

	RUTGERS UNIVERSITY POLICE DEPARTMENT WRITTEN DIRECTIVE SYSTEM		5:19
	CAMPUS CRIME STATISTICS ACT		
	Effective Date: 08-03-2016	Supersedes: 5:19 (05-16-2014)	

5:19-1 **PURPOSE**

The purpose of this directive is to codify this department's policy and procedures concerning the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

5:19-2 **POLICY**

It is the policy of this department to adhere to the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and any related procedures established by the US Department of Education.

5:19-3 **DISCUSSION**

The **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act** is the landmark federal law, originally known as the Campus Security Act that requires colleges and universities across the United States to disclose information about enumerated criminal offenses which occur on and around their campuses.

Because the law is tied to participation in federal student financial aid programs it applies to most institutions of higher education both public and private. It is enforced by the U.S. Department of Education.

The "Clery Act" is named in memory of 19 year old Lehigh University freshman Jeanne Ann Clery who was raped and murdered while asleep in her residence hall room on April 5, 1986.

Jeanne's parents, Connie and Howard, discovered that students hadn't been told about 38 violent crimes on the Lehigh campus in the three years before her murder. They joined with other campus crime victims and persuaded Congress to enact this law, which was originally known as the "Crime Awareness and Campus Security Act of 1990" Which amended the *Higher Education Act of 1965 (HEA)*. This act required all postsecondary institutions participating in *HEA's* Title IV student financial assistance programs to disclose campus crime statistics and security information.

The act was amended in 1992, 1998 and 2000. The 1998 amendments renamed the law the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* in memory of a Jeanne Clery. It is generally referred to as the *Clery Act*.

On Aug. 14, 2008, the *Higher Education Opportunity Act* or *HEOA* (Public Law 110-315) reauthorized and expanded the *Higher Education Act of 1965*, as amended. *HEOA* amended the *Clery Act* and created additional safety- and security-related requirements for institutions.

5:19-4

GENERAL

- a. Compliance with the Clery Act is a University-Wide responsibility which requires the concerted efforts of nearly every University Department. The Executive Director of Public Safety / Chief of University Police (EDPS / CUPD) is responsible for coordinating the University's compliance with all aspects of the Clery Act.
- b. The Chief of Police for each geographic division is responsible for the timely submission of each required element consistent with the established deadlines.
- c. The Chief of Police of each geographic division shall ensure accurate data is prepared for submission by August 15th of each year.
- d. The Chief of Police shall designate one or more staff members to perform the duties and responsibilities associated with fulfilling each of the Clery Act's requirements. These staff members shall attend initial & refresher training as deemed necessary and in conjunction with changes in the act.
- e. The United States Department of Education's Handbook for Campus Safety and Security Reporting shall be maintained in both the Central Records & Detective Bureaus in hard copy and updated as necessary. In addition, the Handbook shall also be maintained on the department's PowerDMS intranet.
- f. As a general rule, the Clery Act utilizes terminology similar to the FBI's Uniform Crime Reporting (UCR) System for classifying crimes and the FBI's National Incident-Based Reporting System (NIBRS) only for classifying sex offenses. As both UCR and NIBRS offense classifications and definitions are different from the New Jersey Criminal Code of Justice (N.J.S.A. Title 2C), personnel assigned to Clery related activities shall become aware of these nuances.
- g. Definitions relative to this directive can be found in either the Handbook for Campus Safety and Security Reporting and/or the FBI's Handbook for the Uniform Crime Reporting (UCR) System.
- h. *Clery Act* requirements must be met individually for each of the University's campuses.
- i. Annually, this agency will collect, review and compile crime statistics from University Campus Security Authorities (CSAs) and local law enforcement with jurisdiction within Rutgers University's Clery geographic areas.
- j. The term **campus security authority** is a Clery-specific term that encompasses four groups of individuals and organizations associated with Rutgers University who are required to report crime information to this department.
 - A campus police department or a campus security department of an institution.
 - Any individual or individuals who have responsibility for campus security but who are not members of this department.
 - Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
 - An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

For example, a dean of students who oversees student housing, a student center or student extracurricular activities has significant responsibility for student and campus activities. Similarly, a director of athletics, a team coach and a faculty advisor to a student group also have significant responsibility for these activities. Students may, in some cases, be considered campus security authorities (e.g., resident advisors/assistants, students who monitor access to dormitories).

