

Clery Act - Briefing and Challenges for Police and CSAs



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Clery Act - Overview



- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act – in memory of student slain in dorm room 1986
- First enacted in 1990 – Amended the Higher Education Act of 1965 – Most recent update 2013
- Requires all postsecondary institutions participating in HEA's Title IV student financial assistance programs to:

Clery Act - Requirements



- Disclose, collect, classify and count crime reports and statistics
- Issue Crime Alerts – timely warning for any Clery Act-specified crime that represents an ongoing threat to the safety of students or employees
- Issue Emergency Notifications upon confirmation of significant emergency or dangerous situation involving immediate threat to health or safety
- Publish Annual Security Report
- Submit Crime Statistics to ED
- Maintain a publicly available daily crime log
- Disclose missing student notification procedures
- Maintain Fire Safety information – including fire log, annual fire report with statistics and policy statements

Clery Act – Risk



- Fines – up to \$35,000 per violation
- For substantial misrepresentation of number, location or nature of crime or, for violation of any other provision of the safety-security related HEA regulations

Clery Act – Crime Reporting

- Requires institutions to annually
- and on-going report:
 - Where crimes occurred
 - To Whom the crimes were reported
 - Type of crimes reported and
 - Year in which crimes were reported



Clery Act Challenges: Geography

Geography:

Location, Location, Location

Key to Clery Compliance is
Understanding location criteria:

- On-Campus
- On public property within or adjacent to campus
- In or on non-campus buildings or property owned or controlled
- **"Controlled by"** means rents, leases or some type of **written** agreement – **including informal email** – no payment for space required



Clery Act Challenges: Crime Classification

Clery Act Crimes Classification

Follows Uniform Crime Definitions
and NIBRS reporting requirements

Separate and distinct reporting requirement



Clery Act Challenges: Statistics

Collecting Statistics from:

- Campus Security Authorities and Law Enforcement Agencies
- It is *not* necessary for the crime to have been investigated by the police or a campus security authority to be reportable.
- It is "*reported*" when brought to the attention of a campus security authority or local law enforcement – by victim, witness or 3rd party



Clery Act Challenges: Daily Crime Log



- Daily Crime Log required if campus has a Police or Security Department
- Must record “criminal” incidents and “alleged criminal” incidents – non-criminal matters not required
- Must include all crimes reported (not just Clery crimes)
- Crime summary and all offenses within single event must be disclosed (i.e.: burglary, rape)
- More specific location information must be provided (i.e.: 2nd floor of Byers Hall vs.. on campus)
- Crimes within the patrol jurisdiction must be reported on log
- Must be available to the public and kept current

Clery Act Challenges: Emergency Notification



- Emergency notification and evacuation procedures required
- Policies and procedures must be published in annual security report
- Plan must be tested, evaluated and publicized
- Immediate notification upon "**confirmation**" of a significant emergency or dangerous situation involving "**immediate threat**" (i.e.: active shooter in progress, encroaching forest fire, etc.)

Clery Act Challenges: Timely Warnings



Receive warnings about campus emergencies.

Stay safe. **Sign up now.**

- Required to alert the campus community to certain crimes in a manner that is **"timely"** and will aid in the prevention of similar crimes
- **"Timely"** warning is not defined but is intended to mean as soon as pertinent information becomes available to enable people to protect themselves
- Must alert for any crime that is 1) reported to CSA or police; and, 2) is considered by the campus to represent a serious or continuing threat to students and employees
- Not limited to violent crimes – i.e.: could be burglary trend
- Timely warning only required for "Clery" specified crimes

Clery Act Challenges: Fire Safety Log, Statistics, Annual Report

- Like Crime Statistics, Fire Safety reporting is required for every campus that has on-campus student housing



Clery Act Challenges: CSAs

- Campus CSAs
 - May not know who they are
 - Turnover
 - Fail to report
 - Periodic Training Needed



Clery Act Challenges: CSAs

How is a campus official designated as a Campus Security Authority (CSA)?

- ❑ CSAs are defined by function and not by title.
- ❑ CSAs have significant responsibility for student AND campus activities



- ❑ The law broadly interprets “significant responsibility for student and campus activities” to ensure thorough reporting of crimes.

Clery Act Challenges: CSAs

Examples of CSAs

- ❑ Deans
- ❑ Student Housing Staff
- ❑ Athletic Coaches
- ❑ Student Activities Coordinator
- ❑ Official who oversees a student center
- ❑ Student Judicial Officers
- ❑ Resident Assistant (RA)
- ❑ Student Advisors
- ❑ Faculty Advisors to student organizations

Clery Act Challenges: CSAs

The following are *NOT* Campus Security Authorities:

- ❑ Administrative staff not responsible for student activities (e.g., payroll, facilities)
- ❑ Clerical staff
- ❑ Individual faculty who **DO NOT** serve as advisors to registered student organizations
- ❑ Doctors in the Student Health Center, or Counselors in the Counseling Center, who only provide care to individual students

Clery Act Challenges: CSAs and Reporting

Who is EXEMPT from Reporting?

- ❑ Licensed professional mental health counselors
- ❑ Pastoral counselors (employed by a religious organization to provide confidential counseling) AND
- ❑ Who are working within the scope of your license or religious assignment



Clery Act Challenges: CSAs and Reporting

Just the facts!

Your job as a CSA is to report the information the person is willing to tell you. Just get the facts.

- Document WHEN the crime or incident occurred
- Document WHEN it was reported to you
- Document WHERE it occurred
- Document WHAT occurred
- Document WHO was involved

Clery Act Challenges: CSAs and Reporting

What You Are Required to Report

- Criminal homicide (murder and manslaughter)
- Sex offenses, forcible & non-forcible
- Aggravated assault
- Robbery
- Burglary
- Motor vehicle theft
- Arson



Clery Act Challenges: CSAs and Reporting

What You Are Required to Report

- Hate crimes, including any of the seven crimes listed above, or any other crime causing bodily injury, if motivated by race, gender, religion, sexual orientation, ethnicity, national origin or disability.
 - Amendments to the Clery Act in 2008 expanded hate crimes to include the following:
 - Larceny-theft
 - Simple assault
 - Intimidation
 - Vandalism
- Arrests and discipline referrals of students, staff, and faculty for liquor, drug, weapons, and law violations

Clery Act Challenges: 2014 Campus Sexual Violence Elimination Act (Campus SAVE)

- March 7, 2013 – Violence Against Women Act signed into law by President Obama and includes the Campus Sexual Violence Elimination Act which amends Clery
- Addresses a broader scope of intimate partner violence including stalking, dating violence, sexual violence and domestic violence offenses.
- Beginning in 2014, each institution will be required to:
 - Report statistics of incidents of:
 - Sexual assault
 - Domestic violence
 - Dating violence
 - Stalking
 - Offer primary prevention and awareness programming for all incoming students and new employees that includes:
 - Definition of consent in sexual relationships
 - Reporting sex offenses
 - Bystander intervention
 - Risk Reduction
 - Ongoing prevention and awareness campaigns

Clery Act Challenges

- Questions and Discussion

