carry authorized weapons on duty in accordance with their appointment and this MOU. Members of DPS designated by SPD as *enhanced authority officers* may exercise the law enforcement authority as specified by state law and this MOU; they may carry authorized less-than-lethal weapons on duty in accordance with their appointment and this MOU.
3. DPS candidates for an appointment to the position of *campus peace officer* must meet the minimum qualifications, recruit/conversion/waiverable training, and in-service training requirements set by the SU Campus Peace Officer Act, the Department of Criminal Justice System (DCJS), and SPD. For an appointment to the position of *enhanced authority officer*, DPS candidates must meet the minimum qualifications, recruit training,

and in-service training requirements set by the Enhanced Authority Laws, DCJS, and SPD.

4. To the extent and in the form requested by SPD, any violation of federal, state, or local law or any significant violation of any SPD or DPS rule, regulation, or departmental policy by any DPS member appointed to the position of campus peace officer or enhanced authority officer will be reported immediately to SPD's Office of Professional Accountability by DPS' Director/Chief or his/her designee. SPD may conduct, in its sole discretion, an investigation into any alleged misconduct, including the right to demand polygraph examinations, drug screening, or any other such action deemed necessary by SPD investigative personnel. Such investigation shall be for the purpose of determining whether (and under what conditions) the officer is to continue to be appointed pursuant to the terms of this MOU, it being understood that the University shall maintain final and exclusive authority to terminate or take other disciplinary action against any such officer as a University employee.
5. Any arrests of DPS officers related to domestic/relationship violence known to DPS will be reported to the Chief of SPD.
6. All scheduling and day-to-day activities involving only security, or nonsworn, functions by DPS will be performed under the exclusive supervision of DPS supervisory personnel.
7. Whenever SPD police officers are present and DPS campus peace officers and/or enhanced authority officers are engaging in the exercise of sworn or non-sworn law enforcement authority, those DPS members shall either accept supervision by SPD personnel present at the scene upon command, or those DPS members shall immediately disengage and cease any further sworn and non-sworn authority related to law enforcement.
8. To guide its sworn and non-sworn law enforcement personnel, DPS will incorporate SPD general orders and policies, as applicable and as designated by SPD, into its departmental standard operating procedures (SOPs).
9. All DPS personnel appointed to the position of *campus peace officer* shall annually complete any additional training designated by the SPD Training Division in addition to that required annually by the SU Campus Peace Officer Act for in-service training. DPS *enhanced authority officers* must annually complete in-service training required by the Enhanced Authority Laws.
10. All weapons or other protective devices used, carried, or employed by DPS members appointed to the position of campus peace officer or enhanced authority officer must receive prior approval of SPD's Chief or Training Division. No weapon or other protective device may be used, carried, or employed by any DPS member appointed to the position of campus peace officer or enhanced authority officer prior to such officer's completion of the training and proficiency testing approved by SPD's Chief or Training Division.
11. Regarding the use of physical deadly force, DPS personnel shall act in accordance with their legal status, Article 35 of the New York State Criminal Procedure Law, and (as applicable) SPD SOPs.
12. The University shall procure and maintain such insurance coverage as it deems necessary and proper in connection with the activities of DPS.

