

Campus Security vs. Hanover Police Department

Jurisdictional Boundaries in Hanover

PRS Policy Brief 0809-10
May 27, 2009

Prepared by:

Allyson Bennett '10
Lucy Pollard '10
Michael Coburn '10

This report was written by undergraduate students at Dartmouth College under the direction of professors in the Rockefeller Center. Support for the Policy Research Shop is provided by the Ford Foundation.

Contact:

Nelson A. Rockefeller Center, 6082 Rockefeller Hall, Dartmouth College, Hanover, NH 03755
<http://rockefeller.dartmouth.edu/shop/> • Email: Ronald.G.Shaiko@Dartmouth.edu

TABLE OF CONTENTS

JURISDICTIONAL BOUNDARIES IN HANOVER

..... 1

1. EXECUTIVE SUMMARY 1

2. HANOVER POLICE AND DARTMOUTH COLLEGE SAFETY AND SECURITY 1

 2.1 SAFETY AND SECURITY STRUCTURE..... 1

 2.2 SAFETY AND SECURITY JURISDICTION 2

 2.3 HANOVER POLICE STRUCTURE 2

 2.4 *HANOVER POLICE JURISDICTION* 2

 2.5 *COOPERATION BETWEEN SAFETY AND SECURITY AND HANOVER POLICE*..... 3

3. ALCOHOL POLICY 3

 3.1 *STATE LAW*..... 3

 3.2 *COLLEGE POLICY*..... 3

 3.3 *SAFETY AND SECURITY POLICY*..... 4

 3.4 *HANOVER POLICE* 5

4. SEXUAL ABUSE POLICY 5

 4.1 *STATE LAW* 5

 4.2 *COLLEGE POLICY* 6

 4.3 *DISCIPLINARY PROCESS* 6

5. POLICY RECCOMENDATIONS..... 7

 5.1 *REACH OUT TO STUDENTS*..... 7

 5.2 *CENTRALIZE INFORMATION ON JURISDICTIONAL BOUNDARIES INTO STUDENT DATABASE*..... 7

REFERENCES 8

1. EXECUTIVE SUMMARY

Dartmouth College operates in a unique position in the Town of Hanover where the College has the right to discipline students and enforce laws alongside local law enforcement forces. Dartmouth College's jurisdiction extends over all campus property and over all students at the College. Dartmouth College's Safety and Security (S&S) have the right to patrol all private campus roads and enter College owned buildings including student's rooms but have no power to arrest. In addition, the College can punish any student for violations of its Standard of Conduct regardless of where the crime was committed. Unlike S&S, Hanover Police are forbidden from entering into College owned property unless they witness a crime taking place or receive a complaint. In addition they must receive a warrant before S&S can grant them information needed for an investigation.

There are many areas where the jurisdictions of the town and College overlap. Crimes for instance can be punished both by the state courts and Dartmouth's Committee on Standards, and students can often choose to which disciplinary body to bring their accusation. In the case of sexual assault many students will choose to bring their accusation only before the Committee on Standards because the process provides more anonymity and less harsh punishments for the accused than the local courts. Jurisdictional boundaries can also conflict in regards to the enforcement of the drinking age. S&S will generally not report alcohol violations to Hanover Police, but the police can still arrest students who are providing alcohol to minors even if they are exempt from punishment by Dartmouth under the Good Samaritan police. The College on the other hand is required to report all drug violations to the police.

2. HANOVER POLICE AND DARTMOUTH COLLEGE SAFETY AND SECURITY

2.1 Safety and Security Structure

The officers of S&S operate as the legal custodians of Dartmouth property on behalf of the Board of Trustees.¹ The department operates out of offices located at 5 Rope Ferry Road. Thirty four employees staff S&S serving in a variety of capacities. Eighteen officers actively patrol the campus by foot or by bicycle. Seven communications officers answer calls in the communications center which answers service calls twenty four hours a day. The department also includes eight supervisory personnel that assist the director of the department including an associate director, two full time investigators, and two department administrators. The current director of S&S is Harry Kinne.²

The State of New Hampshire provides no statute to regulate, sanction, or require training for private security forces.³ However, S&S officers go through significant training in diverse areas including customer service, first aid and CPR, marine rescue, emergency response, and management of aggressive behavior.⁴ S&S is not an accredited police force and therefore does not have the power of arrest.⁵

2.2 Safety and Security Jurisdiction

S&S jurisdiction extends over all Dartmouth College owned property including classroom buildings, administrative buildings, residence halls, athletic facilities, and outdoor spaces.

