

916.4 - Law Enforcement Authority

Purpose:

This policy fulfills the [34 CFR § 668.46\(b\)\(4\)](#) requirement necessitating a statement of policies concerning campus law enforcement that addresses the enforcement authority and jurisdiction of security personnel; addresses the working relationship of campus security personnel with State and local police agencies, including — Whether those security personnel have the authority to make arrests; and any agreements, such as written memoranda of understanding between the institution and such agencies, for the investigation of alleged criminal offenses.

Policy:

Bismarck State College's (BSC) law enforcement authority is determined by, and therefore complies with, the North Dakota Century Code (NDCC) section 15-10-17 and 44-08-20, North Dakota State Board of Higher Education (SBHE) policy 916, and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) 34 CFR § 668.46.

BSC Campus Police Department's licensed peace officer(s) have full powers of arrest; empowered and mandated to enforce all applicable federal and state laws, local ordinances, and North Dakota State Board of Higher Education and Bismarck State College policies.

BSC's Campus Police personnel work closely with all local, state, and federal police agencies, and have a direct working relationship with the Bismarck Police Department through a Memorandum of Understanding (MOU).

Definitions:

Peace Officer - means a public servant authorized by law or by government agency or branch to enforce the law and to conduct or engage in investigations of violations of the law.

References:

[North Dakota Century Code 44-08-20-Additional powers of peace officers](#)

[North Dakota Century Code 15-10-17-Specific powers and duties of the State Board of Higher Education](#)

[North Dakota State Board of Higher Education Policy 916](#)

[Title 34 Subtitle B Chapter VI Part 668 Subpart D § 668.46](#)

[MOU with Bismarck Police Department](#)

History of This Policy:

First policy draft reviewed by the Operations Council on May 13, 2015 and approved by the Executive Council on June 5, 2015; revised June 12th, 2015; reviewed by Campus Council on August 31st, 2022 and reviewed by the Executive Council on September 23rd, 2022 and approved by the President on January 4th, 2023.