

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN JOSÉ AND SAN JOSÉ STATE UNIVERSITY REGARDING OPERATIONAL RESPONSIBILITY FOR ON-CAMPUS LAW ENFORCEMENT.

The San José State University campus is under the primary jurisdiction of the California State University Police Department as described in Section 89560 of the California Education Code and Section 830.2(c) of the California Penal Code. The University Police Department is responsible for processing, investigating and prosecuting all crimes committed on State University property and grounds owned, operated, controlled or administered by the California State University. By this agreement, the University Police Department may call upon the San Jose Police Department to assist in the handling of major crimes, including but not limited to Part 1 violent crimes as defined in California Education Code Section 67381 (the Kristin Smart Campus Safety Act of 1998).

SECTION 1. GEOGRAPHICAL BOUNDARIES

The following locations are within the primary responsibility of the San José State University Police Department:

1. The university campus proper (see map, Attachment #1)
2. The south campus athletics facilities (see map, Attachment #2)
3. The apartments at 1251 South Tenth Street (see map, Attachment #2)
4. The San José State University Art Foundry at 1036 South Fifth Street
5. The SJSU Library Annex at 1875 Senter Road
6. The Aeronautics building at 1120 Coleman Avenue (see map, Attachment #3)
7. The International House at 360 South 11th Street
8. The University Club at 408 South 8th Street
9. SJSU Jewish Community Center at 336 East William Street
10. Spartan Shops Warehouse at 1125 North 7th Street

11. University Advancement at 84 West Santa Clara Street
12. University recognized sorority and fraternity houses surrounding the university will be considered campus area and jurisdiction will be with the University Police Department. The University Police Department will provide the San Jose Police Department an updated list of recognized sorority and fraternity houses annually no later than September 30, (see map, Attachment #4)

SECTION 1B. EXCEPTIONS TO SECTION 1

Because of their remoteness from the San José State University campus, the following SJSU-affiliated locations remain under the jurisdiction of the San José Police Department:

1. SJSU Professional Development Center at 3031 Tisch Way
2. SJSU Professional Development Center at 2160 Lundy
3. SJSU College of Business MBA Program at 180 Rose Orchard Way

SECTION 2. TRAFFIC ENFORCEMENT

California State University police officers will enforce traffic regulations on campus. University officers will enforce traffic regulations on streets adjacent to the campus and within the one-mile concurrent jurisdiction should the violation warrant enforcement action. Parking violations on streets adjacent to the campus will be the primary responsibility of the San Jose Police Department.

SECTION 3. TRAFFIC CONTROL

Whenever the University Police Department needs traffic control or other non-emergency assistance from the San Jose Police Department for a scheduled event, the University shall give notice for the request for assistance at the earliest possible date prior to the scheduled event. The University shall be responsible for providing the appropriate number of off-duty police officers needed for the event.

In the event the University has not previously scheduled assistance from the San Jose Police Department, and assistance by on-duty personnel is necessary, the University shall reimburse the San Jose Police Department for related services at the rates set out in the City of San Jose schedule of fees resolution.

SECTION 4. ACCIDENTS

All accidents occurring on the campus (parking lots, garage, etc.) of San José State University will be handled by the University Police Department. The University may request the San José Police Department to assist in the investigation of accidents involving life threatening injuries or fatalities.

SECTION 5. IMPOUNDING VEHICLES

Vehicles impounded by university officers on or adjoining the university campus will be carried out under authority of CVC Section 22651. University Police Department Records personnel will enter the vehicles into CLETS as impounded.

SECTION 6. OFF-CAMPUS REQUESTS FOR SERVICE

University officers may respond to citizen calls for service within the jurisdictional responsibility of the San Jose Police Department in areas adjacent to university property. All such requests will be relayed or referred immediately to the San Jose Police Department via phone or radio, If the situation is resolved without the need for a written report, or there is little likelihood of future police intervention, San Jose Police may cancel their response when Communications is so advised by university officers. University officers will respond for back-up assistance upon request of the San Jose Police Department. University officers may respond to areas adjacent to university property to observe incidents under investigation by the San Jose Police Department whenever the case may involve university property or students.

SECTION 7. RESPONDING TO ON-VIEW CALLS FOR ASSISTANCE

University officers will respond to all on-view incidents (and on-view requests for service) off campus pursuant to Section 830.2 of the California Penal Code and Section 89560 of the California Education Code. Considering the stability of the scene, response time, the nature of the incident, the location of the incident, the reasonableness of any detention and the appropriateness of intervention by the San José State University Police Department, the University Police Department shall determine whether to turn over control of the incident to the San Jose Police Department. When appropriate, the University Police Department Watch Commander will insure that the San Jose Police Department is notified of the incident. If the decision is made to turn control of the incident over to the San Jose Police Department, University officers will take whatever action is necessary to preserve the peace, protect life and property, and preserve the crime scene for follow-up by the San Jose Police Department.

SECTION 8. CRIMINAL INVESTIGATION

The California State University Police Department is responsible for the investigation of all crimes occurring on State University property and grounds owned, operated, controlled or administered by the California State University (except as noted in Section 1b.)

