University of Colorado Police Department Boulder, Colorado

Requirements for Reporting Crimes at UC-Boulder.
Below are two laws that pertain to reporting crimes at UC-Boulder.

State law 18-8-115 requires all persons who believe a crime has been committed to promptly report the suspected crime to law enforcement authorities.

A federal law called the *Clery Act*, requires that persons who are “Campus Security Authorities” report specific crimes for inclusion in an annual report generated by the university.
Reporting Crimes at UC-Boulder

This Training Overview Does Not Address:

- University policy on Sexual Harassment, or
- Title IX complaint or grievance procedures.
Reporting Crimes at UC-Boulder

- This presentation is intended to help you understand the requirements of the federal law (The Clery Act).

- Questions pertaining to state law requiring reporting of crimes may be directed to the University Police Department.
Jeanne Clery Campus Security Policy & Crime Statistics Disclosure Act

What you need to know if you are a Campus Security Authority at University of Colorado at Boulder
Clery Act?  What’s That?

- Jeanne Clery was raped and murdered in her dorm room at Lehigh University in 1986. The law enacted in her memory is intended to ensure that students and others are informed about violent campus crimes so they can make informed decisions.

- The Clery Act requires that universities report crime statistics to current and prospective students and employees.
But what does it have to do with You?

- Many crimes, especially sexual assaults, are not reported to police.
- The Clery Act requires that we gather and publish crime data to ensure that students and others know about dangers on campus.
- Data is collected from a wide variety of “Campus Security Authorities” – That’s where you come in.
What makes you a Campus Security Authority?

The law defines four categories of Campus Security Authority:

- University Police.
- Non-police security staff responsible for monitoring University property.
- People/offices designated under our policy as those to whom/which crimes should be reported.
- “Officials with significant responsibility for student and campus activities” – that’s you.
Responsible for campus security

- University of Colorado Police Department
- Non-police security staff who:
  - Monitor/control entrance to property
    - Residence Hall security staff
    - Parking/Information kiosk staff
    - Building security staff
  - Provide special event security
  - Provide campus safety escorts
Designated staff/units to whom crimes should be reported:

For emergencies & crimes-in-progress, call 9-1-1

For non-emergency situations, report crimes to UCPD.
(303) 492-6666

Victims can also contact C.U. Office of Victim Assistance
(303) 492-8855
(Provides confidential reporting option.)
How did you get to be a Campus Security Authority?

The last category of “Campus Security Authority” (or “CSA”) is defined broadly to ensure complete coverage and thorough reporting of crimes.
Examples of “Campus Security Authorities”:

Deans, student housing staff, athletic coaches, student activities coordinators, student judicial officers, and faculty advisors to student organizations.

**Defined by function, not title:**

- Significant responsibility for student AND campus activities
- Contact with students
Who *is not* a Campus Security Authority?

- Administrative staff not responsible for students (e.g., payroll, facilities)
- Clerical staff
- Individual faculty member who does NOT serve as an advisor to a registered student organization
- Doctors in the Student Health Center, or Counselors in the Counseling Center, who only provide care to individual students.
Who is exempt from reporting requirements?

- **Licensed** professional mental health counselors
- and
- **Pastoral** counselors (employed by a religious organization to provide confidential counseling)
- **Who are working within the scope of their license or religious assignment at the time they receive the crime report.**
Confidential reporting option:

- UC-Boulder encourages professional and pastoral counselors, although not required to report crimes, to tell victims about the Confidential Reporting Process. The counselor must make a judgment call: is it appropriate to discuss crime reporting in this particular situation?

- **Confidential Reporting Process:** victims can report crimes confidentially (no names or criminal investigation) to Victim Services at (303) 492-8855, to be included in crime statistics.

- Victims can report directly using UCPD’s anonymous Report form available on its web site: [http://www.colorado.edu/police/forms/forms.html](http://www.colorado.edu/police/forms/forms.html)
So you’re a CSA – what do you have to do?

If someone tells you about a listed crime or an incident that may be a crime, you must record the information and submit a report.

- Just get the facts, experts will do the analysis
- Use the form available at the end of this presentation.
- Do not worry about duplicate reporting—Those issues will be addressed by staff members compiling the final report.

When in doubt, report it.
WHAT do you have to report?

These crimes must be reported (definitions follow):

- Criminal homicide
- Sex offenses, forcible & non-forcible
- Aggravated assault
- Robbery
- Burglary
- Motor vehicle theft
- Arson
WHAT do you have to report? (continued)

You must also report:

- **Hate crimes**, including any of the seven crimes listed above, or any other crime causing bodily injury, if motivated by hate, or theft, simple assault, intimidation, or vandalism.

- **Liquor, drug, and weapons** – both arrests AND disciplinary referrals
WHAT do you have to report? (continued):

- Please note:

  - If the incident is reported directly to the Police Department, you do not need to submit a Clery Report form. The police will be responsible for including that incident.

  - If the incident is reported to Judicial Affairs, you do not need to submit a Clery Report form. Judicial Affairs will be responsible for including that incident.
Timing is critical

Be sure to document

- **When** the crime or incident occurred and
- **When** it was reported to you

The law requires that the **crime be reported for the calendar year in which it was first reported to a Campus Security Authority** – not when it occurred, not when it was reported to police.
Location, location, location

A crime must be reported if it occurred:

- On campus
- In on-campus student residences (even if privately owned & operated)
- On public property adjacent to campus
- On certain off-campus property . . .
Location (continued)

Under the law, some off-campus locations are deemed so closely related to the University that crimes occurring at those locations are included in campus crime statistics.

