

BOARD OF REGENTS BRIEFING PAPER

1. AGENDA ITEM TITLE: Handbook Revisions, Police Services

MEETING DATE: December 5-6, 2019

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

Title 4, Chapter 1, Section 12 of the *Handbook* governs police services at NSHE institutions. In 2016, police services at the University of Nevada, Reno, and Truckee Meadows Community College merged into a single police department to provide services to both institutions as well as the Desert Research Institute, Reno.

In 2018, the Board approved the consolidation of police services between College of Southern Nevada and the University of Nevada, Las Vegas into a single police department to provide services to both of these institutions as well as Nevada State College and the Desert Research Institute, Las Vegas.

While both consolidations have been approved by the Board, neither has been formally established in the *Handbook*. In addition, there are other technical changes in Title 4, Chapter 1, Section 12 that need to be made to reflect best practices.

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Approval of the amendments to Title 4, Chapter 1, Section 12 of the *Handbook* as outlined in the attached document.

4. IMPETUS (WHY NOW?):

NRS 396.325 contemplates one single Police Department for the Nevada System of Higher Education. Establishing two command structures in the *Handbook* formalizes the organization of police services with clear lines of authority and responsibility. The section also needs some technical revisions that better align with current practices and legal requirements.

5. CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:

- Access (Increase participation in post-secondary education)
- Success (Increase student success)
- Close the Achievement Gap (Close the achievement gap among underserved student populations)
- Workforce (Collaboratively address the challenges of the workforce and industry education needs of Nevada)
- Research (Co-develop solutions to the critical issues facing 21st century Nevada and raise the overall research profile)
- Not Applicable to NSHE Strategic Plan Goals

INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL

N/A.

6. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- Northern and Southern Police Consolidations have been approved by the Board but are not yet codified in the *Handbook*.
- NRS 396.325 establishes a single Police Department for NSHE. Establishing the two commands in the *Handbook* formalizes the division of labor across the system.
- Clarifies that the police department heads report directly to the institution presidents or their designee yet can still have a single administrative supervisor. This ensures presidents have the responsibility and accompanying authority for the overall safety of their respective institutions.

7. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

- The lack of *Handbook* language allows more flexibility for change.
- The current model in Northern Nevada is working, so no need to formalize in the *Handbook*.

8. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

- Approve the technical changes, but not the establishment of Northern & Southern Command in the *Handbook*.

9. RECOMMENDATION FROM THE CHANCELLOR'S OFFICE:

The Chancellor's Office recommends approval of the language as drafted.

10. COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
- X Amends Current Board Policy: Title #4 Chapter #1 Section #12
- Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
- Other: _____
- X Fiscal Impact: Yes _____ No X
Explain: _____

POLICY PROPOSAL
TITLE 4, CHAPTER 1, SECTION 12

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 12. NSHE Police and Security Forces

1. Mission

The mission of NSHE police and security forces shall be:

- a. [~~1~~] ~~to~~ **To** provide for the safety and security of students, employees, and guests on each campus^[7];
- b. [~~2~~] ~~to~~ **To** protect NSHE property^[7];
- c. [~~3~~] ~~to~~ **To** create an atmosphere of respect, friendliness, and community on the campus *using a community-oriented policing model developed to support the System and enhance the welfare of students and staff*^[7]; and
- d. [~~4~~] ~~to~~ **To** provide the most efficient, extensive security for each campus within the resources available.

2. Control, Authority and Reporting

The control and authority over all NSHE police departments resides with the Board of Regents. The Board of Regents entrusts the Chancellor and, through the Chancellor, the Presidents, with the direct oversight and management of police departments and contracted security firms at individual institutions within the limits set by NSHE policy.

3. External Contracts

Contracts between NSHE institutions and private security firms must describe the exact duties and responsibilities of the security firms' employees, including the obligation to communicate problems and disturbances to campus administrators in addition to their own supervisors, and to **campus or** local police when necessary. The contract should refer to Board of Regents' policies. Any contract for services by a private security firm must be reviewed by NSHE legal counsel and approved by the Chancellor. Such contracts may not exceed the authority granted to the President under NSHE policy.