S&S is charged with overseeing the security for Dartmouth's fifty-nine residence halls and apartment complexes housing both undergraduate and graduate students. Students who choose to live in College owned housing must sign a College housing contract, which requires them to submit to S&S jurisdiction. Because of this contract, S&S can enter any room, after knocking, if it suspects a problem regarding a threat to life safety. S&S is also charged with overseeing the security for both College owned and independent but College recognized Greek letter organizations and undergraduate societies. S&S has no jurisdiction over off campus residences that house Dartmouth students. Additionally, S&S oversees all private campus roads.

2.3 Hanover Police Structure

The Hanover Police Department fields twenty officers and is headed by chief of police Nicholas J. Giaccone, Jr. The department is based out of the Hanover Police station located at 46 Lyme Road.⁶

2.4 Hanover Police Jurisdiction

Hanover Police jurisdiction extends over the entire town of Hanover including Dartmouth College. However, Hanover Police officers do not perform regular patrols of campus the way they patrol Hanover streets and other town controlled property. Similar to their jurisdiction over any private property, Hanover Police officers only patrol or operate on campus when they witness a crime taking place on College property or receive a call complaining of a crime or crime in progress somewhere within the bounds of college property. Hanover Police may patrol College owned roads, but only to enforce serious offenses such as driving under the influence.⁷

Hanover Police officers do carry entry cards that allow them access to Dartmouth dormitories. Officers only use these cards without notifying S&S of their entrance if they witness a crime in progress or receive a call placed from a campus dormitory regarding a crime in progress. Hanover Police will notify S&S before entering a dormitory for any other purpose such as conducting a criminal investigation.⁸ Because of privacy laws, Hanover Police must obtain a warrant when they require S&S to divulge any information needed for an investigation.⁹

Hanover Police are not allowed to patrol either Dartmouth College or privately owned Greek letter organization houses. Again like any private residence, Hanover Police must receive a call complaining of a crime or crime in progress before entering a Greek letter house.¹⁰

2.5 Cooperation between Safety and Security and Hanover Police

In interviews, both the Chief of Hanover Police and the Assistant Director of Dartmouth Safety and Security attest to the cooperation utilized between their two forces. Such cooperation is often accomplished through informal measures as opposed to written agreements. For example, Chief Giaccone and Sergeant Kinne attend weekly breakfasts to share information on town and campus security issues. When S&S officers feel they cannot diffuse a violent situation, they do not hesitate to call on Hanover Police for help.

A more formal written agreement does require S&S to summon Hanover Police in any investigation that uncovers illegal drugs on campus property.¹¹ Additionally, any 911 call placed on campus goes to a dispatch center in Concord which then reroutes the call both to Hanover Police dispatch as well as S&S dispatch.¹²

3. ALCOHOL POLICY

3.1 State Law

The legal drinking age in the state of New Hampshire is 21, and purchasing alcohol for or giving alcohol to an individual under 21 is a Class A misdemeanor, punishable by up to one year in jail and/or a \$2,000 fine.¹³ It is illegal for individuals to misrepresent their age to obtain alcohol or an alcoholic beverage. Doing so is a misdemeanor for a first offender, with a minimum fine of \$500. For second and subsequent offences, the minimum fine is \$1,000.¹⁴

New Hampshire also has a “possession by consumption law,” whereby anyone who is intoxicated is deemed to be in possession of alcohol. Possessing an alcoholic beverage, or being intoxicated by consumption of alcohol, is considered a violation. For first offenses, there is a minimum fine of \$300, while subsequent offenses have a minimum fine of \$600. For people over 21, a blood alcohol content of .02 percent or higher is considered intoxication.¹⁵

While intoxicated, it is illegal to operate a motor vehicle, which is a Class B misdemeanor and punishable with a minimum fine of \$500 and the revocation of the drivers’ license for a minimum of 90 days.¹⁶

3.2 College Policy

The College’s primary concern in terms of alcohol is “the health and safety of members of the College community” and the policy’s primary goals are “educational.”¹⁷ Violating either College regulations or state law will usually prompt the College to take disciplinary action. College regulations apply to students on and off campus and to College-recognized student organizations.

