

# Jeanne Clery Campus Security Act

## 808.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) as well as applicable California Education Code requirements.

Fresno State also complies with the California State University, Office of the Chancellor's Systemwide Executive Order 1107. To view this Executive Order, please click on the following link: [Executive Order 1107](#)

## 808.2 POLICY

The Fresno State Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Fresno State Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Fresno State Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Fresno State Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

## 808.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Chief of Police will:

- (a) Ensure that the Fresno State Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).
- (b) Enter into written agreements as appropriate with local law enforcement agencies to (Education Code § 67381.1):
  1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
    - (a) This includes identification of the responsibilities for sexual assault, hate crimes and Part 1 violent crime investigations (e.g., willful homicide, forcible rape, robbery or aggravated assault as defined in the FBI's Uniform Crime Reporting (UCR) Handbook), and establishing the specific geographical boundaries of each agency's responsibility, including maps as necessary (Education Code § 67381).
  2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in

# Fresno State Police Department

## POLICY MANUAL

### *Jeanne Clery Campus Security Act*

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- by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
  4. Notify the Fresno State Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
  5. Notify the Fresno State Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).
  - (d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).
  - (e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).
  - (f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

#### 808.3.1 ADDITIONAL REQUIREMENTS

The Clery Director or the authorized designee will also (Education Code § 67386):

- (a) Assist the institution with the development of policies and procedures relating to sexual assault, domestic violence, dating violence and stalking involving a student whether it occurred on- or off-campus including:
  1. The differences between standards of proof and defenses in criminal investigations and administrative or disciplinary matters.
  2. Victim-centered protocols including privacy protection, responses to reports, interviews, investigations, required notifications and participation by victim advocates and other supporting individuals.

# Fresno State Police Department

## POLICY MANUAL

### *Jeanne Clery Campus Security Act*

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- (b) Assist, as appropriate, with trauma-informed training for campus personnel involved in investigating and adjudicating sexual assault, domestic violence, dating violence and stalking cases.
- (c) Assist, as appropriate, in the development of the institution's comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.
- (d) Ensure that any reported Part 1 violent crime, sexual assault or hate crime described in Penal Code § 422.55 (whether it occurred on- or off-campus), is reported as soon as practicable to any local law enforcement agency with investigation responsibilities pursuant to a written agreement with the Fresno State Police Department or the institution (Education Code § 67380).
  - 1. The identification of the victim shall be withheld, unless the victim consents to being identified after being informed of the right to have his/her personally identifying information withheld. If the victim does not consent to being identified, then the alleged assailant shall not be identified unless the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the students, employees or the institution, and the immediate assistance of the Fresno State Police Department is necessary to contact or detain the assailant (Education Code § 67380).
  - 2. If the institution discloses the identity of the alleged assailant to the Fresno State Police Department, the institution must immediately inform the victim of that disclosure (Education Code § 67380).

#### **808.4 RECORDS COLLECTION AND RETENTION**

The Administrative Lieutenant is responsible for maintaining Fresno State Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

- (a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in on - campus student housing, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):
  - 1. Murder
  - 2. Rape
  - 3. Statutory Rape
  - 4. Fondling
  - 5. Incest
  - 6. Robbery
  - 7. Aggravated assault

# Fresno State Police Department

## POLICY MANUAL

### *Jeanne Clery Campus Security Act*

---

8. Burglary
  9. Motor vehicle theft
  10. Manslaughter
  11. Arson
  12. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
  13. Dating violence, domestic violence and stalking
- (b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of bias (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).
1. The statistics shall be compiled using the definitions in the FBI's UCR system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46(c)(5)):
    - (a) On campus.
    - (b) In or on a non-campus building or property.
    - (c) On public property.
    - (d) On - campus student housing.
- (c) Statistics will be included by the calendar year in which the crime was reported to the Fresno State Police Department (34 CFR 668.46(c)(3)).
- (d) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).
- (e) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).
- (f) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

#### 808.4.1 CRIME LOG

The Dispatcher is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

# Fresno State Police Department

## POLICY MANUAL

### *Jeanne Clery Campus Security Act*

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- (a) The daily crime log will record all crimes reported to the Fresno State Police Department, including the nature, date/time of occurrence, general location of each crime, the date reported and the disposition, if known.
- (b) All log entries shall be made within two business days of the initial report being made to the Department.
- (c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.
- (d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:
  - 1. Disclosure of the information is prohibited by law.
  - 2. Disclosure would jeopardize the confidentiality of the victim.
  - 3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

#### **808.5 INFORMATION DISSEMINATION**

It is the responsibility of the Clery Director to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

- (a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46 (g)).
- (b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).
- (c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include, but is not limited to:
  - 1. Crime statistics and the policies for preparing the crime statistics.
  - 2. Crime and emergency reporting procedures, including the responses to such reports.
  - 3. Policies concerning security of and access to campus facilities.
  - 4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including
    - (a) Procedures victims should follow.

# Fresno State Police Department

## POLICY MANUAL

### *Jeanne Clery Campus Security Act*

---

- (b) Procedures for protecting the confidentiality of victims and other necessary parties.
5. Enforcement policies related to alcohol and illegal drugs.
6. Locations where the campus community can obtain information about registered sex offenders.
7. Emergency response and evacuation procedures.
8. Missing student notification procedures.
9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

#### **808.6 TIMELY WARNINGS**

The Chief of Police or his/her management designee is responsible for the decision to issue a timely warning, and will confer with the Clery Director, if available, upon receiving a report of an incident reported to a CSA and/or Fresno State PD. The Chief of Police, with the Clery Director if available, will complete a case by case analysis utilizing open communication and collaboration to analyze the known pertinent facts of the reported incident to determine whether it meets all of the following factors:

1. is a Clery reportable crime
2. occurred in Clery defined geography
3. poses a serious or ongoing threat to the community

If it is determined that all three factors are met, the Chief of Police or his/her management designee will determine the content of the Timely Warning Crime Bulletin and disseminate it expeditiously to the entire campus community utilizing one or more of the following manners:

1. All employee and student email distribution
2. University Website

For clarity to the campus community, when a timely warning is issued it will be titled "Timely Warning Crime Bulletin" and will include the following:

1. A statement that the Timely Warning Crime Bulletin is being issued in compliance with the Jeanne Clery Act and the purpose is to provide preventative information to the campus community to aid members from becoming the victim of a similar crime
2. The Clery Act reportable crime that occurred
3. The date, time, and location the crime occurred
4. The date the Timely Warning Crime Bulletin was issued
5. A description of the suspect, and name if known, when the suspect is at large and evading apprehension and/or law enforcement is seeking assistance from the public to locate

# Fresno State Police Department

## POLICY MANUAL

### *Jeanne Clery Campus Security Act*

---

6. Preventative information specifically related to the type of crime which occurred that could help others from becoming the victim of a similar crime

The Timely Warning Crime Bulletins will not include, under any circumstances, the name of the victim, or information so specific that would, or likely could identify the victim of the crimes of sexual violence - including rape, dating violence, domestic violence, or stalking. Issuance of Timely Warnings will be delayed only if the issuance would compromise the apprehension of the suspect or compromise the ability of law enforcement to investigate the crime.

#### **808.7 ANNUAL FIRE SAFETY REPORT**

As provided in the California State University Office of the Chancellor's Executive Order 1107, the Annual Security Report shall not be combined with the Annual Fire Safety Report. The Annual Fire Safety Report shall be compiled by and published at the direction of the Housing Director and/or Director of Residential Life. The Annual Fire Safety Report shall be published and prominently posted on the home page for residential life and/or student housing by September 15th. A hard copy must be available upon request.