



Clery Act/CSA Training

Texas A&M University-Texarkana



University Police Department
Assistant Vice President of Student Affairs

What is the Clery Act?



Jeanne Ann Clery

November 23, 1966 – April 5, 1986

Jeanne Clery was raped and murdered while asleep in her dorm room at Lehigh University in 1986. She was murdered by another student who entered her dorm room through three propped-open doors.

Her parents discovered that there had been numerous reports of propped-open doors, and there had been 38 violent crimes in the three years prior to her murder at Lehigh. They believed she would have been more cautious if she had known about the other violent crimes at Lehigh.

What is the Purpose of the Clery Act?

The Clery Act is a consumer protection law that aims to provide transparency around campus crime policy and statistics.



What Does Clery Require?

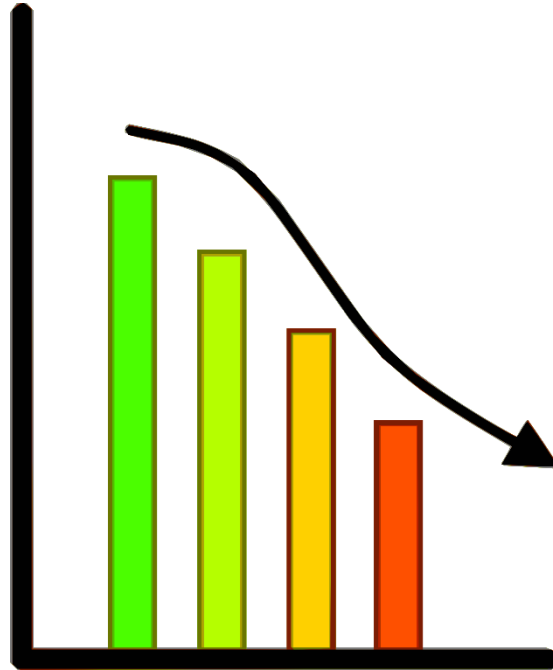
- Institutions must collect, classify, count, and report crime and fire statistics.
- Institutions must issue **Campus Alerts** to provide the campus community with information necessary to make informed decisions about their health and safety.
 - Issue a **Timely Warning** for any Clery Act crime that represents an **ongoing threat** to the safety of students or employees. They may issue **Crime Alerts** to non-Clery crimes.
 - Issue an **Emergency Notification** upon the confirmation of a significant emergency or dangerous situation involving an **immediate threat** to the health or safety of students or employees occurring on the campus.

What Does Clery Require? (continued)

- **Publish an Annual Security Report (ASR) and Fire Safety Report** (by Oct. 1st of each year) containing safety and security-related policy statements and crime statistics and distribute it, or advise where to locate it electronically, to all current students and employees. Schools must also inform prospective student and employees about the availability of the report.
- **Provide Missing Student Notification procedures.** If your institution has on-campus student housing facilities, you must:
 - Disclose Missing Student Notification procedures that pertain to students residing in those facilities
 - Disclose fire safety information and statistics
 - Maintain a Fire Log related to those facilities
- If your institution maintains a campus police or security department, you must **create, maintain, and make available, a Crime Log** of crimes or alleged criminal incidents that is open to public inspection.

What Does Clery Require? (continued)

- Have established policies and procedures to ensure safety.
- Submit statistics to the Department of Education.



Non-Compliance Consequences

- Suspension or limiting the institution's Title IX funding
- Institution's name will be provided to Congress by the Secretary of Education
- Department of Education can issue civil fines up to \$55,907 per violation
- Final Review Determination Reports are public record
- Institution will receive negative media attention
- Failure to comply with the Clery Act can be used in court to demonstrate an indifference to security issues during a security liability litigation.





Campus Security Authorities

The Clery Act requires the institution to identify individuals and organizations that meet the definition of a Campus Security Authority.

Am I a CSA?

The law defines four categories of Campus Security Authority:

1. University Police/Security Department
2. Individuals responsible for security
 - Access Monitor
 - Resident Assistant
3. Individuals or offices designated to receive crime reports
4. **Officials with significant responsibility for student and campus activities**

Director of Residence Life

Dorm Monitors

Greek Life Advisor

Coaches

Dean of Students

Director of Admissions

University Police

Resident Advisor or Assistant

Athletic Directors

Victim Advocates

Who is NOT a CSA?

- Faculty without responsibility for student or campus activities outside of the classroom
- Support Staff (Clerical, Food service workers, Facilities staff)
- Licensed Professional or Pastoral Counselors
- Health Educators

A CSA's Primary Responsibility is:

to report allegations of Clery Act crimes reported to them to the official or office designated by the institution to collect crime report information.



CSA's are NOT Responsible For:

- Investigating or reporting incidents:
 - Overheard from students talking in a hallway or mentioned during an in-class discussion
 - A victim mentions during a speech, workshop, or any other form of group presentation
 - Learned indirectly



Crime Categories

What Needs
to be
Reported?