13. Except as expressly set forth in this MOU, DPS members may exercise law enforcement authority only while actually on duty and only while acting within the scope of their employment with DPS and only within the geographical areas as described below and on the map attached hereto as Appendix 1:
- a. The Syracuse University Campus proper (see attached map) and/or any other properties owned, controlled, or (in the case of campus peace officers) administrated by the University.
  - b. The area immediately bordering the Syracuse University campus and further described as follows: Starting at Comstock Avenue and proceeding to East Adams Street to Walnut Avenue to Harrison Avenue to South Crouse Avenue to East Genesee Street to Irving Avenue to East Adams Street to Almond Street to East Taylor Street to Oakwood Avenue to Burt Street to Almond Street to Van Buren Street to Renwick Avenue to Fineview Place to Oakland Street to Stadium Place to East Raynor Street to East Colvin Colvin Street to Comstock Avenue to Jamesville Avenue to Ainsley Drive to Jamesville Avenue to Nottingham Road to East Colvin Street to Westmoreland Avenue to Broad Street to Meadowbrook Drive to Buckingham Avenue to East Colvin Street to Lancaster Avenue to York Street to Haffenden Road to Hertford Street to Broad Street to Comstock Avenue to Euclid Avenue to Ostrom Avenue to East Adams Street (see attached map).
  - c. DPS shall be responsible for providing SPD with a current map or list of all properties owned, controlled, or administrated by the University (see attached list).
  - d. SPD legally has primary jurisdiction within the City limits. Though this MOU stipulates that primary jurisdiction of the University Campus is held by DPS, it is understood that SPD is authorized by law and hereby reserves the right to assume jurisdiction if and when circumstances indicate.
  - e. Ordinarily, DPS will exercise primary law enforcement jurisdiction for the University Campus and shall provide law enforcement services as approved by the Chief of SPD and as prescribed by the SU Campus Peace Officer Act, including first responder services and follow-up investigations on the University Campus, except as specified in this MOU. All DPS personnel are required to act within the scope of their legal authority as peace officers, officers with enhanced authority, or security guards.
  - f. DPS shall be responsible for initially responding to all requests for law enforcement services, as and to the extent allowed under its legal authority and limits, which originate from the University campus. SPD, and thus the 911 Center used by SPD for PSAP, shall transfer voice and data communication for all requests for law enforcement services, as allowed under the SU Campus Peace Officer Act and/or the Enhanced Authority Laws (depending on availability of University officers holding certain statuses), that originate from the University campus to the DPS Communications Center. Once it is determined what type of call is involved (i.e., criminal offense/violation, medical need, policy problem, or request for university service), DPS will take appropriate steps in accordance with state law, this MOU, and university policy. See Items #14 and #15 for details on felonies, misdemeanors, and violations. In the event that sufficient numbers of DPS officers holding the appropriate statuses are not available to respond to such a request as described above, SPD shall assume responsibility for doing so.

- g. Crimes in progress on campus will be handled initially and assessed by DPS campus peace officers. DPS will immediately notify SPD's shift commander and CID Desk of any felonies. Also see Items #14.h, #14.j., and #15.e., which require DPS to make additional mandatory notifications to SPD's Abused Persons Unit (APU) and the DA's Office in cases of violations, misdemeanors, and felonies related to sexual abuse/deviance or domestic violence.
- h. Reports of off-campus crimes in progress received by DPS will be immediately forwarded to the SPD shift commander via radio communications or the 911 Center. With approval from the SPD shift commander, DPS campus peace officers can help respond to off-campus crimes in progress involving University community members on streets adjacent to the University campus.
- i. The excellent working relationship between SPD and DPS in the Neighborhood Safety Patrol (NSP) will continue provided funding remains available for such a community program. Consistent with existing practice, if SPD requests assistance with a situation involving University members, DPS will make every effort to provide officer assistance. If the situation is on a road adjacent to University property, DPS will send, if available, a campus peace officer. If the situation is not on a road adjacent to University property, then DPS will send either a campus peace officer or one with enhanced authority. Per state law, the DPS officer, whether campus peace officer or enhanced authority, can only act within the capacity and limits of security guard (i.e., private citizen) status.
- j. In addition to the above described areas and boundaries, upon specific request by or permission of the SPD shift commander or his/her designee and upon approval by DPS supervisory personnel, DPS will provide assistance to SPD personnel at any locations which are, as prescribed by the SU Campus Peace Officer Act, on streets adjacent to the Syracuse University Campus and any other properties owned, controlled, or administrated by Syracuse University.
- k. In addition to the above described areas and boundaries, upon specific request by or permission of the SPD shift commander or his/her designee and upon approval by DPS supervisory personnel, DPS will provide assistance to SPD personnel at any location in reasonable proximity to the Syracuse University Campus and any other properties owned, controlled, or administrated by Syracuse University *PROVIDED* that DPS personnel in such circumstances may only act within the capacity and limits of security guard (i.e. private citizen) status.
- l. When DPS requests the technical assistance of SPD's Tactical Support Command, the SPD Tactical Support Command will coordinate with the ranking DPS officer regarding control of the scene. The DPS officer will have established a Command Post near the incident and will be prepared to render law enforcement or technical assistance to the SPD Tactical Support Command as required to resolve the situation. When the SPD Tactical Support Command has taken control of a scene, upon resolution of the incident, the area will be returned to the control of the ranking DPS officer by the SPD Tactical Support Command scene commander. When the SPD Tactical Support Command has responded to an incident, SPD may elect to assume responsibility for investigation and case management of the incident
- m. When it is necessary for SPD to execute a warrant or conduct an investigation on the University Campus, SPD will contact DPS in advance, and DPS will make available an officer of appropriate status or authority to accompany and/or

