

## Police Power

*State v. Yencer*, \_\_ N.C. \_\_, \_\_ S.E.2d \_\_ (Nov. 10, 2011)

(<http://appellate.nccourts.org/opinions/?c=1&pdf=MjAxMS8zNjVQQTEwLTEucGRm>). The supreme court held that the Campus Police Act, as applied to the defendant, does not violate the Establishment Clause of the First Amendment to the U.S. Constitution. The facts underlying the case involved a Davidson College Police Department officer's arrest of the defendant for impaired and reckless driving. The court of appeals held, in *State v. Yencer*, \_\_ N.C. App. \_\_, 696 S.E.2d 875 (Aug. 17, 2010), that because Davidson College is a religious institution, delegation of state police power to Davidson's campus police force was unconstitutional under the Establishment Clause. Applying the three-pronged test of *Lemon v. Kurtzman*, 403 U.S. 602 (1971), the supreme court reversed, holding that as applied to the defendant's case, the Campus Police Act does not offend the Establishment Clause.