

# Clery Act Updates 101

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## Jeanne Ann Clery's Legacy



- Raped & Murdered April 5, 1986 In Her Residence Hall
  - Fellow Student She Didn't Know
- History Of Violent Crime On Campus
- Led To National Awareness Of Campus Crime
- Federal Clery Act

## Security On Campus, Inc.

- Non-Profit Established By Connie & Howard Clery In 1987
- Advocacy
  - Safer Campuses/ Crime Prevention
  - Victims' Rights
- Education
  - Peer-Ed
  - Clery Act Training



## Jeanne Clery Act

- Annual Security Report
  - Statements Of Policy
    - Sexual Assault Victims' Rights
  - Campus Crime Statistics
- Ongoing Disclosures
  - Timely Warnings
  - Public Crime Log
- U.S. Dept. Of Ed. Enforces

## Institutional Responsibility

- Campus Police or Security
- Also Student Affairs
- Facilities/Housing Management
- Human Resources
- Academic Departments (Especially For Rights In Sexual Assault Cases)

## Clery Crime Statistics

- Criminal homicide
  - Murder and nonnegligent manslaughter.
  - Negligent manslaughter.
- Sex offenses
  - Forcible sex offenses
  - Nonforcible sex offenses.
- Robbery.
- Aggravated assault.
- Burglary.
- Motor vehicle theft.
- Arson.

## Clery Crime Statistics

- Arrests & Disciplinary Referrals For
  - Liquor Law Violations
  - Drug Law Violations
  - Illegal Weapons Possession
- Hate Crimes
  - May Be Reported In A Narrative Format
  - Includes Any Crime With Bodily Injury

## Clery Crime Statistics

- Who?
  - Campus Police & Security, Local Police
  - Campus Security Authority
    - Significant Responsibility For Campus & Student Activities
- Where?
  - On-Campus (Incl. Student Residential Subset)
  - Non-Campus
  - Public Property

## Clery Exemptions

- Licensed Mental Health & Pastoral Counselors Are Exempt From Reporting
- Any Information Shared In A “Privileged” Communication Is Exempt
- Clinic Doctors, Teaching Faculty (without additional responsibility), Secretaries Are Unlikely To Have Reporting Obligations

## Ongoing Disclosures

- Timely Warnings
  - Clery Crimes
    - **Warning Should Be Issued As Soon As The Pertinent Information Is Available**
    - Reach Entire Community
    - Aid In The Prevention Of Similar Crimes
- Crime Log
  - Public List Of All Crimes Reported To Police Or Security Department

## Daily Crime Log Includes

- Nature Of The Crime
- Date/Time Occurred
- General Location
- Disposition
- Recorded in Order Received
- Information May Be Withheld To Protect Victim/ Witness, Ongoing Investigation For Limited Period Of Time

**Easily Understood**  
**Must be Made Public**

## Annual Security Report

### Summaries Of Policies

- I. Reporting Crimes And Other Emergencies
- II. Security of and Access to Campus Facilities
- III. Campus Law Enforcement Policy
- IV. Security Awareness Programs
- V. Crime Prevention Programs
- VI. Drug And Alcohol Policy
  - I. Includes DFSCA Cross-Reference (only CR permitted)
- VII. Sex Offense Policy
- VIII. Sex Offender Registration Policy

### ASR Dissemination

- October 1st Deadline
- Current Students & Employees Automatically Get
- Prospective Students & Employees Get Notice & Option To Request ASR
- Printed Or Internet
  - Single Document
  - Internet Requires Direct Notice & Paper Copy Option

### New For 2010

- Emergency Response & Evacuation
  - Immediate Emergency Notification
    - Responsibilities Clearly Outlined
  - Annual Test/Publicizing
- New Hate Crimes
  - Larceny-Theft
  - Simple Assault
  - Intimidation
  - Destruction/Damage/Vandalism

### New For 2010

- Campuses With Housing
  - Missing Students
  - Campus Fire Safety
- Local/State Law Enforcement
  - Agreements For Investigating Crimes
  - Memorandum Of Understanding

### Emergency Response

- Beginning 2010 Annual Security Reports must include
- Emergency Response & Evacuation Policy Summary
  - Immediate Notification
  - Annual Test
  - Annual Publicizing of Procedures

### Immediate Notification

- Immediate Threat (All Hazards)
- To Health or Safety
- Students or Employees
- On Campus

### Notification Process

- How/Who Will Confirm Emergency/Danger?
- Determine Appropriate Segment/Segments
- Determine the Content
- Initiate the Notification System
- List of Title/Titles Responsible For

### Timely Warning Too?

- Emergency Notification Supersedes Timely Warning Process
- Notification May Contain Less Information Than Warning Typically Would (i.e. crime prevention tips)
- Must Provide “Adequate Follow-up Information”
  - All Clear
  - Recovery Information

### Without Delay

- Must State In Policy
- Notification Will Be Issued “Without Delay”
- Upon Confirmation of Emergency
- “Taking into account the safety of the community”

### Exceptions

- Compromise Efforts
  - To Assist a Victim
  - Contain
  - Respond To
  - Otherwise Mitigate
- Professional Judgment of Responsible Authorities

### Annual Test

- At Least Once Per Calendar Year
- Announced or Unannounced
- Publicizing, beyond ASR, in conjunction with Annual Test
- Documenting
  - Description of the Exercise
  - Date/Time
  - Whether Announced or Unannounced

### What Is A Test?

- Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

### Drill

- A drill is a coordinated, supervised exercise activity, normally used to test a single specific operation or function.
- With a drill, there is no attempt to coordinate organizations.