Examples: Crimes occurring at student organization properties and at University owned or controlled facilities “frequently used by students”
These off-campus properties are termed “Non-campus Property,” defined by law to include:

- **Property owned or controlled by UC-Boulder**
- **Property owned or controlled by a student organization** (e.g. a fraternity)
- **Public property adjacent to campus** (e.g. roads, and sidewalks)
Do not include crimes not connected to UC-Boulder

For example:

- A student tells you about a crime that occurred at a different college before he/she transferred to UCB; or

- A student reports an assault that happened while he/she was away from campus and not involved in a campus activity – e.g., at home on spring break, on vacation, or at a summer job with a private company.
But DO tell the student about reporting options, and refer for help

For example:

A student tells you that he/she was raped by another student at an off-campus apartment. Although the crime did not occur at a location covered by Clery reporting, the accused student is subject to University disciplinary action for this off-campus conduct. In addition, the victim is eligible for victim assistance and resources.
Just get the facts

- Police will categorize the report: your job is to get the information the person is willing to tell you. Remember:
  - You are not a detective
  - You don’t have to prove what happened or who was at fault, or classify the crime
  - You aren’t supposed to find the perpetrator

Use the provided form to report the incident. Note on the form if the person wants to remain confidential.
Describe options

- Let the person know about options for reporting to police
- Inform her/him about the Confidential Reporting process available through Victim Services or the UCPD website.
- BUT: The decision isn’t yours
  A person who talks to you may not want to talk to police – and doesn’t have to.
Offer referrals to campus and other resources, including:

- Campus victims’ assistance programs for sexual assault and other crimes.
- Available medical treatment
- Counseling services for students and staff

Information on resources are available by calling Victim Services or UCPD.
Providing a Third Party Report:

- Describe the incident or crime
  - Get as accurate and complete a description of what happened as you can
  - Even incomplete information can help
The questions:

- Is a violent crime in progress? (If so, call police at 9-1-1 immediately!)
- Does the victim need medical assistance? (If so, call 9-1-1.)
- Has the victim sought or is the victim in need of assistance/services?
- What happened? How, when, and where did it happen? Is there an identified suspect?
- Has the incident been reported to police or to another CSA?
- Does the victim wish to remain anonymous?
Definitions:

- **Criminal Homicide**: murder, non-negligent manslaughter, and negligent manslaughter (including vehicular manslaughter)

- **Aggravated Assault**: unlawful attack upon another with intent to inflict severe injury, using weapon or means likely to produce death or great bodily harm
Definitions:

- **Sex offenses, forcible and non-forcible**
  - Forcible sex offenses: rape, sodomy, sexual fondling, sexual assault with object
  - Non-forcible: statutory rape and incest

- **Questions reference sex offenses:**
  - Was crime committed forcibly/against victim’s will?
  - Was victim incapable of giving consent because of temporary/permanent mental/physical incapacity, or because underage?
  - Was assault facilitated by giving drugs/alcohol?
Definitions:

- **Robbery**: taking/attempting to take something by force, violence, threat, or by putting victim in fear

- **Questions reference robbery**:  
  - Was force or a weapon used or threatened?  
  - Was victim injured?  
  - Did victim feel fearful, threatened or endangered?
Definitions:

- **Burglary**: unlawful entry into a structure to commit a felony or theft

Questions reference Burglary:

- Was item taken from inside dorm room, office, store, lab, or other structure?
- Was structure, room, store, or office open, closed, or locked?
- How did thief get into the structure/ room etc.?
Definitions:

- **Motor vehicle theft:** theft of automobiles, trucks, etc., including “joyriding” (taking by person without lawful access)

- **Arson:** willful or malicious burning/attempt to burn structure, vehicle, or personal property of another
Definitions:

- **Hate crimes:** any of the above crimes, or any other crime causing bodily injury (e.g. simple assault) where there is evidence both of hate motivation and that the victim was selected because of actual/perceived race, gender, religion, national origin, disability, or sexual orientation
Hate Crime Questions:

- **Hate crimes to property**, questions:
  - Was the target personal property, a personal residence, house of worship, or ethnic organization?
  - Did the incident involve any expression of hatred (e.g. graffiti, comments) re: race, gender, ethnicity, religion, sexual orientation, or disability?
  - Did any personal injury result from the incident?
  - Report any vandalism to property of a religious, ethnic, gay or lesbian organization as a hate crime.
Liquor, Drugs, Weapons:

- **Liquor, drug, and weapon law violations:**
  - Police report statistics on arrests for liquor, drug, and weapons-related crimes
  - Judicial Affairs reports statistics on disciplinary referrals for drug, liquor, and weapon law violations (except when the student was also arrested for the same act)
  - Statistics must reflect number of persons involved (head count), not just number of incidents
Help is at hand . . .

- Where to get more information

  - UCPD - (303) 492-8168
  - Victim Assistance - (303) 492-8855
  - CU Counseling Services - (303) 492-6766
  - Moving to End Sexual Assault (MESA) - (303) 443-7300
Reporting Forms:

- Crime report forms are available at this site:
  - [http://www.colorado.edu/police/forms/forms.html](http://www.colorado.edu/police/forms/forms.html)
    - Victims can use the Anonymous Report form.
    - Campus Security Authorities should use the *Clery Act Statistic Report* form.

Completed forms can be faxed to UCPD, c/o Commander Tim McGraw, (303) 492-4427, or sent via campus mail to: