



ALAN WILSON
ATTORNEY GENERAL

April 27, 2023

Chief John Milby
Furman University Police Department
3300 Poinsett HWY
Greenville, SC 29613

Dear Chief Milby:

Attorney General Alan Wilson has referred your letter to the Opinions section. Your letter requests an expedited opinion addressing the following:

Furman University owns The Vinings Apartments, located at 421 Duncan Chapel Rd., Greenville, SC. This property is located across the street from our main campus and was originally purchased to house some of our students. The apartments have historically housed a mixture of approximately 20% students, and 80% non-Furman community members. The University has considered the Vinings to be on-campus student housing, and the Furman Police respond to all calls for service at the property.

At the conclusion of this semester on May 8, 2023, Furman University will no longer house students at the Vinings Apartments. Subsequently, we believe that the Furman Police will no longer have jurisdiction at the Vinings Apartments once students are no longer housed on the property. This is based on our interpretation of the applicable South Carolina Code of Laws, specifically Section 59-116-30, which states, "Campus police officers shall exercise powers granted only upon the real property owned by their respective institutions as defined in item (1) of Section 59-116-10," which defines a campus as "the grounds and buildings owned and occupied by a college or university for education purposes and streets and roads through and contiguous to the grounds." The city of Travelers Rest disagrees with our interpretation

and has asked us to continue handling law enforcement calls after May 8, citing a lack of staffing.

Our question is if Furman continues to own the Vinings Apartments and benefit from revenue generated from renting the apartments despite no students being housed there, are they per statute "buildings owned and occupied by a university for educational purposes," and therefore under the jurisdiction of the Furman Police?

Law/Analysis

Given that your letter requests an expedited response, this opinion should be read in that context. It is this Office's opinion that a court would likely hold the Furman University Police Department will not have jurisdiction over the Vining Apartments when Furman University no longer provides student housing therein. The South Carolina Code of Laws authorizes the "board of trustees of each college or university [to] establish a safety and security department and appoint and employ campus police officers to carry out the functions of the department." S.C. Code § 59-116-20. Campus police officers are required to be commissioned as constables pursuant to Section 23-1-60. *Id.* While constables generally have statewide jurisdiction, the jurisdiction of a campus police officer is limited by statute "to the campus grounds and streets and roads through and contiguous to them." *Id.*; see *Richardson v. Town of Mount Pleasant*, 350 S.C. 291, 296, 566 S.E.2d 523, 526 (2002) (citing S.C. Code § 59-116-20 as an example of a statutory limitation on constable commissions specific to college and university police officers).

The confusion regarding whether Furman University can continue to exercise jurisdiction over the Vining Apartments may result from reading a single statute in isolation. Section 59-116-30(A)(2) establishes the powers and duties of campus police officers are "granted ... only upon the real property owned by their respective institutions as defined in item (1) of Section 59-116-10." When one reads this section by itself, the statute appears to grant campus police officers jurisdiction over any property owned by their respective institutions. However, this is modified by section 59-116-10(1) which defines "Campus" to mean "the grounds and buildings owned and occupied by a college or university for education purposes and streets and roads through and contiguous to the grounds." *Id.* (emphasis added). Therefore, campus police officers are authorized to exercise their powers on property which is both owned by their respective institution and also "occupied by a college or university for education purposes." According to the terms of the statute, it is not enough for a university to purchase additional property to expand a campus police department's jurisdiction; the property must also be used for educational purposes. When these statutes are construed together, the jurisdiction and areas in which campus police are authorized to exercise the powers granted to them both include the campus grounds and streets and roads through and contiguous to them. See *Denman v. City of Columbia*, 387 S.C. 131, 138, 691 S.E.2d 465, 468 (2010) (Where statutes deal with the same subject matter, it is well established that they "are in *pari materia* and must be construed together, if possible, to produce a single, harmonious result.")).

It must be noted that the resolution to your ultimate question about the Vining Apartments requires factual determinations which are beyond the scope of this Office's opinions. See Op. S.C. Att'y Gen., 2006 WL 1207271 (April 4, 2006) ("Because this Office does not have the authority of a court or other fact-finding body, we are not able to adjudicate or investigate factual questions"). However, we will assume the facts presented in the request letter in order to offer guidance. As described in your letter above, the Vining Apartments are across the street from the main campus. Although the property is very close in proximity to the campus grounds and it is owned by the university, a court would likely find that, after the university ceases to house students therein or otherwise employ it in furtherance of an academic purpose, the Vining Apartments are beyond the Furman University Police Department's jurisdiction.

Conclusion

Based on the analysis discussed more fully above, it is this Office's opinion that a court would likely hold the Furman University Police Department will not have jurisdiction over the Vining Apartments when Furman University no longer provides student housing therein. See S.C. Code § 59-116-20 ("The jurisdiction of such a constable is limited to the campus grounds and streets and roads through and contiguous to them."); S.C. Code § 59-116-10(1) ("'Campus' means the grounds and buildings owned and occupied by a college or university for education purposes and streets and roads through and contiguous to the grounds.").

Sincerely,



Matthew Houck
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Solicitor General