4. Interlocal Agreements

- a. In accordance with NRS 396.325, each NSHE campus shall enter into an interlocal agreement with the appropriate municipal police department to define the territorial limits and jurisdiction of campus peace officers and private security firms. Where needed or requested, each NSHE police department shall provide mutual aid, assistance and expertise to municipal police departments.
- b. NSHE peace officers may be authorized to [~~enroll as reserve officers of the Reno, Sparks, or Las Vegas Metropolitan police~~] **take part in multi-jurisdictional task forces with other law enforcement agencies** for the purpose of acting on matters concerning NSHE related business. The NSHE shall provide a "hold harmless" agreement to the sponsoring jurisdiction.

5. ~~[Community Oriented Model]~~

~~[All NSHE police departments shall use a community-oriented policing model, developed to support and enhance the System and institutional mission and the welfare of students and staff.]~~

6. Campus Education

All NSHE police departments shall establish educational programs for students and employees on safety issues. Examples include, but are not limited to, crime prevention, self-defense, alcohol and drug education, emergency response, and crisis management.

7. Training

All NSHE police departments shall establish training requirements and programs that ensure that all police are prepared to function effectively consistent with peace officer status within higher education's setting and goals that meet or exceed state peace officer training requirements.

8. Hiring Criteria

All NSHE police departments shall ~~[establish standards and screening criteria to]~~ensure qualified personnel **are hired consistent with the hiring standards, guidelines and criteria established by the Nevada Peace Officers Standards and Training (P.O.S.T.)**. ~~[Standardized psychological screening will be conducted for all police recruits in the NSHE.]~~

9. Uniforms

NSHE police are highly visible representatives of the institution in which they are employed. Attire of NSHE police shall be appropriate for their duties. Each **department** ~~[institution]~~ shall determine the type of attire best suited for the effective functioning of its police department. The attire of NSHE police shall be clearly distinctive so that students and employees will easily recognize institutional police. Distinctive is defined as different from other law enforcement agencies in the county in which the campus resides. **Pursuant to NRS 396.327, every member of the Police Department for the System is required to wear a badge bearing the words "University Police, Nevada."**

10. Weapons

Each President may restrict the armament of any or all police within the institution. All NSHE police departments shall evaluate the type of weapons necessary for meeting their duties and equip the force with only those weapons judged to be essential to their mission. Only officers who are fully trained in a weapon and for whom the weapon is essential shall carry a weapon. Each police department head shall determine which officers may carry each type of weapon. It is at the police department head's sole discretion to limit which officers may carry a particular type of weapon.

11. Scope of Operations

Given finite resources, each police department shall not engage in non-essential services, including those available through arrangements with municipal police. All departments shall limit the scope of coverage to those areas essential to the institution's safety. No tactical special operations units (such as special weapons and tactics units) shall be formed by **any** NSHE police **department**. Any special operations must be approved by the police department head, the

President **of the relevant institution(s)**, and the Chancellor and reported **to the Board** after the operation is complete~~[to the Board]~~.

12. Board of Regents Reports

The Board of Regents shall review annual reports on the status of safety issues from each campus. The timing of the reports will correspond with deadlines for federal and state reporting of crime statistics. These reports to the Board shall minimally include a copy of the annual security reports compiled for the preceding year pursuant to 20 U.S.C. §1092, including an executive summary and statistics regarding crimes on campus. In addition, the reports to the board shall also contain information on hiring requirements, attire, description of weapons in inventory, and percentage of time police spend on campus (excluding patrol time in cars).

13. Campus Reports and Compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

All NSHE police departments or public safety offices serving the institution must comply with federal requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act , 20 U.S.C. §1092(f), 34 CFR 668.46 and shall provide widely disseminated monthly reports on campus crime to all members of the campus community through email or other mechanisms. Immediate warnings to the campus community shall be provided if the police departments have reliable information about dangerous individuals in the area or of crimes in the immediate vicinity of the institution that are not yet solved. Available resources to assure compliance with the Act include, but are not limited to, the Handbook for Campus Security and Reporting (<https://www2.ed.gov/admins/lead/safety/handbook.pdf>).

14. Sex Offenders and Registered Offenders: Institutional Designee for Communication with Law Enforcement Agencies

Each ~~[President]~~**police department head** must designate an employee of the police department or public safety office serving the institution who will be the contact person for law enforcement agencies, including the Nevada Department of Parole and Probation, concerning sex offenders and registered offenders, as defined under Title 4, Chapter 1 of the Handbook. The institutional designee must inform the appropriate local, state, or federal law enforcement agencies, including the Nevada Division of Parole and Probation of the Department of Public Safety, of any restrictions placed on a sex offender or registered offender as a condition of enrollment, employment, or presence at the institution. At least annually, each institution shall transmit to the Nevada Division of Parole and Probation of the Department of Public Safety the inventory required pursuant to Title 4, Chapter 22 of the Handbook of all programs or activities that involve children under the age of 18 years, including but not limited to high schools or other partnerships/affiliations with school districts, daycare facilities, summer camps and programs, sport camps, research studies, and other activities or programs that are specifically intended to involve children under the age of 18 years.

