Campus Security Authority Training

Presented by: UAB Police Department
December 11, 2014
Overview of Clery Act Mandates

- Publish and distribute Annual Security Report (ASR) containing policy statements and crime statistics by Oct 1
- Inform current and prospective students and employees about ASR
- Submit crime statistics to U.S. Department of Education
- Maintain public, daily log of reported crimes
- Provide timely warnings and emergency notifications to campus community
Consequences for Clery Violations

• No right to bring private lawsuit, but...
• In theory, federal funding could be withheld under Title IV funding
• Potential fine of $35,000 per violation effective October 2, 2012
• Serious reputational damage from negative publicity
Understanding

“Campus Security Authorities”
- Campus police/security department
- Individuals responsible for security – includes students or professional employees
  - Access monitor
  - Resident Advisor/Assistant
- Individual or offices designated to receive crime reports
Officials with significant responsibility for student and campus activities

- Dean of students
- Director of athletics/coaches
- Faculty advisor to a student organization
- Student Housing Officials
- Vice President for Student Affairs
- Judicial Affairs & Discipline
- Student Health Center Director
- Transportation Services
■ Consider the function of the individual or office
■ Look for officials whose functions involve relationships with students
■ If that person has significant responsibility for students and campus activities, he/she is a campus security authority
Persons that are not CSAs

- Faculty without responsibility for student or campus activities outside the classroom
- Support staff
  - clerical
  - maintenance
  - food service workers
- Medical doctors and counselors responsible for student care
Pastoral counselors
Licensed Mental Health Counselors
Person uncertified but acting under the supervision of an exempt counselor

Must be working within the scope of your license or religious assignment
Campus Security Authority’s primary responsibility is...“to report allegations made in good faith to the reporting structure established by the institution.”
Reporting

• If someone tells you about a crime and/or incident that may be a crime, you must record the information and report it to the UAB Police Department.
  • Just get the information as related by the person
  • Police will do the analysis

• When in doubt, report
Reporting

• Tell the person you must report the incident as an anonymous statistic but will not identify anyone involved unless the victim consents to being identified

• Include contact information for your department
Reporting

• Let the person know about options for reporting to the UABPD
• Tell the person how he/she can report anonymously to UABPD
• Remember: The decision to identify someone isn’t yours to make
  • A person who talks to you does not have to talk to the police.
Campus Security Authorities Reporting Crimes

- Crimes that Campus Security Authorities become aware of should be reported to the University Police
Clery Crimes

- Criminal Homicide:
  - Murder and non-negligent manslaughter; and
  - Negligent manslaughter.
- Sex offenses:
  - Rape
  - Fondling
  - Incest
  - Statutory rape
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Domestic Violence
- Dating Violence
- Stalking
- Hate Crimes
Hate Crimes

• All crimes above and:
  • Larceny-theft.
  • Simple assault.
  • Intimidation.
  • Destruction/damage/vandalism of property.
Hate Crime - the categories of bias include the victim’s actual or perceived -

- Race
- Gender
- Gender identity
- Religion
- Sexual orientation
- Ethnicity
- National origin
- Disability
What Must Be Reported

• Type of crime

• Location of crime
  • On campus
  • On campus, in residence halls
  • On public property adjacent to campus
  • On non-campus property owned or controlled by the University or a recognized student organization

• Timing
  • Date and time the crime or incident occurred
  • When the person reported it to you
Helpful Information

• Name of the Victim (if the victim wished to be identified)
• Identities of any known suspects or witnesses
• Use of any weapon in the commission of the crime
What Not to Report

• Do not report crimes if:
  • A person tells you about a crime that occurred before he/she came to the University, or
  • While he/she was away from campus and not involved in a University activity
Information

• Get the information the person wants to tell you, UABPD will decide what type of crime has occurred
  • You do not have to prove what happened or who was at fault
  • You are not supposed to find the perpetrator
  • Do not identify the victim unless the victim consents to being identified
Information

• “Description of the incident or crime”
  • Detailed information will help UABPD correctly categorize the crime
  • Get as accurate and complete description of what happened as possible

• If you are not sure if a crime should be reported, report it and let UABPD decide
Information