- k. A campus security authority (as defined at 5:19-4(j)) is not responsible for determining authoritatively whether a crime took place—that is the function of this agency. *For example, if a resident assistant who has been identified as a campus security authority is told by a fellow student that he/she has been sexually assaulted, the resident assistant should report this as a crime. It is reported regardless of whether the victim chooses to file a report with law enforcement or press charges.*
- l. This department shall provide regular training to members of the University Community in the Clery Act and the University's coordinated efforts to ensure compliance. Individuals identified as CSAs should be encouraged to attend initial & refresher training as deemed necessary and in conjunction with changes in the act. These training sessions shall be documented in written form and maintained by the training supervisor of each division.
- m. Under the Clery Act, the University is required to disclose statistics for reported Clery crimes that occur:
 - 1. On campus;
Any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the its educational purposes, including residence halls; and Any building or property that is within or reasonably contiguous to the first part of this definition, that is owned by Rutgers but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
 - 2. On public property within or immediately adjacent to campus, and
All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.
 - 3. In or on non-campus buildings which are owned or controlled by the University.
Any building or property owned or controlled by a student organization that is officially recognized by Rutgers; or any building or property owned or controlled by Rutgers that is used in direct support of, or in relation to, the its educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- n. Other public property considerations are discussed in depth at Chapter 2 of the United States Department of Education's Handbook for Campus Safety and Security Reporting.
- o. For the purposes of this section, the following terms are defined:
 - 1. **Controlled by** means that the University rents, leases or has some other type of *written* agreement (including an informal one, such as a letter or an e-

mail) for a building or property, or a portion of a building or property. Even if there is no payment involved in the transaction, under Clery, a written agreement for use of space gives your institution control of that space for the time period specified in the agreement.

2. **Reasonably contiguous** refers to a building or property which the University owns or controls that is in a location that is treated as an integral part of the main or core campus; and is covered by the same security policies as the campus.
 3. **Directly support, or relate to, the University's educational purposes** refers to the function of the building or property.
- p. In addition to collecting crime *reports* from campus security authorities, Clery requires that every institution make a "reasonable, good-faith effort" to obtain Clery crime *statistics* from local law enforcement agencies that have jurisdiction over the school's Clery geography.
- q. All personnel shall promptly and fully cooperate with the VPAPS, Chief of Police, or designee regarding submission of supplemental data necessary to comply with all aspects of the Clery Act.
- r. Nothing in this section is intended to prohibit either the VPAPS or Chief of Police from delegating aspects of this directive as deemed appropriate.

5:19-5 CLERY ACT REQUIREMENTS

- a. Compliance with the Clery Act is not a once-a-year event. Many requirements are ongoing, such as crime information collecting, campus alerts and log updating, while other requirements are less frequent, such as the annual reports and submission of data.
- b. The basic requirements of the Clery Act are:
 1. ***Have emergency notification and evacuation procedures*** for alerting the campus community about significant emergencies or dangerous situations; and
 2. ***Issue timely warnings*** to alert the campus community about crimes that pose a serious or continuing threat to safety; and
 3. ***Keep a crime log*** that records, by date reported, all crimes reported to this department; and
 4. ***Keep a fire log*** that records by date reported, all fires in on-campus student housing facilities; and
 5. ***Collect crime reports from campus security authorities*** within the institution; and
 6. ***Request crime statistics from local law enforcement*** in the jurisdiction where the institution is location; and
 7. ***Submit crime and fire statistics to Education*** via a Web-based data collection; and
 8. ***Have missing student notification procedures*** to aid in determining if a student is missing and in notifying law enforcement personnel; and
 9. ***Publish an annual security report*** containing campus security policy disclosures and crime statistics for the previous three years; and

10. **Publish an annual fire safety report** containing policy disclosures and fire statistics for on-campus student housing facilities for the previous three years.
- c. While responsibility for compliance with these requirements rests with the University Police Department; the University's Fire Log is maintained by the Chief of the University's Department of Emergency Services.

5:19-6 CLERY CRIMES

- a. The Act requires the University to disclose statistics for reported crimes based on:
- Where the crime occurred,
 - To whom the crimes were reported,
 - The types of crimes that were reported,
 - The types of crimes that were reported, and
 - The year in which the crimes were reported.
- b. The *Clery Act* requires the disclosure of three general categories of crime statistics:
1. Types of Offenses:
 - Criminal Homicide (Murder, Non-Negligent Manslaughter, and Negligent Manslaughter);
 - Sex Offenses (forcible and non-forcible) including: rape, sodomy, sexual assault with an object and forcible fondling;
 - Robbery;
 - Aggravated Assault;
 - Burglary*;
 - Motor Vehicle Theft;
 - Arson;
 - Domestic Violence;
 - Dating Violence and
 - Stalking.
 2. Hate Crimes
 - Under Clery, a hate crime is defined as a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is defined as a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation or ethnicity/national origin.
 - Disclose whether any of the abovementioned offenses (5:19-6(b)(1)), and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/ Vandalism of Property that were motivated by bias.
 3. Arrests and Referrals for Disciplinary Action for illegal weapons possession and violation of drug and liquor laws.