15. External Evaluation

At least every five years, all NSHE police departments shall be reviewed by an entity external to the NSHE, approved by the Chancellor on recommendation from the President. The purpose of these reviews will be to assure that the police departments and their employees are operating in an appropriate and effective manner consistent with the welfare of the institution of which they are a part. These reviews shall be presented to the Board of Regents by the external reviewer.

16. Review Boards

The Board of Regents shall, for each institution, either establish a review board or ensure that an alternate mechanism is in place to address the concerns raised by NRS 396.3291. If established, the membership and function of this board will be consistent with the stipulation set forth in NRS 396.3291 and the board shall annually present a report to the Chancellor on its activities.

17. University Police Services, Southern Command

University Police Services, Southern Command shall be responsible for providing security and police services to NSHE campuses and facilities in southern Nevada. This department shall provide sworn uniformed officer(s) to enforce relevant laws and promote public safety in a manner commensurate with the needs of each relevant campus or facility.

The police department head shall report directly to the Presidents of College of Southern Nevada, Desert Research Institute, Nevada State College, and the University of Nevada, Las Vegas, respectively, or their designee, as to matters related to their respective institutions. However, with respect to day-to-day administrative supervision (e.g., approval of leave time), the police department head may directly report to one of the above-mentioned institution Presidents or their designee. The police department head shall serve as the administrator-in-charge of the department and, as such, shall be responsible for upholding and enforcing the policies and procedures of this department in service of the mission of this Section and the missions of each institution.

In any dispute arising under this Section, the Presidents of the relevant institutions shall meet and confer with the police department head and attempt to reach a satisfactory resolution. If no resolution is reached, the Chancellor shall be notified and the Presidents of the relevant institutions shall meet, confer, and attempt to reach a satisfactory resolution. If no resolution is reached, the Presidents of the relevant institutions shall refer the dispute to the Chancellor who shall make a decision. The Chancellor's decision shall be final.

The Presidents of the relevant institutions shall meet and confer with one another as needed and at least annually to discuss the police department head's performance. The Presidents of the relevant institutions shall have an opportunity to comment on their satisfaction with the services delivered and request adjustments or modifications.

In the event of a vacancy in the office of the police department head, the Presidents of the relevant institutions shall convene to determine the process for filling the vacancy.

17. University Police Services, Northern Command

University Police Services, Northern Command shall be responsible for providing security and police services to NSHE campuses and facilities in northern Nevada (including Tonopah). This department shall provide sworn uniformed officer(s) to enforce relevant laws and promote public safety to follow procedures in a manner commensurate with the needs of each relevant campus or facility.

The police department head shall report directly to the Presidents of Desert Research Institute, Truckee Meadows Community College, the University of Nevada, Reno, and

Western Nevada College, respectively, or their designee, as to matters related to their respective institutions. However, with respect to day-to-day administrative supervision (e.g., approval of leave time), the police department head may directly report to one of the institution Presidents or their designee. The police department head shall serve as the administrator-in-charge of the department and, as such, shall be responsible for upholding and enforcing the policies and procedures of this department in service of the mission of this Section and the missions of each institution.

In any dispute arising under this Section, the Presidents of the relevant institutions shall meet and confer with the police department head and attempt to reach a satisfactory resolution. If no resolution is reached, the Chancellor shall be notified and the Presidents of the relevant institutions shall meet, confer, and attempt to reach a satisfactory resolution. If no resolution is reached, the Presidents of the relevant institutions shall refer the dispute to the Chancellor who shall make a decision. The Chancellor's decision shall be final.

The Presidents of the relevant institutions shall meet and confer with one another as needed and at least annually to discuss the police department head's performance. The Presidents of the relevant institutions shall have an opportunity to comment on their satisfaction with the services delivered and request adjustments or modifications.

In the event of a vacancy in the office of the police department head, the Presidents of the relevant institutions shall convene to determine the process for filling the vacancy.