• If the person reporting the crime is in imminent danger or harm, telephone UABPD immediately (205) 934-3535 or 911 from a campus phone.
• Off campus, dial 911
Information You Should Provide to the Reporting Person

- Programs for assisting victims of sexual and other assault
- Procedures for seeking medical help
- Options for reporting the crime to the police
Contact Information

• UABPD Emergency (205) 934-3535, or 911 from a campus phone
• UABPD Non-Emergency (205) 934-4434
• Website: uab.edu/Police
Find the Report

Committed to Serve

Professionally, effectively, and caring—this is how the men and women of the UAB Police Department seek to serve the UAB community. Our philosophy of community policing integrates crime prevention, problem resolution, and community involvement in an unprecedented manner, allowing us to provide the support and service deserved by UAB guests, students, and employees. Accredited by the Commission on Accreditation for Law Enforcement Agencies and the International Association for Campus Law Enforcement Administrators, the UAB Police Department has earned a reputation for excellence.

CRIME ALERT: ROBBERY and KIDNAPPING (1300 Block of 3rd Avenue S)

On Monday, October 13, 2014 at approximately 1:06 pm, a UAB student parked her vehicle on the 2nd level of the parking deck located at 1300-3rd Avenue S. She was approached by an unknown black male with a knife and forced into the passenger side of her personal vehicle. The victim pleaded for the suspect to release her and told him that he could have anything in her purse. The suspect took the victim’s purse, told her to get out of the vehicle and drove away in the victim’s vehicle. The purse contained the victim’s cellular phone which was used to track the suspect’s location.

The suspect is described as a black male, approximately 20 years of age, 5’9” in height and weighing approximately 150 pounds. He was wearing a blue t-shirt, jeans and a black baseball cap.
Report a Crime

Like any other community of 40,000 people, UAB experiences accidents, injuries, crimes, and other emergencies. To report voluntary incidents, potential criminal actions, or suspicious incidents, UAB faculty, medical personnel, staff, students, and visitors should notify the UAB Police Department at (205) 934-3535. The University has emergency two-way (blue light phones) throughout campus for use during emergencies. By pressing the red button on the stations, users can communicate directly with the UAB Police Communications Center.

To report an incident of a confidential nature, an individual should contact a Campus Security Authority.
Attachment B

Clergy Incident Report Form

Date: ______________________

Name/Title of Person Receiving Report: ______________________

(Please print)

Campus Phone Number of Person Receiving Report: ______________________

Information received from:

Victim: ______________________

(please print (optional)

Third Party (please identify relation to victim): ______________________

Date and Time the Incident occurred: ______________________

Description of the Incident or Crime: ______________________

________________________

Location of Incident

Identify building name, address, etc.; be as specific as possible: ______________________

The location where this incident occurred was:

On campus, but not in student housing

On campus student housing

Off-campus affiliated property (owned, controlled, or leased)

Off-campus public property immediately adjacent to campus

Off-campus, NOT affiliated with or adjacent to campus

Crimes that should be reported are:

*Murder and non-negligent manslaughter
*Negligent manslaughter
*Rape
*Statutory Rape
*Robbery
*Assault
*Aggravated assault
*Burglary
*Motor vehicle theft
*Arson
*Fondling

*Domestic Violence
*Dating Violence
*Stalking

Hate Crimes: Those indicated above by asterisk (*) and Larceny, Vandalism, Intimidation and Simple Assault

Was this crime motivated by hate or bias?  __Yes ___No ___Unknown

If yes, identify the category of prejudice:

Race  ________  Gender  ________  Ethnicity/National Origin

Religion  ________  Disability  ________  Sexual Orientation/Gender Identity

If yes, provide a brief explanation of the determination:

______

Alcohol, Drug and Weapon Law Violations:

Check all that apply.

