Now that you know what crimes to disclose and how geography fits into compliance with campus safety and security regulations, you need to know how to obtain crime statistics associated with that geography. This requirement involves collecting crime reports from individuals and organizations associated with your institution (i.e., campus security authorities or CSAs), and requesting crime statistics from local law enforcement agencies. We’ll begin by discussing campus security authorities.

Although every institution wants its campus community to report criminal incidents to law enforcement, we know that this doesn’t always happen. Even at institutions with a police department on campus, a student who is the victim of a crime may be more inclined to report it to someone other than the campus police. For example, a victim of a sexual offense may turn to a resident advisor for assistance, or a student whose car was stolen may report the theft to the school’s director. For this reason, the Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that Clery considers to be “campus security authorities.”

Under Clery, a crime is “reported” when it is brought to the attention of a campus security authority or local law enforcement personnel by a victim, witness, other third party or even the offender. It doesn’t matter whether or not the individuals involved in the crime, or reporting the crime, are associated with the institution. If a campus security authority receives the crime information and believes it was provided in good faith, he or she should document it as a crime report. In “good faith” means there is a reasonable basis for believing that the information is not simply rumor or hearsay. That is, there is little or no reason to doubt the validity of the information.

What you must disclose, therefore, are statistics from reports of alleged criminal incidents. It is not necessary for the crime to have been investigated by the police or a campus security authority, nor must a finding of guilt or responsibility be made to disclose the statistic. If your institution is in doubt
as to whether a crime has been reported, rely on the judgment of law enforcement professionals.

### How to Identify Your Institution’s CSAs

“Campus security authority” is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution.

- **A campus police department or a campus security department of an institution.** If your institution has a campus police or security department, those individuals are campus security authorities. A security department can be as small as one person. (More about this in Chapter 5.)

- **Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).** Include individuals who provide security at a campus parking kiosk, monitor access into a campus facility, act as event security or escort students around campus after dark.

- **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.** As mentioned in Chapter 1, your institution must publish a number of safety- and security-related policy statements. (These are discussed in Chapters 7 and 8.) If you direct the campus community to report criminal incidents to anyone or any organization in addition to police or security-related personnel, that individual or organization is a campus security authority.

- **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.** An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.
Because official responsibilities and job titles vary significantly on campuses, a list of specific titles is not provided in the regulations. To determine specifically which individuals or organizations are campus security authorities for your institution, consider the function of that individual or office. Look for officials (i.e., not support staff) whose functions involve relationships with students. If someone has significant responsibility for student and campus activities, he or she is a campus security authority. Note that whether or not your institution pays an individual is not a factor in determining whether that individual can be a CSA. Be sure to keep your CSA list current so that you do not omit any individual or organization that fits the definition of a CSA.

Examples of individuals who meet the criteria for being campus security authorities include:

- A dean of students who oversees student housing, a student center or student extracurricular activities.
- A director of athletics, a team coach or a faculty advisor to a student group.
- A student resident advisor or assistant or a student who monitors access to dormitories.
- A coordinator of Greek affairs.
- A physician in a campus health center, a counselor in a campus counseling center or a victim advocate or sexual assault response team in a campus rape crisis center if they are identified by your school as someone to whom crimes should be reported or if they have significant responsibility for student and campus activities. However, if these individuals are not identified as people to whom crimes should be reported or do not have significant responsibility for student and campus activities, they would not be considered CSAs.

Examples of individuals who would not meet the criteria for being campus security authorities include:

- A faculty member who does not have any responsibility for student and campus activity beyond the classroom.
- Clerical or cafeteria staff.
The number of CSAs at your institution depends on the number of individuals or organizations involved in security or that have significant responsibility for student and campus activities, not on the size of your school. Even a small school can have a number of CSAs. For example, your school may have a director, a registrar and a faculty advisor who fit the CSA definition. On the other hand, perhaps only the director fits the definition. If your school does not have security personnel, but has one administrator who has all of the responsibility for student and campus activities at the school, that administrator is your only CSA.

Remember, too, that because personnel and job positions at an institution can change, someone who is a CSA one year might not be a CSA the following year or vice versa. For example, suppose that you have a computer science instructor who is teaching at the main campus. She isn’t a CSA because she doesn’t have any responsibility for student and campus activity beyond the classroom. The following year, this instructor is teaching computer science at one of your institution’s noncampus locations. Because there aren’t any security personnel on site, your institution’s security policy identifies this instructor as the person to whom students should report crimes or other emergencies that occur there. This instructor is now a campus security authority.

