The Clery Act

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Jeanne Ann Clery’s Legacy

• Raped & murdered April 5, 1986 in her Lehigh University residence hall
  • Fellow student she didn’t know
• History of violent crime on campus
• Led to national awareness of campus crime
• Federal Clery Act
The Clery Law

• Crime Awareness & Campus Security Act (Clery Act)
  • On August 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. The Office of Compliance and Civil Rights (CCR) and the WSU Police work together to ensure compliance of the Clery Act for the safety of WSU’s students, faculty and staff and community.

Clery Act Requirements – The Basics

• Collect, classify, and count crime reports and statistics
• Issue campus alerts and warning notices
• Disclose missing student notification procedures, when applicable
• Disclose procedures for institutional disciplinary actions
• Keep a daily crime log, when applicable
• Publish an Annual Security Report (Due date: October 1)
• Submit crime and fire statistics to the Department, when applicable
• Provide educational programs and campaigns
• Disclose fire safety information, when applicable
WSU’s Clery Policy

- Some individuals on campus are designated as Campus Security Authorities, due to their position and responsibilities. Campus Security Authorities report Clery Crimes to WSU PD.
- However, most faculty, staff, and contract employees have additional reporting responsibilities outlined in EP:
  - Mandatory state reporting of child abuse and neglect
  - Reporting sexual harassment, sexual misconduct, and discrimination to Compliance and Civil Rights (CCR)
- WSU Police maintain a Crime Log that is accessible by anyone and list all criminal incidents and alleged criminal incidents (https://police.wsu.edu/daily-crimefire-log/)

WSU’s Annual Security Report (ASR)

- The ASR is required to be published each year by October 1st of the year.
- The ASR must contain related WSU polices as well as the ASR reportable Clery crimes
  - Statistics are requested of local law enforcement agencies, Director of HR, CCR, Deans of Students, Athletic Coaches, Military Liaisons
- Prior 7 year reports are available on the WSU Police website


WSU’s Clery Geography

- On-Campus
- Non-Campus
- Public Property

- On-Campus

  - Any building or property owned or controlled by WSU within the same reasonably contiguous geographic area of WSU and used by WSU in direct support of, or in a manner related to WSU’s educational purposes
  - Property within the same reasonably contiguous geographic area of WSU that is owned by WSU but controlled by another person, is used by students, and supports WSU’s purposes.

WSU’s Clery Geography – Non-Campus

- Non-Campus

  - Any building or property owned or controlled by a student organization recognized by WSU

  AND

  - Any building or property owned or controlled by WSU that is used in direct support of or in relation to WSU’s educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of WSU
WSU’s Clery Geography - Public Property

- Public Property
  - Means all public property that is within the same reasonably contiguous geographic area of WSU’s on-campus property, such as sidewalks, streets, or thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by WSU if the facility is used by WSU in direct support of, or in a manner related to the WSU’s educational purposes.

ASR Reportable Clery Crimes and Offenses

- Crime statistics include all reported offenses
- Four Categories
  - Criminal Offenses
    - Homicide Non-negligence Manslaughter
    - Rape, Fondling, Incest, & Statutory Rape
    - Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, & Arson
  - Hate Crimes
    - Any above and below and Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property motivated by BIAS
  - VAWA Offense
    - Domestic Violence, Dating Violence, Stalking
  - Arrest & Referrals for Disciplinary Action
    - Weapons – Carrying, Possessing
    - Drug Abuse Violations
    - Liquor Law Violations

Statistics must be disclosed separately for each of these four general categories. When an incident meets definitions in more than one of these categories it must be reported in each category. Therefore, one incident may have multiple associated statistics.
WSU’s Emergency Notifications

- Under the Clery Act, every institution is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees.
- An "immediate" threat as used here includes an imminent or impending threat, such as an approaching forest fire, or a fire currently raging in one of your buildings.
- Inherent in this requirement is a statement that your institution will immediately notify the campus community upon confirmation of an emergency or dangerous situation.
- Confirmation means that an institution official (or officials) has verified that a legitimate emergency or dangerous situation exists. Confirmation doesn’t necessarily mean that all of the pertinent details are known or even available.
- This requirement does not apply to emergency situations in or on non-campus buildings or property.

Emergency Notifications

- The clock starts ticking when a CSA is made aware of, or become aware of, a situation that would require WSU to issue an Emergency Notification

- Examples of significant emergencies or dangerous situations are
  - Outbreak of meningitis, norovirus or other serious illness
  - Projected extreme weather conditions
  - Gas leak
  - Terrorist incident
  - Armed intrude
  - Bomb threat
  - Civil unrest or rioting
  - Explosion
  - Nearby chemical or hazardous waste spill
WSU’s Timely Warnings

• The Clery Act requires Colleges to alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. Although the Clery Act doesn’t define “timely,” the intent of a warning regarding a criminal incident(s) is to enable people to protect themselves. This means that a warning should be issued as soon as pertinent information is available.

• This is critical; even if you don’t have all of the facts surrounding a criminal incident that represents a serious and continuing threat to your students and employees you must issue a warning.

• Crimes Subject to a Timely Warning
  • You must issue a timely warning for all Clery Act crimes that occur on your Clery Act geography that are reported to campus security authorities or local police agencies; and
  • considered by the institution to represent a serious or continuing threat to students and employees.
  • The requirement for timely warnings is not limited to violent crimes or crimes against persons.

Emergency Notification vs. Timely Warnings

Emergency Notification

• **Scope:** Wide focus on any significant emergency or dangerous situation (may include Clery Act crimes),
• **Why:** Emergency notification is triggered by an event that is currently occurring on or imminently threatening the campus. Initiate emergency notification procedures for any significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of students or employees.
• **Where:** Applies to situations that occur on your campus.
• **When:** Initiate procedures immediately upon confirmation that a dangerous situation or emergency exist or threatens.

Timely Warning

• **Scope:** Narrow focus on Clery Act Crimes.
• **Why:** Timely warnings are triggered by crimes that have already occurred but represent an ongoing threat. Issue a timely warning for any Clery Act crime committed on your Clery Act geography that is reported to your campus security authorities or a local law enforcement agency, and that is considered by the institution to represent a serious or continuing threat to students and employees.
• **Where:** Applies to crimes that occur anywhere on your Clery Act geography.
• **When:** Issue a warning as soon as the pertinent information is available.
WSU’s VAWA Requirements

- VAWA (Violence Against Women’s Act)
- Requires WSU to have programs to prevent Dating Violence, Domestic Violence, Sexual Assaults, and Stalking
  - Awareness Programs
  - Bystander Intervention Programs
  - Ongoing Prevention Programs
  - Awareness Campaigns
  - Primary Prevention Programs
  - Risk Reduction Programs

Questions?

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