

New Jersey Court Upholds Jurisdiction For A Rutgers University Police Officer To Stop And Arrest A Defendant For DWI

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On November 5, 2018, the Committee on Opinions approved an October 19, 2017 Law Division opinion from Middlesex County Superior Court in the matter of *State v. Bentee Goines*. The State appealed a municipal court judge's decision that a Rutgers University police officer lacked jurisdiction to stop and arrest the defendant for driving while intoxicated.

On July 17, 2016, a Rutgers University police officer stopped the defendant just south of the ramp from Ryders Lane onto Route 1 in New Brunswick for a motor vehicle violation. After the defendant preformed field sobriety tests, he was brought to the police station and submitted breath samples that showed a 0.14% BAC. He was subsequently charged with several motor vehicle offenses, including driving while intoxicated.

The defendant's defense attorney made a motion to dismiss the charges for lack of jurisdiction in the New Brunswick Municipal Court. A 2004 Memorandum of Understanding between Rutgers and New Brunswick only allows Rutgers police to enforce motor vehicle violations on certain city streets, and this violation did not occur on one of those streets. Based on that, the municipal court judge granted the motion to dismiss and the State appealed.

According to Court Rule 3:24-b, the State may appeal as of right when a municipal court enters a pretrial order dismissing a complaint. The only issue involved whether or not the Rutgers police had legal authority to stop and arrest the defendant, despite the offense taking place on a New Brunswick street not covered by the memorandum of understanding between the city and the university.

The court reviewed jurisdiction in general and more specifically, the jurisdiction of university police departments. Title 18A gives university police departments authority to enforce traffic laws. N.J.S.A. 18A:6-4.7. Under Title 18A alone, the court opined the university officer in this case would not have jurisdiction to effect a motor vehicle stop under the facts. However, the court went further and analyzed Title 39 in conjunction with Title 18A as well. The court quoted N.J.S.A. 39:5-25 which provides, in pertinent part:

that any law enforcement officer may, without a warrant, arrest any person violating in his presence any provision of chapter 3 ... [or] 4 of this Title. A law enforcement officer may arrest without a warrant any person who the officer has probable cause to believe has operated a motor vehicle in violation of R.S. 39:4-50 ... regardless of whether the suspected violation occurs in the officer's presence. (Emphasis added).

The court cited *State v. O'Donnell*, 192 N.J. Super 128 (App. Div. 1983), in which the Appellate Division held that a municipal police officer had jurisdiction to arrest traffic offenders outside the borders of their municipalities. Moreover, the *Goines* Court went on to interpret the legislature's use of the term "any law enforcement officer" in Title 39 to mean that the legislature intended to expand the number of officials with authority to arrest drunk drivers.

Accordingly, the court held that it was consistent with the statutes and legislative intent to give university police jurisdiction to enforce driving while intoxicated laws. The court concluded that when Title 39 and Title 18A are read together, they prevent university police officers from being overextended, while not preventing such officers from stopping offenses that occur in their presence. The *Goines* Court reversed the municipal court's order dismissing the case, and remanded it back to same for disposition.