What Does a Campus Security Authority Do?

The function of a campus security authority is to report to the official or office designated by the institution to collect crime report information, such as the campus police or security department, those allegations of Clery Act crimes that he or she concludes were made in good faith.

Examples of Collecting Crime Information

Scenario 1: A resident assistant who has been identified as a CSA is told by a fellow student that she has been raped and is seeking emotional and medical support. The resident assistant should document this information as a crime report. It should be reported regardless of whether the victim chooses to file a report with law enforcement or press charges.
Examples of Collecting Crime Information (Continued)

Scenario 2: A student mentions to her boyfriend that a number of rooms on her dorm floor were broken into during the previous night’s football game. Later that day, her boyfriend tells the athletics director what he heard. The AD asks which dorm it was and what, if anything else, the boyfriend knows about the incident. The AD should document the information and forward it to the school’s campus security department per the school’s crime reporting policy.

Scenario 3: Ms. Jones, director of Student Housing at your school, gets a call from the director of a counseling center in town. The caller wants to let the director know that four students from the school sought assistance at the center and told the center’s counselors that they had been sexually assaulted on campus and were seeking emotional support. They did not want police investigations. These are third party reports and Ms. Jones, having no reason to believe that they were not made in good faith, should document all of the information she was given and forward the reports to the person or office responsible for collecting Clery crime reports at her institution.

What Shouldn’t a Campus Security Authority Do?

A campus security authority is not responsible for determining authoritatively whether a crime took place—that is the function of law enforcement personnel. A campus security authority should not try to apprehend the alleged perpetrator of the crime. That too is the responsibility of law enforcement. It’s also not a CSA’s responsibility to try and convince a victim to contact law enforcement if the victim chooses not to do so.

Exemption for Pastoral and Professional Counselors

There are two types of individuals who, although they have significant responsibility for student and campus activities, are not campus security authorities under Clery:

- **Pastoral counselor**: A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

- **Professional counselor**: A person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her official responsibilities.
license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

The pastoral or professional counselor exemption is intended to ensure that these individuals can provide appropriate counseling services without an obligation to report crimes they may have learned about. This is similar to the privilege provided under certain circumstances to doctors, counselors and attorneys when they may learn of crimes from patients or clients. This exemption is intended to protect the counselor-client role. However, even the legally recognized privileges acknowledge some exemptions, and there may be situations in which counselors are in fact under a legal obligation to report a crime.

To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors. An individual who is not yet licensed or certified as a counselor, but is acting in that role under the supervision of an individual who meets the definition of a pastoral or professional counselor, is considered to be one for the purposes of the Clery Act. An example is a Ph.D. counselor-trainee acting under the supervision of a professional counselor at the institution. However, a dean of students who has a professional counselor’s license, but is employed by the institution only as a dean and not as a counselor, is not exempt from reporting. If that same dean is employed by the institution as both a professional counselor and an academic counselor, and she learns of a criminal incident while she is engaged in academic counseling, she is not exempt from reporting that incident. Note also, that if your institution has an individual with dual roles, one as a professional or pastoral counselor and the other as an official who qualifies as a CSA, and the roles cannot be separated, that individual is considered a campus security authority and is obligated to report Clery crimes of which they are aware.

An individual who is counseling students and/or employees, but who does not meet the Clery definition of a pastoral or professional counselor, is not exempt from being a campus security authority if they otherwise have significant responsibility for student and campus activities. This may include the director of the student health center or the director of a counseling or rape crisis clinic at your institution.
Recommendations

The Clery Act regulations do not address coordinating your crime reporting process or training your campus security authorities. However, because the role of CSAs is vital to compliance with the law, many schools have requested suggestions for doing so. The following section addresses those requests by providing recommendations—not requirements—which your school can adapt to meet its unique configuration and needs. As you read them, please keep in mind that the effort and coordination needed to comply with the requirement to collect crime reports varies significantly depending on several factors, such as the size of your school, the number of individuals or offices that meet the campus security authority definition, whether your school has law enforcement or security personnel and whether you provide student housing.

• **Designate an individual or office to coordinate and oversee your campus security authorities.**

   This can be particularly helpful for schools with a large number of CSAs. Assign someone who is knowledgeable about the Clery Act to coordinate everything from identifying your institution’s CSAs to making sure all crime reports are accounted for.