The College prohibits the possession, consumption or distribution of alcoholic beverages to individuals under the age of 21 and purchasing alcohol for someone younger than 21 years of age. Public intoxication is prohibited, as is serving alcohol to someone who is visibly intoxicated.¹⁸

The College also has a “Good Samaritan Policy” that allows concerned students to contact S&S about any student, including him or herself, who needs medical assistance because of alcohol consumption. S&S can assist the student by transporting the student to College health services or to Dartmouth-Hitchcock Medical Center. Students and organizations that make use of this policy are not subject to College disciplinary action with respect to alcohol policy, although they are still subject to potential action from the state. Students must also agree to complete recommended alcohol education, assessment and/or treatment depending on the level of concern for the student’s health.¹⁹

3.3 Safety and Security Policy

Per the mission of College policy, S&S officers are primarily concerned with students’ health and safety with regard to alcohol. To this end, S&S does not enter students’ rooms to search for alcohol. Officers will enter a room only because of a noise complaint or a call that someone needs medical assistance.²⁰

If a student’s health is deemed to be at risk, S&S will provide transportation for the student to College Health Services or to Dartmouth-Hitchcock Medical Center depending on the level of health risk. S&S may call an ambulance if the student’s health is deemed to be sufficiently at risk.²¹ Hanover police accompanies all ambulances.

Individuals or organizations deemed by S&S to be in violation of College alcohol policy are subject to College discipline, unless they are covered by the College’s Good Samaritan policy described above. S&S does not, however, report under-age intoxicated students to Hanover Police.²²

Individuals or organizations holding certain types of events that serve alcohol are required to register the event with the College under the College’s Social Event Management Policy. The policy divides events into different categories, which are subject to different regulations. S&S will perform “walkthroughs” during some events, including “open events,” which include more than 80 people, and “cocktail events,” where hard alcohol is served. During these walkthroughs, officers verify that no College alcohol policies are violated, and organizations found to be in violation are subject to College discipline. Officers do not ask for identification, so would not know whether anyone under the age of 21 had been served alcohol. S&S does not call Hanover Police about these violations. S&S can perform “safety walkthroughs” of Greek organizations’ physical plants when they are not registered to hold a party as well, with the same consequences. Walkthrough policies also apply to College residence halls.²³

S&S acts similarly with intoxicated individuals who are not students and are underage, although these individuals are not subject to College discipline. If the student’s and

others' health and safety do not seem to be threatened, S&S will likely take no action. If the individual's or others' health is deemed to be at risk, S&S officers will attempt to contact a guardian or will call Hanover Police for medical assistance. S&S would not contact Hanover Police solely to report illegal alcohol consumption.²⁴

3.4 Hanover Police

Hanover Police officers may approach students if there is an "articulable suspicion" that the student is intoxicated. Officers do not have to have probable cause, but there must be a valid reason for concern. Possible reasons include if a student is staggering, not walking straight, seems to be unable to stand on his or her own or shows other signs of intoxication. Whether a student is on or off campus is irrelevant. If an officer is on campus property, has legal standing to be there, and sees a crime being committed, including possession of alcohol by a minor, then it does not matter whether that crime is being committed on private or public property.²⁵

Underage students who are determined by police officers to be intoxicated are arrested and taken to the police station. Police officers check their records to determine whether the student qualifies for the diversions program as an alternative to arrest, meaning that they have never been through the program or been involved in any "court situation" in another part of the country. If the person is uncooperative, he or she does not qualify for diversions. Hanover police does not generally inform the College when students are arrested, although most students arrested for intoxication are referred to the police by the College itself. Students are not treated any differently than non-students.²⁶