______ Alcohol  ________ Drugs  ________ Weapons (describe):

______

Number of individuals arrested or referred for campus disciplinary action: ________

Send an electronic copy to: Sergeant Amy Schriner, UABPD Compliance (anys1@uab.edu).
The Campus Sexual Violence Elimination (SaVE) Act

• Passed in March 7, 2013 as part of the Violence Against Women Act
The Campus Sexual Violence Elimination (SaVE) Act

• Seeks to address the violence women face on campus:
  • the highest rates of stalking,
  • the highest risk of nonfatal intimate partner violence, and
  • 20-25% of female students experiencing rape or attempted rape.
Campus SaVE Act

• It adds offenses involving domestic violence, dating violence, and stalking to the crimes that institutions must report and include in their annual security reports (ASR)

• It expands the categories of reportable “hate crimes” to include those based on bias against gender identity or national origin

• The policy statements filed as part of the ASR must now include detailed descriptions of the institution’s internal procedures in cases of domestic violence, dating violence, or stalking, as well as descriptions of its education and prevention programs
Violence Against Women Act

• Add new FBI UCR definition for rape
• Removed the words forcible and non-forcible sex offense from reporting categories
• Added fondling, incest, and statutory rape to reportable Clery crimes
• Expand statements of policy are required including an institution’s programs to prevent domestic violence
Violence Against Women Act

• Add procedures to be followed once such an incidence has been reported including the institution’s standards of evidence

• Add education programs to promote awareness, definitions of offenses, consent, options for bystander intervention and risk reduction
Violence Against Women Act

• Specify on-going prevention and awareness campaigns, sanctions and protective measures, procedures for victims including preservation of evidence, to whom reports should be made, options for law enforcement concerning to whom the incident may be reported with or without the assistance of campus authorities, and the ability to decline such notification
Violence Against Women Act

• Add procedures for institutional disciplinary actions and a description of those disciplinary actions, and methods to protect confidentiality

• Add written information on existing victims services including legal aid and mental health counseling and options for changing living, working and transportation situations, and provide immigration and/or visa assistance.
Violence Against Women Act

• Add whistleblower protections

• Effective Date – The amendments made by the Violence Against Women Act took effect with respect to the Annual Security Report (ASR) one (1) calendar year after the date of enactment (March 7, 2013) and each subsequent calendar year.

• The final regulations, released on October 20, 2014, will go into effect on July 1, 2015.
Definitions of Reportable Crimes

- **Murder and non-negligent manslaughter** – The willful (non-negligent) killing of one human being by another.

- **Negligent manslaughter** – The killing of another person through gross negligence.
• **Rape** – Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of the victim or perpetrator, instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
• **Statutory Rape** – Non-forcible, sexual intercourse with a person who is under the statutory age.

• **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

• **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 cohabitating with or has cohabitated with the victim as a spouse, or by a person similarly situated to a spouse of the victim under the domestic violence or family violence laws of the jurisdiction in which the crime of violence occurred, 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** – Means violence committed by a person 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 will be determined based on a consideration of the following factors:

  • The length of the relationship.
  • The type of relationship.
  • The frequency of interaction between the persons involved in the relationship.
• **Stalking** – 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.

• **Robbery** – The taking or attempting to take anything of value under confrontational circumstances from the control, custody, or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm.

• **Aggravated Assault** – An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or 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.

• **Burglary** – The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

• **Motor Vehicle Theft** – The theft or attempted theft a motor vehicle.

• **Arson** – To unlawfully and intentionally damage or attempt to damage any real or personal property by fire or incendiary device.
Other offences reportable under hate crimes

- **Larceny** – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. The exception to this category is motor vehicle theft.

- **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.

- **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.

- **Vandalism** – To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it. The exception to this category is arson and minor damage.
Title IX

• Title IX of the Education Amendments of 1972 prohibit discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance.

• Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX

• Sexual violence includes: rape, sexual assault, sexual battery, and sexual coercion.
Title IX

• Protects students from sexual harassment in a school’s education programs and activities. This means that Title IX protects students in connection with all the academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school’s facilities, on a school bus, at a class or training program sponsored by the school at another location, or elsewhere.
Title IX

• The school’s Title IX investigation is different from any law enforcement investigation, and a law enforcement investigation does not relieve the school of its independent Title IX obligation to investigate the conduct.

• Recipients of Federal financial assistance must comply with the following procedural requirements: a) disseminate a notice of nondiscrimination; b) designate at least one employee to coordinate its efforts to
Title IX

• comply with and carry out its responsibilities under Title IX; and c) adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee sex discrimination complaints.

• When schools conduct investigations and hearings to determine whether sexual harassment or violence occurred, the schools must use a “preponderance of the evidence” standard (i.e., it is more likely than not that sexual harassment or violence occurred).