   Rather than assuming that because a CSA hasn’t forwarded a crime report to the appropriate individual or office, no crimes were reported to that CSA, a coordinator can be charged with canvassing each CSA to request crime reports from them. CSAs who don’t have crimes to report can be asked to document this in writing. This could be as simple as writing a statement that reads, “From ______ to _____ I was not aware of, and did not receive, any reports of criminal incidents, arrests or disciplinary actions for Clery crimes.” Even if crime reports are submitted online, it’s a good idea to ask CSAs to indicate if they have no crimes to report.

• **Make sure your campus security authorities know they’re campus security authorities.**

   To do this, we suggest that you update the job descriptions of individuals at your institution who fit the definition of a CSA. Make this designation an official part of their job description so that they know what’s required of them.
You may also want to contact all CSAs annually in writing to remind them of this obligation. (See sample letter to campus security authorities in Appendix B-1.) Because of turnover, or a change in job descriptions, you may have to notify some individuals mid-year.

• **Provide training.**

   CSAs have an important job to do and providing them with training will help to ensure that they do it properly. Training can be provided in a variety of ways ranging from sending materials in an e-mail to face-to-face meetings that include PowerPoint presentations and training manuals. Whatever form your training takes, Figure 6 provides some elements you might want to include.

• **Forward crime reports to your campus police or security department, if you have one.**

   Encourage CSAs to immediately forward reports of crimes to your campus police or security department if you have one, or to an individual responsible for collecting the reports if you don’t. This is because a CSA crime report may be the basis for determining if there is a serious or continuing threat to the safety of the campus community which would require an alert (i.e., a timely warning). (More about timely warnings in Chapter 6.) Also, if your institution has a campus police or security department and a crime is reported to a non-police/security CSA, the report should be forwarded to your campus police or security department so that it will be entered in your institution’s daily crime log in a timely manner. (More about the crime log in Chapter 5.)

• **Keep documentation of all crime reports.**

   Keep hard copy or electronic documentation for all CSA-reported crimes and make sure that more than one person knows where it’s kept. If there is reason to believe that a crime report was not made in “good faith,” and your institution does not disclose a statistic for the reported incident, we strongly suggest that you document the justification for not disclosing the statistic.
Describe the role of a CSA—The Clery Act is a federal law that requires the institution to identify individuals and organizations that meet the definition of a campus security authority. CSAs have an important role in complying with the law. Explain that CSA crime reports are used by the school to:

- Fulfill its responsibility to annually disclose Clery crime statistics, and
- To issue timely warnings for Clery crimes that pose a serious or continuing threat to the campus community.

If an individual reporting an incident needs assistance, a CSA should explain how to get help. Let a victim know that help is available even if he or she does not want an investigation conducted. The decision to act on this option is the victim’s. In the midst of an emergency situation, such as a physical assault, however, a CSA should contact the campus police or call 911, as appropriate.

Provide reporting materials—Good recordkeeping can help minimize the chances of double reporting crimes. Suggested materials are:

- Descriptions, a map, or both, of the school’s Clery geography.
- A list of Clery crimes and definitions.
- Hard copy or electronic Crime Report forms for documenting criminal incidents. (See sample forms in Appendices B-2 and B-3.)

Discuss the importance of documentation—Explain that if CSAs are unsure whether an incident is a Clery crime, or even if it’s criminal in nature, they should report it.

- Stress the importance of providing as much information about a criminal incident as possible to aid law enforcement and to categorize the crime.
- Explain that CSA crime reports should include personally identifying information if available. This is important for law enforcement purposes and to avoid double counting crimes. The Clery statistical disclosures based on those reports, however, must be kept anonymous; no personally identifying information will be disclosed.
- If a victim doesn’t want the report to go any further than the CSA, the CSA should explain that he or she is required to submit the report for statistical purposes, but it can be submitted without identifying the victim.

Emphasize the need for timely report submission—Explain that if a crime is reported to a CSA, but goes no further than that, the school won’t have fulfilled its obligation under the law, and the campus community might not have the information they need to stay safe on campus. Instruct CSAs:

- How to submit their crime reports in a timely manner, and
- To whom reports should be submitted.
Requesting Statistics From Local Law Enforcement Agencies

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. Local law enforcement agencies do not include your campus police or security department (if you have one). Those are campus security authorities. Local law enforcement refers to outside law enforcement agencies or departments with jurisdiction over some or all of your Clery geography. There may be several agencies involved, for example, city police, tribal police, the county or parish sheriff’s office and state police. You don’t need to request statistics from local agencies that only provide court security, administer the jail, transport prisoners or serve papers, etc.