1. Criminal Offenses
2. Violence Against Women Act (VAWA)
Offenses
3. Hate Crimes
4. Arrests and Referrals for Disciplinary
Action

Criminal Offenses

1. Criminal Homicide – Murder & Non-Negligent Manslaughter, Manslaughter by Negligence
2. Sex Offenses – Rape, Fondling, Incest, Statutory Rape
3. Robbery
4. Aggravated Assault
5. Burglary
6. Motor Vehicle Theft
7. Arson

Criminal Offenses: Definitions

- 1. Murder & Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
- 2. Manslaughter by Negligence:** The killing of another person through gross negligence.
- 3. Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- 4. Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- 5. Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Criminal Offenses: Definitions (continued)

6. **Statutory Rape:** Sexual Intercourse with a person who is under the statutory age of consent.
7. **Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
8. **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or means likely to produce death or great bodily harm.
9. **Burglary:** The unlawful entry of a structure (having four walls, a roof, and a door) to commit a felony or a theft.
10. **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.
11. **Arson:** Willful or malicious burning or attempt to burn with or without intent to defraud a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

VAWA Offenses

- 1. Domestic Violence:** A felony or misdemeanor crime of violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

VAWA Offenses (continued)

- 2. Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of:
- The length of the relationship.
 - The type of relationship.
 - The frequency of interaction between the persons involved in the relationship.

VAWA Offenses (continued)

3. **Stalking:** Engaging in a **course of conduct** directed at a specific person that would cause a **reasonable person** to fear for the person's safety or the safety of others or suffer **substantial emotional distress**.
- **Course of Conduct:** Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 - **Reasonable Person:** A reasonable person under similar circumstances and with similar identities to the victim.
 - **Substantial Emotional Distress:** Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Hate Crimes

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Possible bias categories under the Clery Act: Race, Gender, Gender Identity, Religion, Sexual Orientation, Ethnicity, National Origin, and Disability.

Institutions **MUST** compile crime statistics for any of the following offenses that are motivated by bias:

- Murder and Non-negligent Manslaughter
- Sex Offenses: Rape, Fondling, Incest, Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

Where?

Understanding Clery Geography

1. On-Campus

- On-Campus Student Housing Facilities

2. Public Property



3. Noncampus



Clery Geography Definitions

On Campus

- Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
- Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Noncampus

- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

What Do I Report?

CSA's and Police Officer Guides



OR



What Do CSA's Report?

Fill out the CSA Crime Report online with the 4 W's:

WHO

WHAT

WHEN

WHERE

REMEMBER, CSA's DO NOT INVESTIGATE. THEY REPORT.

What Do Police Officers Report?

SEX OFFENSE QUESTIONS:

- Was the crime committed forcibly against the victim's will?
- Did the assailant use or threaten force? A weapon?
- Was the victim incapable of giving consent because of temporary/permanent, mental/physical incapacity or underage?
- Did the assailant penetrate the victim's body?
- Did the victim know the assailant?
- Was assault facilitated by giving drugs/alcohol?

What Do Police Officers Report? (continued)

ROBBERY QUESTIONS:

- Did the suspect(s) take or attempt to take anything of value from the care, custody, or control of the victim?
- Did the suspect(s) take the property by force, threat of force or violence?
- Did the victim feel fearful, threatened, or endangered?
- What was taken or attempted to be taken?
- What was it's value?

What Do Police Officers Report? (continued)

BURGLARY QUESTIONS:

- Was there evidence of unlawful entry (trespass)?
- Was there unlawful entry into a structure?
- Was there evidence that the unlawful entry was made with the intent to commit a felony or theft?
- Was the item taken from inside a residence hall, office, or other structure?
- Was the structure open, closed, or locked?
- How did the perpetrator get into the structure/room?

What Do Police Officers Report? (continued)

MOTOR VEHICLE THEFT QUESTIONS:

- What kind of vehicle was taken?
- Where was the vehicle taken from?
- When was it taken?
- Has it been recovered?
- Does the victim know who did it?

“Joyriding” is a Motor Vehicle Theft if the vehicle is taken by a person without lawful access.

What Do Police Officers Report? (continued)

ARSON QUESTIONS:

- What was burned or attempted to be burned?
- Was property damaged? How much?
- Was anyone hurt?
- When did it happen? When was it discovered?
- Was there graffiti or other evidence of Hate Crime motivation?