## Tabletop

- A tabletop exercise is a facilitated analysis of an emergency situation in an informal, stress-free environment.
- It is designed to elicit constructive discussion as participants examine and resolve problems based on existing operational plans and identify where those plans need to be refined.

## Functional Exercise

- A functional exercise is a fully simulated interactive exercise that tests the capability of an organization to respond to a simulated event.
- The exercise tests multiple functions of the organization's operational plan.
- It is a coordinated response to a situation in a time-pressured, realistic simulation.

## Full-Scale Exercise

- A full-scale exercise simulates a real event as closely as possible. It is an exercise designed to evaluate the operational capability of emergency management systems in a highly stressful environment that simulates actual response conditions.
- To accomplish this realism, it requires the mobilization and actual movement of emergency personnel, equipment, and resources.
- Ideally, the full-scale exercise should test and evaluate most functions of the emergency management plan or operational plan.

## New Hate Crimes

- Larceny-Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
  - Note: Constructive possession is defined by Black's Law Dictionary, 6th ed. as "where one does not have physical custody or possession, but is in a position to exercise dominion or control over a thing."

## Types Of Theft

- Pocket-picking
- Purse-snatching
- Shoplifting
- Theft From Building
- Theft From Coin Operated Machine or Device
- Theft From Motor Vehicle
- Theft of Motor Vehicle Parts or Accessories
- All Other Larceny

## New Hate Crimes

- Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

### New Hate Crimes

- Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

### New Hate Crimes

- Destruction/Damage/Vandalism of Property (Except "Arson"): To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### Missing Students

- Institutions That Offer On-Campus Student Housing
- Statement In Clery Act Annual Security Report Beginning October 1, 2010
- Covers Students Residing In On-Campus Student Housing
  - May Optionally Cover Others

### Missing Students

- Student Has Been Missing For 24 Hours
- List of Persons or Organizations To Which Missing Students May Be Reported
- Referred to Campus Police/Security
- If None, Referred to Local Police
- No Set Timeframe For Investigation

### Missing Students

- Confidential Contact Person, Designated by Student
  - Contact Info Shared Only With Law Enforcement In Investigation
- Notified Within 24 Hours After Determination (by Campus/Local Law Enforcement)
- If Under 18 (Not Emancipated) Parent/Guardian Also Notified

### Missing Students

- Local Law Enforcement Notified About Missing Student Within 24 Hours
- Unless Local Law Enforcement Made Determination

## Fire Safety

- Applies if On-Campus Student Housing is Offered
- Annual Fire Safety Report
  - Fire Statistics
  - Fire Safety Policies/Systems
  - First report due October 1, 2010
  - Part of Clery ASR or Cross-Referenced
- Fire Log

## Reportable Fire

- Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.
- Occurred in an on-campus student housing facility.

## Fire Statistics

- The number of fires and the cause of each fire;
- The number of persons who received fire-related injuries that resulted in treatment at a medical facility, including at an on-campus health center;
- The number of deaths related to a fire; and
- The value of property damage caused by a fire.

## Fire Log

- The nature, date, time, and general location of each fire.
- Within Two Business Days
- Public Inspection For 60 Days, Then Archived

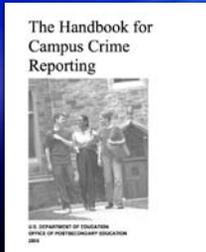
## Compliance Challenges

- Inconsistent/Non-Existent Underlying Policies/Practices
- Failure to Survey All Campus Security Authorities/Local Police
- Lack of Training
- Failure to Coordinate
- **Poor Record Keeping (7 Years)**
- **Lack Of Institutional Support**

## Clery Act Fines

- Ashford Univ. in 2000 **\$15,000**
- Miami Univ. of OH in 2005 **\$27,500**
- Pittsburgh Tech. Inst. In 2007 **\$55,000**
- La Salle Univ. in 2008 **\$87,500**
- Salem International U. in 2005 **\$200,000**
- Eastern Michigan U. in 2008 **\$350,000**

## Clery Act Handbook



- Originally Published 2005
- Update Is Being Developed
- SOC Is Helping
- What Are Your ?
- Due Late 2010/ Early 2011

## Contact Us



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