You must ask for law enforcement statistics for Clery crimes that occurred on all of your institution’s Clery geography: on campus, public property and noncampus, if you have any. It doesn’t matter what the institution’s relationship is with local law enforcement, nor does it matter if you’ve requested Clery statistics from them and haven’t gotten a response for the past several years; you are required to make the request annually. If your institution has multiple campuses, each campus must make this request. And remember, if your institution has an additional campus in a foreign country, that campus also has an obligation to make a good-faith effort to obtain statistics from local law enforcement authorities there.

Good-faith Effort

Clery doesn’t require local law enforcement agencies to provide institutions with crime statistics. If you make a reasonable, good-faith effort to obtain the statistics, your institution is not responsible for the failure of the local or state police agency to supply them. The law states that an institution “may rely on the information supplied” by a local or state police agency. The phrase “may rely on” means that an institution is not required to verify the accuracy of the statistics that are provided. Remember, you are requesting crime statistics, not the actual law enforcement reports.
That said, you should be aware of red flags that alert you to the possibility that an agency misunderstood your request. In such a case, you should contact the agency for clarification. Red flags include:

- Statistics for burglaries on public property: A burglary is the unlawful entry of a structure to commit a felony or a theft. A structure has four walls, a roof and a door. To be a burglary on public property, there must be an element of trespass into a public structure on public land within your campus or immediately bordering your campus. For most institutions, public property is the public sidewalk, street and opposite sidewalk bordering the campus. Some institutions may also have public parking facilities in their public property category. A burglary in this category is a rare event.

- Large numbers of crimes on public property: Public property is narrowly defined by the Clery Act. Large numbers may indicate statistics for private homes and businesses or for an entire police jurisdiction.

- Missing geography: The statistics you received are only for crimes that occurred on public property; however, you are certain that there were on-campus Clery crimes that were reported to the local police department. This indicates that the police did not understand that you wanted statistics for all of your Clery geography: on campus, public property and noncampus, if you have any.

- Statistics for non-forcible sex offenses: Under Clery, only incest and statutory rape are classified as non-forcible sex offenses. Because one doesn’t expect many of these crimes on Clery geography, it’s very likely that either the crimes were committed in locations other than your Clery geography, or that other crimes, such as voyeurism or indecent exposure, were mistakenly included.

How Do You Obtain Statistics From Local Law Enforcement?

Other than making “a good-faith effort,” the Clery Act doesn’t specify how to obtain the statistics. For those individuals who are not experienced in these matters, we offer the following suggestions:
• **Determine the correct law enforcement authorities and contact them.**

You should request statistics from every law enforcement agency that has jurisdiction in your institution’s Clery geographic areas. If you are unsure where to begin, call your local area information number (generally 411), and give your institution’s address to the operator. He or she can give you the telephone number of the local police who respond to calls for your location. You can also find this information on the Internet by searching for “law enforcement” along with the zip code in which your institution is located.

Call that agency, and ask to speak with a supervisor or public affairs office. They should be able to point you to the appropriate person. Ask that individual what other law enforcement agencies have concurrent jurisdiction in the area where your institution is located. Be sure to include state law enforcement agencies. Remember to provide addresses for noncampus buildings or property if your institution has any. If you have an out-of-state noncampus location, you need to ask for the local law enforcement agency number for that zip code as well. (A sample letter to a law enforcement agency is included in Appendix B-4.)

• **Contact local law enforcement early in the year.**

Contact agencies at the start of the calendar year. Agencies, particularly those with extensive jurisdictions or those with a very small number of personnel, need time to collect the information you request. Providing them adequate advance notice may increase your chances of getting the requested statistics in a timely manner.

• **Document your good-faith effort to obtain the statistics.**

After you know who or what department to contact at each agency, we suggest that you write a letter, on your institution’s official letterhead, if possible, explaining the following:
What you need. Ask for statistics for all Clery crimes for:

- Your campus.
- On-campus student housing facilities, if you have any.
- Public property.
- Noncampus buildings or property, if you have any.