assist SPD personnel. When possible, SPD will refrain from interrupting a class or the workplace to execute an arrest or search warrant. In the event of “fresh” or “hot” pursuit, when time is of the essence, SPD shall notify DPS of its investigation as soon as possible, and the SPD officer will proceed as necessary until that notification reasonably can be made.

- n. DPS campus peace officers may conduct criminal investigations outside of the SU jurisdiction when relevant to assigned cases and if concurrently approved by the respective CID supervisors or their designees of both DPS and SPD.

14. Within jurisdictional and notification parameters set forth in Item #13 and by state law, the law enforcement authority of DPS personnel appointed to the position of *campus peace officer* shall include:

- a. Vehicle and foot patrol for the purpose of detecting and deterring criminal activity
- b. Conducting field interviews
- c. Acting as first responder to any reported or detected incident of criminal activity
- d. Making arrests; the exception is serving outstanding arrest warrants, which state law prohibits campus peace officers from doing but for which DPS will make appropriate and timely notification to the affected law enforcement agency regarding the suspect’s location and other pertinent details

~~///~~ Whenever any DPS officer makes an arrest, he/she will contact the 911 Center and advise them of the circumstances.

~~///~~ If a DPS campus peace officer makes an arrest, he/she will contact the 911 Center and advise them of the circumstances. Unless there are extenuating circumstances in which such act is prohibited by law or this MOU, the campus peace officer is expected to handle the situation, including issuing an appearance ticket, making a custodial arrest, or other appropriate action.

~~///~~ If the officer wanting to effect an arrest only has enhanced authority or security status, he/she should first attempt to have a DPS campus peace officer assist and handle the situation. If a DPS campus peace officer is unavailable, SPD will respond and meet with the involved DPS officer. DPS personnel will complete any internal SU or DPS documentation, such as referrals for Student Code of Conduct or other university policy violations.

~~///~~ DPS personnel will assist any SPD personnel wishing to pursue administrative avenues for university policy violations.

- e. Arranging for the transportation of persons properly detained for psychiatric evaluation by medical personnel
- f. Issuing New York State or City of Syracuse Government appearance tickets per state law
- g. Enforcing New York State and City of Syracuse Government traffic laws to include the issuance of citations, or tickets, for moving and parking offenses and the directing of traffic and pedestrians as appropriate.

- h. Responding to the violation of, and enforcing any provision of, any law related to domestic/relationship violence, to include the making of arrests for ~~violation~~ of a criminal offense or violation of an order of protection, transporting victims to an appropriate shelter, and/or advising victims of their rights and remedies by issuing the proper SPD and/or NYS form -- *All such activities, enforcement actions, and investigations shall be coordinated with SPD's Abused Persons Unit (APU). Also, see Items #13.g. and #14.j., which require DPS to make additional mandatory notifications to SPD's CID Desk and the DA's Office.*
- i. Collecting and maintaining evidence with procedures formulated by SPD and this MOU
- j. Investigating incidents, whether involving hot or cold leads, within the following specifications:
  - ~~///~~ All felonies, aside from violent ones defined in the CPL and aside from the sex offenses and domestic/relationship violence normally overseen by the APU, necessitate a simple and immediate notification by DPS to SPD's CID Desk (422-5222) and subsequent review by SPD's CID supervisor. This enables DPS to handle routine crimes, such as larcenies, that would otherwise bog down SPD Patrol unnecessarily.
  - ~~///~~ DPS will immediately notify SPD's CID Desk of any other criminal act or event of a serious nature.
  - ~~///~~ In addition to notifying SPD's CID Desk and per earlier agreements established in the year 2002, DPS will continue to also notify both SPD's APU and the DA's Office of sex offenses and domestic/relationship violence, regardless of the severity or nature of the offense.
  - ~~///~~ SPD will assume responsibility for the investigation of any violent felony offenses as defined in the CPL, thus enabling SPD to respond immediately and taking over the case/investigation.
  - ~~///~~ SPD may investigate any criminal offense regardless of severity or nature.
  - ?? In the above enumerated cases where DPS is assisting SPD, DPS will coordinate its activities with the appropriate SPD division/section/unit
- k. Conducting such law enforcement activities specifically authorized by and coordinated with SPD supervisory personnel as and to the extent permitted by applicable law
- l. In addition to any authorization described within, DPS members may, at any time and at any location within the City of Syracuse, provide emergency aid and assistance to any SPD officer or any other law enforcement officer requiring such assistance *PROVIDED* that the responding DPS personnel act within the scope of their legal authority (i.e., campus peace officer, enhanced authority, and/or security) and the University Campus retains reasonable coverage by DPS during this same time period.

