



**Clery Act
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 2011
- 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 \$27,000 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 (ie: burglary, rape)
- More specific location information must be provided (ie: 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 **"conformation"** 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



- 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 – ie: 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 and Student Affairs

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



Clery Act Challenges



- Discussion