Provide a list of the applicable crimes and addresses for your buildings and property. Be very specific about what constitutes public property for Clery Act reporting purposes. For example, ask for “crime statistics for the sidewalk, street and opposite sidewalk between the 1200 and 1400 blocks on Elm Street,” rather than “crime statistics for public property around the school.” State that you cannot use statistics pertaining to private homes or businesses. If your institution uses a map to identify its Clery geography, include the map with your request.

Why you need it. State that the information is required by the federal Clery Act for disclosure in an annual security report and a Web-based data collection.

The format in which you need it provided—preferably in writing (either paper or electronic). Ask for statistics for crimes classified according to the UCR. If UCR classifications are not used, and can’t be provided, ask what classifications are used (e.g., state crime classifications).

When you need it. Explain that you must disclose the statistics by Oct. 1 and suggest a reasonable deadline that will allow you some leeway. It may take considerable time and effort to review the statistics to prevent double counting the crimes reported by your institution’s CSAs and the crime statistics reported by local law enforcement agencies.

Where it should be sent. Provide your institution’s mailing or e-mail address.

To whom it should be sent. Provide the name and title of the person who is responsible for collecting these data for your institution.
Even if you make a phone call asking for this information, we suggest that you follow up with a letter or an e-mail for the purpose of documenting your good-faith effort. Also document any response, or lack of response, from each agency that you contact. If your deadline for disclosing the crime statistics is fast approaching and you haven’t heard from an agency, contact them again and inquire about the status of your request.

**What to Do if You Are Directed to a Website**

In some jurisdictions, local law enforcement statistics are available on a public access website. In this case, the police may instruct you to visit the site to obtain the statistics. If you can separate the statistics for your school’s Clery geography from the non-Clery statistics, and you can confirm that the website is up-to-date, this is an acceptable means of meeting the requirement. You are still however, required by law to make an initial request for statistics annually directly to the agency.

**What to Do if an Agency Requests Payment for the Statistics**

If an agency requests payment in return for providing your institution with statistics, you may pay the agency, but you are not required to do so.

**What to Do if You Obtain Non-UCR Statistics**

The Clery Act requires the use of the FBI’s Uniform Crime Reporting definitions when disclosing crimes, but not all law enforcement agencies use these definitions. If you know that the statistics you obtained aren’t classified according to UCR definitions, and you have campus police personnel familiar with UCR definitions, they might be able to reclassify the crimes. For example, if under the robbery classification you received statistics for “robbery of an apartment” or “safe robbery,” the UCR equivalent would be “Burglary.” (See “Burglary” in Chapter 3.) An incident classified by some agencies as “breaking and entering with intent to commit a larceny,” is also classified as “Burglary” in the UCR. If you cannot reclassify the statistics, include them in your disclosures with an explanation that UCR classifications were not used for crimes reported to local law enforcement agencies.
What to Do if You Obtain Statistics That You Can’t Attribute to Your Clery Geography

In some jurisdictions, local law enforcement agencies cannot provide a breakdown of statistics specific to Clery Act geographic areas. For example, the police may provide your institution with statistics for the entire jurisdiction or the entire city, or they may include statistics for private residences and businesses. If the statistics are all zeros, that isn’t a problem. If not, we suggest that you request addresses for the statistics to help you determine if any statistics are for crimes that occurred on your Clery geography. If you can determine that some of the statistics are for your Clery geography, but you can’t break them down as to on-campus or public property, disclose those statistics in an additional table or in a caveat explaining why they are separated from your other Clery statistics.

If you cannot determine whether any of the statistics are for your Clery geography, provide a caveat in your annual security report explaining that the statistics were requested but were not available in a usable format for Clery reporting. (More about how to disclose statistics in your annual security report and in the Web-based survey in Chapter 9.)

What to Do if Your Request for Statistics Is Denied

If any of the law enforcement agencies that you contact do not comply with your request to provide you with statistics, document both your request for the statistics and the response, or lack of response, from the agencies. If some of the agencies provide you with statistics and others don’t, be sure to include the statistics you did receive in your statistical disclosures. Add an explanation to tell the reader that not all of the agencies responded to your request for statistics, or that not all of the agencies could provide the statistics as requested.

Remember, requesting Clery crime statistics from local law enforcement agencies is an institutional obligation. This means that if you assign someone the responsibility to request and review the statistics, and that person for whatever reason is unable to do so, your institution is still responsible for complying with the law. You must make this effort in time to include the statistics in your annual security report which must be published by Oct. 1. The same statistics must also be entered in the Web-based data collection in the fall.
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