4. SEXUAL ABUSE POLICY

4.1 State Law

Sexual abuse is illegal under New Hampshire law. Aggravated Felonious Sexual Assault is a Class A felony with a punishment of up to 15 years in prison and is defined as the "sexual penetration of a pertinent part" without the victims consent, if the victim is under the age of 13 or is between 13 and 16 and 3 years younger than the perpetrator. Felonious Sexual Assault is a Class B felony with a punishment of up to 7 years and includes "sexual contact" without the victims consent or if she is too young to give consent. Sexual Assault is also a Class A misdemeanor punishable with a fine of \$2000 and up to 1 year in prison.²⁷ In New Hampshire there were 50 total cases of sex offenses on or near college campuses. Of those 18 were at Dartmouth College compared to 8 at the University of New Hampshire.²⁸ The total number of sexual assaults on campus is probably far higher since 65 percent of all sexual assault in the United States go unreported.²⁹

4.2 College Policy

Students are bound by a contractual obligation to uphold Dartmouth's Standards of Conduct. Any student who violates the Standards of Conduct regardless of where the incident occurred can be subject to the College disciplinary process while any non-student cannot be disciplined by the College.³⁰ Sexual abuse is expressly prohibited by the Standards of Conduct and includes physical contact with an intimate part of the body without that person's consent, threatening conduct of a sexual nature, and sexual intercourse without consent or when the victim is unable to give consent because of incapacitation due to drug or alcohol consumption, or sleep.³¹

Dartmouth College as a private institution is not bound to report cases of sexual abuse to the police and chooses not to unless there is evidence that the accused person poses an imminent threat of physical harm to the campus. This is different for state institutions where the university is required to contact the police.³² Dartmouth chooses not to report instances of sexual abuse to the police in order to encourage more victims to report cases to the College. Victims often fail to report cases of sexual abuse out of fear that they will lose their anonymity and be socially ostracized or because they do not want the perpetrator to get into legal trouble and be punished too harshly.³³ Victims rarely if ever choose to pursue their case both through the College's disciplinary process and state court system. Many students choose to bring their allegations only to the College because the state courts provide far less privacy both for the victim and accused than the College process.³⁴

4.3 Disciplinary Process

Cases of sexual abuse at the College are tried by the College's Committee on Standards which is composed of two student, two faculty members and one administrator. The standard of evidence for COS hearing is a "preponderance of evidence" which is lower than the court system's standard of "beyond a reasonable doubt." This lower standard of evidence is due to the fact that the College does not have the same evidence collection tools as the state. For instance the COS does not issue subpoenas and does not search a student's e-mails.³⁵ Accused students are also forbidden from directly questioning witnesses although they can submit questions to the committee. This is done in order to maintain a civil dialogue for the hearings in contrast to the more adversarial setting in the courtroom.³⁶ Accused students are allowed to consult with an attorney but the attorney is not allowed to speak during the hearing.³⁷

The Committee on Standards has tried 26 sexual abuse cases between 1998 and 2008 with 65 percent of those cases resulting in findings against those responsible.³⁸ This conviction rate is much lower than in most other types of cases before the COS. Punishment was generally separation from the College for a period of time.³⁹ The most common victims are Freshman Fall women. Recently, however, there have been a few allegations of male victims of sexual assault. The names of both the victims and perpetrators are completely confidential and the records from the hearing cannot be given over to employers, grad schools etc. without their permission.⁴⁰

5. POLICY RECCOMENDATIONS

5.1 Reach out to Students

Additionally, to improve their relations with Dartmouth students, the Hanover Police Department should work to make its officers more accessible to students. Hanover Police could work with S&S or campus organizations such as Student Assembly or Greek letter houses in order to develop specific mechanisms for reaching out to students. This could include organizing discussions or question and answer sessions featuring Hanover Police officers that could be opened to the entire student body. Hanover Police officers could contact Greek letter houses and offer to come to houses to give presentations on relevant campus crime issues such as underage drinking and sexual assault. Campus organizations often organize discussions similar to those proposed featuring S&S officers that are well attended and perhaps partially account for students' positive feelings toward S&S as an institution. Improving students' perceptions of police officers may lead to increased student cooperation and increased reports of campus crimes to Hanover Police, leading to a potentially safer town and campus environment.