**The UCR/Clery definition of burglary varies greatly from the NJSA Title 2C definition; therefore personnel should become familiar with both definitions and remain aware of the differences.*

- c. There are some crimes that are excluded from statistical disclosure. They are:
 - Any crime not required to be included by the *Clery Act*,
 - Unfounded crimes, and
 - Crimes not committed in geographic locations specified by the *Clery Act*.
- d. Specific guidance regarding classifying and counting Clery Act Crimes is provided at Chapter 3 of the United States Department of Education's Handbook for Campus Safety and Security Reporting.

5:19-7 TIMELY WARNINGS / CRIME ALERTS

- a. In the event that a situation arises, either on or off campus, which constitutes an ongoing or continued threat to students and employees, a campus wide timely warning or "crime alert" will be issued.
- b. Procedures regarding timely warnings are addressed in depth at Directive 11:11.

5:19-8 DAILY CRIME LOG

- a. The purpose of the daily crime log is to record **criminal incidents** and **alleged criminal incidents** that are reported to each division of this department, not just Clery crimes.
- b. Under the Clery Act some traffic violations are considered criminal in nature and therefore if reported, must be recorded on the daily crime log. Included are: driving under the influence (DUI), driving while intoxicated (DWI), hit-and-run (of a person) and vehicular manslaughter.
- c. The log is designed to disclose crime information on a timelier basis than the annual statistical disclosures. The daily crime log lists, by date and time reported, all crimes reported to the each division of the department. The crime log shall include:
 - The nature of the crime,
 - The date and time the crime occurred,
 - The general location of the crime, and
 - The disposition of the complaint, if know.
- d. This log shall be made available to the public in paper form within the headquarters of each geographic police division and regularly published to that division's website.
- e. The crime log for the most recent 60-day period shall be open to public inspection, upon request, during normal business hours. Anyone may have access to the log, whether or not they are associated with Rutgers University; including, but not limited to: current students, faculty or staff; prospective students and/or their parents; the media, etc.
- f. No one shall be required to submit a written request to view the log.
- g. This log should be updated daily, however not more than two business day after the crime report is received, in order to reflect the most accurate and up-to-date information. This function shall be accomplished by the Investigations Commander in conjunction with Information Technology.

- An entry, an addition to an entry, or a change in the disposition of a complaint, must be recorded within two business days of the reporting of the information to this agency. *For the purposes of this section, a business day is defined as Monday through Friday, except when Rutgers University is closed.* The only exceptions to this rule are:
 1. if the disclosure is prohibited by law; or
 2. if the disclosure would jeopardize the confidentiality of the victim.
 - Updates shall not be made to the disposition recorded within a crime log entry after 60 days have passed. *(This means 60 days after the entry was made in the log – not 60 days after the crime occurred.)*
- h. If a reported crime is investigated by either this department (or another law enforcement department) and then ultimately a determination is made that a crime did not occur, the log shall indicate that the disposition of the crime is “unfounded.” **Note:** Only sworn law enforcement officers that investigate the crime can make this determination.
- i. The investigations commander may temporarily withhold information *only* if there is clear and convincing evidence that the release of information would:
 - Jeopardize an ongoing investigation;
 - Jeopardize the safety of an individual;
 - Cause a suspect to flee or evade detection; or
 - Result in the destruction of evidence.
- j. The *UCR* hierarchy rule does not apply to the crime log. If multiple criminal offenses are committed during a single incident, all of the offenses must be recorded in the log.
- k. In the event the investigations commander believes one of the reasons described above (5:19-8i) is satisfied and it is decided that an incident will be temporarily withheld from the crime log; the commander shall issue a memorandum to the respective Chief of Police indicating the reasoning. Temporarily withholding an incident does not relieve this department from updating the crime log to include this incident at a later date once any adverse effects from disclosure are no longer possible.
- l. Crime logs must be kept for three years following the publication of the last annual security report to which they apply (in effect, seven years).
- m. Any individual posing questions with regard to the Daily Crime Log should be directed to the duty watch commander.
- n. The Daily Logs will be archived by the Central Record’s Bureau after 60 days.
 1. Persons seeking review of archived Clery Act Daily Police Logs will submit a request in writing to the Chief of Police with geographic responsibility.
 2. If the Central Records Bureau custodian is available and can accommodate the request, the archived logs will be made available for review while the requestor is present.
 3. If a request for a review of archived Daily Police Logs cannot be immediately accommodated, the archived material will be made available for review within a reasonable period of time, however no longer than two business days of the request.

