

CLERY ACT REPORTING

# CAMPUS SECURITY AUTHORITY REFERENCE MANUAL

RHODE ISLAND SCHOOL OF DESIGN

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# CLERY ACT REPORTING

## INTRODUCTION

The purpose of the Clery Act is to provide the campus community with accurate, complete, and timely information about crime and the safety of the campus environment so that they can make informed decisions to keep themselves safe.

The federal law known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (CleryAct) requires institutions of higher education, receiving federal student aid, to report specified crime statistics on college campuses and to provide other safety and crime information to members of the campus community.

The Clery Act requires colleges to report campus crime statistics to the Department of Education (ED) on an annual basis. At Rhode Island School of Design (RISD), the Public Safety Department (PSD) gathers and compiles the crime statistics information from Campus Security Authorities for Clery reporting. This manual provides guidance to employees and other individuals associated with RISD who have responsibilities under the Clery Act.

A Campus Security Authority (CSA) is a Clery-specific term that encompasses the following groups of individuals and organizations associated with an institution whose functions involve significant responsibility for student and campus activities: Department of Public Safety staff, special events security staff, deans (or other Student Affairs staff), coaches, residence hall staff, physicians or nurses in a campus health center, overseers and advisors to student clubs and organizations and staff involved in student discipline and campus judicial proceeding. Professional and pastoral counselors are exempt from the reporting requirement while working within the scope of a license or certification.

CSAs have an important role in college compliance with the Clery Act. CSA crime reports are used by the college 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.

Although we want the campus community to report criminal incidents to law enforcement, we know that this doesn't always happen. A victim of a crime may be more inclined to report it to someone other than the campus police. 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.

## CSA RESPONSIBILITY

Under Clery, a crime is “reported” when it is brought to the attention of a campus security authority or Public Safety staff or other 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 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 you are in doubt as to whether a crime has been reported, rely on the judgment of law enforcement professionals.

If someone tells you about a crime or an incident that may be a crime, you must record the information on a Crime Statistic Report Form and submit the report to the RISD Public Safety Department as soon as possible.

It is very important to provide as much information as possible on the form including personally identifying information, if it is available, to aid laws enforcing. **If a victim requests confidentiality, tell the person you are required to report the incident as an anonymous statistic but will not identify anyone involved if the victim wishes to remain anonymous.** Other laws (such as Title IX), however, may require that you reveal details about the incident. If you need further guidance about your Title IX obligations, contact Ms. Sarah Caggiano, Rhode Island School of Design’s Title IX Coordinator.

### What should you say to someone who reports a crime to you?

#### Sample CSA Statement:

*“As part of my position as a campus security authority, I am required to report non-personally identifiable details of this incident to the college public safety department for data gathering. My report will contain only the information you provide. Do you have any questions? Would you like to see a copy of the report and help me fill it out?”*

**\*\*\*Forms are on the Rhode Island School of Design Public Safety (RISD) website\*\*\***

**\*\*\*Completed forms should be sent to the Director of Public Safety as soon as possible\*\*\***

**Rhode Island School of Design**

**Department of Public Safety**

**2 College Street**

**Providence, RI 02903**

**Phone: 401-454-6376 Fax: 401-454-6388**

### **What must be reported?**

- Location of Crime-provide a detailed description as police will have to categorize as follows:
  - On Campus
  - On Campus, in residence halls
  - On public property adjacent to campus
  - On non-campus property owned or controlled by the College or a recognized student organization
  
- Time
  - Date and Time the crime or incident occurred.
  - Date and time when the person reported it to you
  
- Description of the incident

### **Helpful Information**

- Name of the Victim (if the victim wishes to be identified)
- Identities of any known suspects or witnesses
- Use of any weapon in the commission of the crime
- Any injuries involved
- Get as accurate and complete a description of what happened as you can

### **Note: Please remember**

- Your job is to report the information the person is willing to tell you
- The decision to identify someone is not yours to make
- You don't have to prove what happened or who was a fault
- You are not supposed to find the perpetrator

## CRIMINAL OFFENSES THAT ARE REQUIRED

### TO BE REPORTED

**Murder/Non-Negligent Manslaughter:** the willful (non-negligent) killing of one humans being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**Negligent Manslaughter:** the killing of another person through gross negligence.