5.2 Centralize Information on Jurisdictional Boundaries into Student Database

While all of the information about jurisdictional boundaries is available online, there is no single source that is easy for students to access that contains all of the basic information. Hanover Police and S&S should write a short document that is easy for students to access, describing the jurisdictional boundaries between the two forces. Hanover Police should work with the College to determine the most effective way to disseminate the document. This document would help end the confusion and ambiguity surrounding the different policies and roles of Hanover Police and S&S. This is particularly important regarding alcohol policy.

REFERENCES

-
- ¹Keiselim A. Montas. Personal Interview. 20 April 2009.
- ²Annual Security Report September 2008. Dartmouth College. 29 May 2009.
<<http://www.dartmouth.edu/~security/docs/The%202008%20Annual%20Clery%20Report.pdf>>.
- ³Keiselim A. Montas. Personal Interview. 20 April 2009.
- ⁴Annual Security Report September 2008. Dartmouth College. 29 May 2009.
<<http://www.dartmouth.edu/~security/docs/The%202008%20Annual%20Clery%20Report.pdf>>..
- ⁵Keiselim A. Montas. Personal Interview. 20 April 2009.
- ⁶Town of Hanover Police Department. Town of Hanover. 27 May 2009.
<<http://www.hanovernh.org/police>>.
- ⁷Nicholas J. Giaccone, Jr. Telephone Interview. 21 May 2009.
- ⁸Nicholas J. Giaccone, Jr. Telephone Interview. 21 May 2009.
- ⁹Keiselim A. Montas. Personal Interview. 20 April 2009.
- ¹⁰Nicholas J. Giaccone, Jr. Telephone Interview. 21 May 2009.
- ¹¹Nicholas J. Giaccone, Jr. Telephone Interview. 21 May 2009.
- ¹²Keiselim A. Montas. Personal Interview. 20 April 2009.
- ¹³NH RSA 179:5
- ¹⁴NH RSA 179:9
- ¹⁵NH RSA 179:10
- ¹⁶NH RSA 265-A:18
- ¹⁷Dartmouth College Standards of Conduct
- ¹⁸Dartmouth College Standards of Conduct
- ¹⁹Dartmouth College Standards of Conduct
- ²⁰Keiselim A. Montas. Personal Interview. 20 April 2009.
- ²¹Keiselim A. Montas. Personal Interview. 20 April 2009.
- ²²Keiselim A. Montas. Personal Interview. 20 April 2009.
- ²³Keiselim A. Montas. Personal Interview. 20 April 2009.
- ²⁴Keiselim A. Montas. Personal Interview. 20 April 2009.
- ²⁵Nicholas J. Giaccone, Jr. Telephone Interview. 21 May 2009.
- ²⁶Nicholas J. Giaccone, Jr. Telephone Interview. 21 May 2009.
- ²⁷"Sexual Abuse." Dartmouth College. 2008. Dartmouth College. 25 May 2009.
<<http://www.dartmouth.edu/~uja/standards/policies/sexabuse.html>>
- ²⁸"Dartmouth College-Criminal Offenses." Campus Security Data Analysis Cutting Tool. Office of Postsecondary Education. 25 May 2009 <<http://ope.ed.gov/security/InstDetails.aspx>>.
- ²⁹"Sexual assault a preventable problem." The Observer. 14 Sept. 2007. The Observer Online. 25 May 2009 <http://observer.case.edu/Archives/Volume_40/Issue_3/Story_1855/>.
- ³⁰Thompson, April. "Sexual Abuse Interview." Personal interview. Apr. 2009.
- ³¹Dartmouth College Student Handbook 2008-2009. Hanover: Dartmouth College, 2008. pg. 114
- ³²Thompson, April. "Sexual Abuse Interview." Personal interview. Apr. 2009.
- ³³Ibid
- ³⁴Ibid
- ³⁵Ibid
- ³⁶Ibid
- ³⁷Ibid
- ³⁸Sanctioning Considerations. Hanover: Dartmouth College, 2008.
- ³⁹Thompson, April. "Sexual Abuse Interview." Personal interview. Apr. 2009.
- ⁴⁰Ibid