SECTION 9. REQUEST FOR ASSISTANCE FROM THE SAN JOSÉ POLICE DEPARTMENT

Upon request, the San Jose Police Department will lend whatever assistance is necessary to the University Police Department with regard to criminal investigations.

SECTION 10. CRIMINAL INVESTIGATION BEYOND UNIVERSITY BOUNDARIES

University police are authorized under law to investigate crimes that have occurred within their jurisdiction anywhere in the State of California. If the university police investigate a

crime beyond the one-mile radius of the campus, the University Police Department will notify the proper jurisdiction as a courtesy. The San Jose Police Department will assist as much as possible with investigations extending into San Jose jurisdiction when requested by university officers.

SECTION 11. OBTAINING CRIMINAL COMPLAINTS AND WARRANTS

All complaints or warrants from the District Attorney's Office for misdemeanor and felony arrests made by university police officers will be obtained by the California State University Police Department. The San José State University Police Department shall enter all such warrants into the CLETS.

SECTION 12. SERVING WARRANTS

San Jose police officers attempting to serve an arrest warrant, subpoena or any other writ on campus will first contact the University Police Department and seek their assistance. The San José State University Police Department will notify the San Jose Police Department when officers attempt to serve warrants, subpoenas or any other writs within San Jose Police Department jurisdiction.

SECTION 13. ARRESTS MADE BY SAN JOSÉ STATE UNIVERSITY POLICE OFFICERS

When a university officer makes an arrest, the arrestee will be booked as a California State University Police Department arrest. University officers will transport and book all persons arrested by University officers. Should the transporting and booking process reduce staff of the University Police Department to critical level, pursuant to the mutual aid agreement, the San José State University Police Department may request assistance of the San Jose Police Department to assist in transporting and booking the prisoner.

SECTION 14. MANAGEMENT OF CIVIL DISORDERS

All street disturbances, riots, unlawful assemblies, civil disorders, etc., which depart the university campus will be the responsibility of the San Jose Police Department. In the event the disturbance occurs off the campus but involves university students, the University Police Department may monitor the occurrence in order to be advised of the possibility of the occurrence moving onto the university campus. In the event this type of activity remains on campus, the University Police Department may request assistance, as necessary, from the San Jose Police Department. San Jose Police Department commanding officers will then confer with University Police Department commanding officers and *(the)* University Administration regarding the incident. The San Jose Police Department will cooperate with the University Police in carrying out the agreed upon general response. The San Jose Police Department will determine the tactics to be employed to carry out this response.

SECTION 15. INVESTIGATION OF VEHICLE CASES

The University Police Department will investigate reports of vehicles stolen and recovered on State University property and immediately enter the appropriate information into CLETS and make appropriate notifications to the registered owner of the vehicle, the agency accepting the stolen vehicle report and the Department of Justice.

Vehicles stolen or recovered on city streets surrounding the university campus will be the primary responsibility of the San Jose Police Department. At such times as university officers recover stolen vehicles on city streets surrounding the university campus, the University Police Department will immediately enter the appropriate information into CLETS and make appropriate notifications to the registered owner of the vehicle and the Department of Justice. Vehicles may be removed by university officers from the city streets when blocking state owned driveways or creating other hazards to university

streets or pedestrians or as part of the investigation of a crime. In this event, appropriate information will be entered into CLETS by the University Police Department.

SECTION 16. OFFICER-INVOLVED FIREARMS DISCHARGE

In the event a member of the University Police Department fires a weapon resulting in any injury or fatality, the District Attorney's Office will be notified and requested to respond. The San Jose Police Department will be notified and assistance requested from the Homicide Unit for investigation, and the Professional Standards and Conduct Unit (PSCU) to monitor the investigation. Upon receipt of such notification and request, the on-duty San Jose Police Department Watch Commander will immediately contact the commander of the Homicide Unit and PSCU, or a designee who will then respond and assist the University Police Department. The University shall reimburse the San Jose Police Department for related costs of services at the rates set out in the City of San Jose's schedule of fees resolution.

SECTION 17. ENTERING THE SAN JOSÉ STATE UNIVERSITY CAMPUS ON OFFICIAL BUSINESS

To assist in coordinating activities between the University Police Department and the San Jose Police Department, officers in uniform or in plainclothes going onto the San Jose State University campus on official business will notify the California State University Police Department on-duty Watch Commander via the UPD Communications Unit at 924-2222.

SECTION 18. CRIME REPORTS AND RECORDS

All crime reports taken by university police officers shall be made on California State University Police Department case numbers. Any criminal cases requiring coordination with the San Jose Police Department will be forwarded to the appropriate Bureau of the San Jose Police Department marked: "For Information Purpose Only." All major crimes

occurring on university property shall be reported to the San Jose Police Department on-duty Watch Commander for informational purposes only. Similar cases occurring adjacent to the university campus in the jurisdiction of the San Jose Police Department shall be reported to the university police on-duty supervisor.

FOR CITY OF SAN JOSE

FOR SAN JOSE STATE UNIVERSITY

Signatures
On
File

Signatures
On
File

Revised 8-09-2000 GB/sjpd