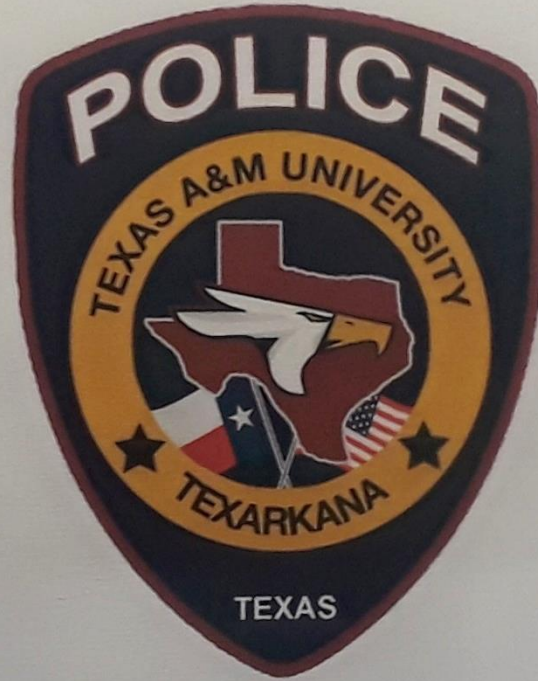
What Do Police Officers Report? (continued)

HATE CRIME QUESTIONS:

- Was the target personal property, a personal residence, house of worship, or ethnic organization?
- Did the incident involve any expression of hatred (example: graffiti, comments) about race, gender, gender identity, ethnicity, national origin, religion, sexual orientation, or disability?
- Did any personal injury result from the incident?

Report any vandalism to property of a religious, ethnic, LGBTQ organization as a Hate Crime.

Daily Crime Log



Daily Crime Log

What is it? Where is it? What do I have to do with it?

Daily Crime Log: What is it?

The Daily Crime Log is a federally mandated crime log that is made specifically for the public to review.

It contains all reported crimes to police or security.

It includes:

- Nature of the crime
- Date/time occurred
- Date/time reported
- General location
- Disposition

Daily Crime Log: Where is it?

The Daily Crime Log is located in the Central Plant in the University Police Department Office.

According to the Clery, the DCL must be:

1. Hard or electronic copy
2. On-site at each campus
3. Truly available to the public/media
4. Most recent 60 days
5. During normal business days/hours
6. Portion of log older than 60 days available within two business days of a request.

Daily Crime Log: What do I have to do with it?

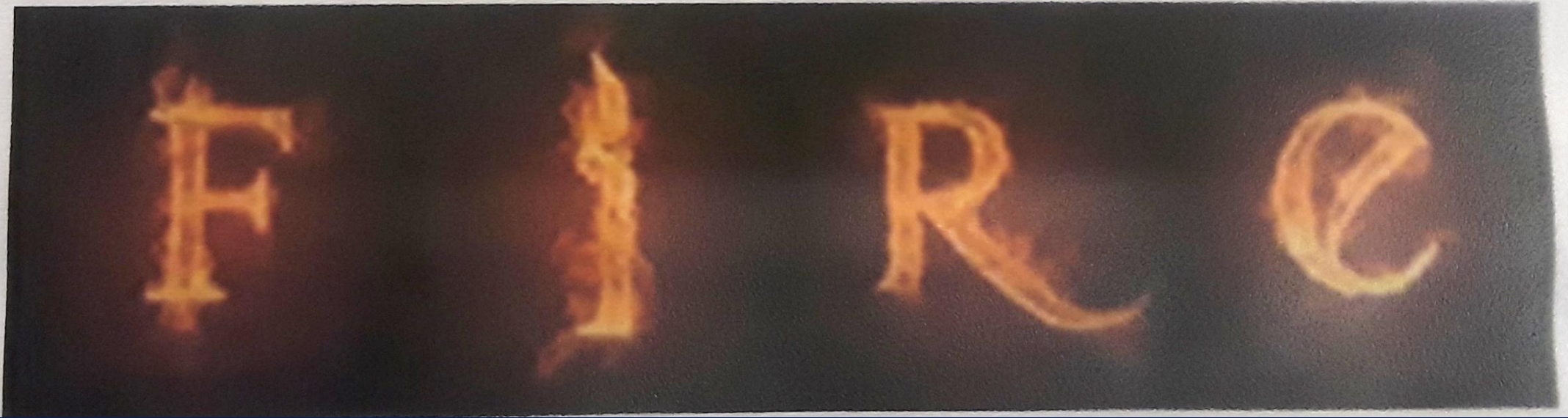
DO

- Upon request, find and provide a copy of the current Daily Crime Log.
- If you can't find a copy, contact the UPD for assistance.

DO NOT

- Tell them to go find it themselves.
- Ask who they are.
- Ask why they want a copy.

Fire Log



Daily Fire Log

What is it? Where is it? What do I have to do with it?

Daily Fire Log: What is it? Where is it? What do I have to do with it?

The Daily Fire Log is the same as the Daily Crime Log, but reports fires:

- Already extinguished
- Discovered while burning
- Fires necessitating a 911 call
- Minor fires, easily extinguishable

It is located in the Central Plant in the University Police Department.

The Daily Fire log must be available upon request.

Questions?