15. Within jurisdictional parameters set by state law, the law enforcement authority of DPS appointed to the position of *enhanced authority officer* shall include:

- a. Vehicle and foot patrol for the purpose of detecting and deterring criminal activity
  - b. Conducting field interviews
  - c. Making arrests, as authorized by law, based upon probable cause and without a warrant but excluding the transportation of any arrested person to the Onondaga County prisoner processing facility.
- ?? Whenever any DPS officer makes an arrest, he/she will contact the 911 Center and advise them of the circumstances.
- ?? A DPS enhanced authority officer must first attempt to have a DPS campus peace officer assist and handle the situation. If a DPS campus peace officer is unavailable, SPD will respond and meet with the involved DPS officer. The SPD officer will review the incident and issue an appearance ticket to the suspect, or if appropriate, make a custodial arrest.
- ?? In the case of an arrest for a misdemeanor or violation, the DPS officer will complete and sign a direct information regarding the incident as well as the arrest report. The SPD officer will complete the appropriate incident report.
- ?? If the suspect in a misdemeanor or violation case cannot be located, the SPD officer will use the direct information signed by the DPS officer to apply for a warrant for the suspect. The SPD officer also will complete all necessary reports regarding the incident.
- ?? If no DPS campus peace officer is available to make a felony arrest, SPD will obtain the necessary affidavits from the DPS officer, who will detail the probable cause for making the arrest. Custody of the suspect will then be turned over to SPD. The investigation of the incident and the responsibility for the preparation of the case for court also will become the responsibility of SPD.
- ?? The DPS campus peace officer or SPD officer will complete the appropriate SPD incident report.
- ?? Whether enhanced authority or campus peace officer, DPS personnel will complete any internal SU or DPS documentation, such as referrals for Student Code of Conduct or other university policy violations. Whether enhanced authority or campus peace officer, DPS personnel will assist any SPD personnel wishing to pursue administrative avenues for university policy violations.
- d. Providing limited assistance, such as welfare checks and updates, in calls involving persons suspected of needing psychiatric evaluation; also assisting sworn law enforcement personnel responding to such calls; per state restrictions, enhanced authority officers cannot legally act as sole, or primary, transporter when such persons proceed to medical examinations unwillingly or legally determine the need for psychiatric evaluation
  - e. Responding to calls involving domestic/relationship violence, providing victim assistance as a first responder, and effecting arrests based on probable cause; however, state restrictions prohibit any other than peace and police officers to make arrests based upon order of protection violations. -- *All such activities, enforcement actions, and investigations shall be coordinated with SPD's Abused Persons Unit (APU). Also, see Items #13.g. and #14.j. which require DPS to make additional mandatory notifications to SPD's CID Desk and the DA's Office.*
  - f. Calling upon DPS campus peace officers or SPD to request and, when necessary, sign for the issuance of New York State or City of Syracuse Government appearance tickets and traffic citations