**Robbery:** the taking or attempting to take anything from value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicle are later abandoned – including joy riding)

**Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

**Domestic Violence:** The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

**Dating Violence:** The term “dating violence” means violence committed by a person – (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factor: (I) The length of the relationship; (ii) The type of relationship; (III) The frequency of interaction between the person involved in the relationship.

**Stalking:** The term “staking “ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (A ) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minor; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

**Drug abuse violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivative (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, Methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine)

**Liquor law violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintain unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in the definition.)

*Note: The above listed crime definitions from the Uniform Crime Reporting Handbook*

### ***Sex Offenses – Forcible***

**Forcible Rape:** The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/hers youth).

**Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Sexual Assault With An Object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

### ***Sex Offenses- Nonforcible***

**Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statute Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of consent.

NOTE: The above listed Sex Offenses Definitions From the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program

**CRIME STATISTIC REPORT FORM**

**Please forward this completed form to: Director of Department of Public Safety, 2 College St.,  
Providence, RI 02903**

If no crimes were reported to you in 2013, please check the box below, print your name and initial. This form is being used to document that you have received this reporting form and that no crimes were reported to you for the previous reporting cycle.

Reporting person (print name): \_\_\_\_\_ Department: \_\_\_\_\_

\_\_\_\_\_ By placing an X on this line, you are confirming that no crimes, as described below, were reported to you during the requested calendar year. Initial here: \_\_\_\_\_

Complete this box if a crime was reported to you, if more than one crime was reported to you, fill out one of these forms for each crime reported.

Reporting Person (print name) \_\_\_\_\_ Phone Number: \_\_\_\_\_

Classification(see definitions below): \_\_\_\_\_ Date Incident Occurred: \_\_\_\_\_

Location of Incident (building name or address) \_\_\_\_\_

Brief description of the incident: \_\_\_\_\_

\_\_\_\_\_



# HATE CRIMES

Rhode Island School of Design is also required to report statistics for hate (bias related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above).

**Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any others such means as may be specified by local laws.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

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If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault to other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaulted a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc....the assaulted is then also classified as a hate/bias crime.

If a hate (bias) related crime was reported to you, please fill out the Crime Statistic Report Form and complete the section relating to the Type of Bias involved in the crime.

- Type of Bias:**
- Race
  - Sexual Orientation
  - Religion
  - Disability
  - Gender
  - Gender Identity
  - Ethnicity/National Origin

## Emergency Response

All members of the RISD community are required to immediately notify the RISD Public Safety Department at phone number **(401) 454-6376** or **911** of any situation or incident on campus that involves a significant emergency or danger that may pose an immediate or on-going threat to the health and safety of students and/or employees on campus. The Public Safety Department is responsible for responding to such situations to assess the potential threat and for summoning the necessary resources to mitigate, investigate and/or document any situation that may pose a significant emergency or danger.

If the Public Safety Department determines that the situation does in fact pose a threat to the community, it will immediately notify the College Crisis Management Team. This team will work with the Public Safety Department to notify the campus community, or the appropriate segments of the community that may be affected by the situation.

## Fire Safety

If a member of the RISD community finds evidence that a fire occurred and has been extinguished, and the person is not sure whether the Public Safety Department has already responded, the Public Safety Department should be notified immediately. For example, if a housekeeper finds evidence of a fire in a trashcan in the hallway of a residence hall, he/she should not touch the trashcan and should report the incident to the Public Safety Department immediately and wait for an officer's response. The officer will document the incident prior to removing the trash can from the area.

## Missing Students

If a member of the RISD community has reason to believe that a student who resides in on-campus housing is missing, he or she should **immediately** notify the RISD Public Safety Department at (401) 454-6376. The Public Safety Department will generate its own missing person investigation and take appropriate action to follow.

## **VICTIM ASSISTANCE**

In addition to filing a CSA Crime Statistic report, it is important to offer options and referrals for necessary services. Below you will find contact information for basic referrals.

### **REPORTING OPTIONS**

**Rhode Island School of Design**

**Department of Public Safety**

**30 Waterman Street. South hall**

**(401) 454-6376 or 911**

**Providence Police Department**

**Washington Street**

**401-272-3121 or 911**

### **ADVOCACY AND COUNSELING**

**RISD Counseling and Psychological Services**

**63 Angel Street. Thompson House**

**401-454-6637**

### **MEDICAL ATTENTION**

**RISD Health Services**

**55 Angel Street, Homer Hall**

**401-454-6625**