5:19-9

ANNUAL SECURITY REPORT

- a. Pursuant to 20 United States Code section 1092(f), the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act," and the Code of Federal Regulations (CFR) each institution of higher education in the United States which participates in federal student aid programs must produce and distribute an annual report containing crime statistics and statements of security policy.
- b. The comprehensive annual security report published for the Rutgers University Community is called "Safety Matters."
- c. Safety Matters shall be published each year by October 1 and posted on the website of each division by that date.
 1. The Chief of Police (or designee) of each geographic division is responsible for distributing a notice, via email, to all currently enrolled students (including those attending less than full time) and all employees of their Campus by October 1st of each year intended to inform them of the reports availability.
 2. This notice shall minimally include:
 - A statement of the availability of "Safety Matters."
 - A list and brief description of the information contained in "Safety Matters."
 - The exact address (URL) of the Internet website at which "Safety Matters" is posted.
 - A statement that a paper copy of "Safety Matters" can be provided upon request.
 3. Safety Matters shall be made available, upon request, to any prospective student or employee. For the purposes of this section, the following terms are defined:
 - A **prospective student** is defined as an individual who has contacted an eligible institution requesting information about admission to that institution.
 - A **prospective employee** is defined as an individual who has contacted an eligible institution requesting information concerning employment with that institution.
- d. The Chief of Police of each geographic division is responsible for the annual coordination and collecting those materials for inclusion within this department's Annual Security Report and forwarding such material to the APS Communications as requested.
- e. Procedures governing the preparation and dissemination of Annual security Report "Safety Matters" are discussed in depth at Chapters 7, 8 & 9 of the United States Department of Education's Handbook for Campus Safety and Security Reporting.
- f. In an effort to ensure complete and accurate accounting of crime statistics, the Professional Standards Division Commander shall annually (by August 15th):
 1. Obtain an updated list of all properties owned or controlled by Rutgers, The State University;

2. Review and update the list of University employees designated as campus security authorities;
 3. Make a “reasonable, good-faith effort” to obtain Clery crime *statistics* from local law enforcement agencies that have jurisdiction over the school’s Clery geography and those with jurisdiction over university property not serviced by this department;
 4. Combine all crime statistics reported to CSAs in addition to those reported to this department, with crimes reported by other law enforcement agencies;
 5. Collect all crime statistics for those offenses reported to and investigated by this department; and
 6. Review all information in the Rutgers University Clery Safety and Security Report for accuracy and relevance.
- g. Beginning October 1, 2012; this department will publish one annual security report “Safety Matters,” under the authority of the Office of the Executive Director of Public Safety / Chief of University Police (EDPS / CUPD). This document will be prepared by the Director of Communications in the Office of the EDPS / CUPD in order to ensure a uniform, consistent message and ensure required content is included.
- h. In order to comply with the Clery Act’s regulation that any person must **be provided** a copy of “Safety Matters” **upon request**, a department member encountering a member of the community requesting a copy shall:
- Forward requests for mail out reports to the APS Director of Communications who will forward a copy to the requestor;
 - Direct the requestor to hard copies of the report available in headquarters of each geographic division; or
 - Direct the requestor to the department’s website for an electronic copy of the report.

5:19-10 REPORT TO DEPARTMENT OF EDUCATION

- a. An annual report of Clery Act crimes shall be provided annually via the designated website to the United States Department of Education.
- b. This report should be submitted each fall, prior to the deadline (typically October 15th) established by the Department of Education & made available for public inspection.
- c. This annual reporting shall be accomplished by the Professional Standards Division Commander, upon approval of the EDPS / CUPD.

5:19-11 SUPPLEMENTAL

- a. The annual security report and all supporting records used in compiling the report must be retained for three years from the latest publication of the report to which they apply. For example, the 2011 annual security report should contain statistics for 2008, 2009 and 2010. The 2008 statistics and supporting records must be kept until Oct. 1, 2014—in effect, seven years.
- b. Records to be kept include, but are not limited to, copies of crime reports; the daily crime logs; records for arrests and referrals for disciplinary action; timely warning and emergency notification reports; documentation, such as letters to

and from local police having to do with Clery Act compliance; letters to and from campus security authorities; correspondence with us regarding Clery Act compliance; and copies of notices to students and employees about the availability of the annual security report.

- c. The United States Department of Education can issue civil fines of up to **\$35,000 per violation** for a substantial misrepresentation of the number, location or nature of the crimes required to be reported or for a violation of any other provision of the safety- and security-related *HEA* regulations.