- g. Collecting and maintaining evidence in compliance with procedures formulated by SPD and within the scope of the officer's legal capacity as defined by this MOU and state law
  - h. Investigating incidents, whether involving hot or cold leads, within the specifications set forth in Item #14j
- 16. Whenever any DPS officer makes an arrest involving the use of physical force, the DPS supervisor will respond to the scene. The involved DPS officer and the DPS supervisor will complete the DPS Use of Force report and file any other documentation required by SPD for such calls. The DPS supervisor will notify the SPD shift commander and ensure that the suspect receives any appropriate medical attention. The DPS supervisor will also ensure that photographs are taken of the suspect prior to any transfer of that suspect into SPD custody. The DPS Director/Chief or his/her designee will also notify SPD's Internal Affairs (IA), the SPD Chief, and the DA's Office. Per past practice, the DPS liaison on the Chancellor's Committee on Campus Security will make that committee aware so they can prepare to review. DPS will keep all parties appropriately on facets relevant to the party being notified.
- 17. It is understood that periodically SPD Narcotics or other units must conduct discreet, or confidential, investigations, which may result in little or no forewarning to DPS or the University. At his/her discretion, the SPD Chief will inform the DPS Director/Chief at an appropriate time.
- 18. Under no circumstances will any officer or representative of DPS interfere with, or become involved with, any investigation being conducted by SPD without the authorization of the Chief of SPD or his/her representative.
- 19. In accordance with federal and state laws as well as with SPD and CNYLEADS policies, DPS can participate in CNYLEADS insofar as is legally viable for sworn departments with campus peace officer status. SPD will provide DPS access to law enforcement records as deemed appropriate by the Chief of SPD. DPS will implement control and confidentiality measures requested by SPD.
- 20. Consistent with mandates of federal law (i.e., the Clery Campus Crime Act), DPS will report those offenses that occur on the University campus and other areas as required by law. DPS will also furnish a copy of its monthly UCR to SPD's Division of Planning and Research for SPD to use as needed.
- 21. DPS will take reasonable steps to notify SPD of any incident or situation on the University campus that comes to the attention of DPS which may affect the safety of the residents, workers, visitors, and other occupants of the City not residing on the University campus.
- 22. Likewise, SPD will take reasonable steps to notify DPS of any incident or situation on the University Campus or within the City limits that comes to the attention of SPD that may affect the safety of the students, staff, faculty, or others present on the University campus.
- 23. The Chief of SPD and the Chief/Director of DPS may enter into other specific and detailed operation procedures and guidelines as necessary.
- 24. The purpose of this MOU is to acknowledge shared interests between SPD and DPS. It is not intended to make one department responsible or liable for the actions or omissions of any personnel from the other department, and any such liability or responsibility is expressly denied by the parties.
- 25. Through its respective Chief/Director, either party to the MOU may terminate this MOU upon 30 days' prior written notice without necessity of demonstrating cause; provided, however, that either party may terminate this MOU immediately upon written notice to the other party in the event that such action is necessary for significant health or safety issues or to comply with applicable law.

26. This agreement may be modified only in a writing signed by both parties. Whether or not any amendments are implemented between now and DPS' completed transition to sworn status, the Chief of SPD and the Chief/Director of DPS will formally assess this MOU and make any necessary changes by December 31, 2007 and at least biennially thereafter, to ensure compatibility and effectiveness with any changes in laws, policies, or circumstances.
27. If any provision of this MOU is held by a court of competent jurisdiction to be illegal or unenforceable, the remaining provisions of this MOU shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the MOU did not contain the particular provision held to be invalid, unless to do so would contravene the present valid and legal intent of the parties.
28. This MOU is not intended to benefit any third party, nor shall any person who is not now or in the future a party hereto be entitled to enforce any of the rights or obligations of a party under this MOU.

**CITY OF SYRACUSE**

**SYRACUSE UNIVERSITY**

POLICE DEPARTMENT

Chief Gary Miguel

Deborah A. Freund

name

name

Gary Miguel

Deborah A. Freund

signature

signature

title

title

Chief of Police

Vice Chancellor and Provost

ACKNOWLEDGED ON BEHALF OF DPS

Marlene E. Hall, Director/Chief

name

Marlene E. Hall

signature