

<b>Title: Crime Reporting Procedure</b>	
<b>Effective Date:</b> September 1, 2011	
<b>Revision Date:</b> N/A	<b>Responsible Office:</b> William & Mary Police Department

## I. Purpose

The purpose of this procedure is to ensure compliance with the obligations to report crime statistics annually under the Clery Act.

## II. Scope

This procedure applies to the College of William & Mary, including the Virginia Institute of Marine Science (the university). It applies to all Campus Security Authorities, or CSAs, as defined below. Further information about the Clery Act obligations, reporting, and statistics are available in the university's Annual Campus Safety and Fire Report, available online at [wm.edu](http://wm.edu).

## III. Definitions

The Clery Act is the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

A Clery Act incident is an incident that occurs on campus, on public property bordering campus, and in non-campus areas leased or otherwise controlled by the university. This includes (for example) the Gloucester campus of VIMS, the William & Mary in Washington physical areas, and the university offices located in New Town. The following types of incidents are Clery Act incidents:

- murder or manslaughter
- sex offenses, forcible or non-forcible but not including sexual harassment or indecent exposure
- robbery
- aggravated assault
- burglary
- motor vehicle theft -- including theft of motorized scooters, golf carts, motorized wheelchairs and the like
- arson

- any of the above crimes or any other crime involving bodily injury that indicates that the victim was selected because of the perpetrator's bias against the victim's race, gender, religion, sexual orientation, ethnicity/national origin, or disability, and
- liquor law violations, drug-related violations, and illegal weapons possession violations that result either in an arrest or in a disciplinary referral under the university's Code of Conduct.

Additional definitional information about Clery Act incidents is provided in Appendix A.

A CSA (Campus Security Authority) is defined by regulation. Each of the following individuals is a CSA:

- A member of the William & Mary Police Department
- Any other individuals who have responsibility for campus security, such as individuals who monitor access into campus facilities, act as event security, or escort students after dark, and
- Any individual who has significant responsibility for student and campus activities, including student housing, student discipline, and judicial proceedings -- that is, those individuals who have the authority and responsibility to take action or respond to particular issues on behalf of the institution. Examples of such individuals include
  - certain members of the staff of the Dean of Students Office, such as residence life staff
  - faculty advisors to student organizations
  - some academic deans
  - athletic coaches and trainers.

The following individuals typically are not CSAs: administrative, clerical, and maintenance staff who do not have "significant responsibility" for students and campus activities, individual faculty who do not serve as advisors to registered student organizations, physicians/nurses in the Student Health Center, and licensed mental health counselors or pastoral counselors when working within the scope of their license or religious assignment. Licensed mental health and pastoral counselors are encouraged to review crime reporting options with individuals they are counseling who report a Clery Act incident.

#### **IV. Reporting Obligations**

Each CSA must report all allegations or reports of Clery Act incidents that he or she concludes are made in good faith -- even if the allegation is made in confidence.

Good faith does not mean that the CSA should attempt to make a determination as to whether the alleged incident in fact occurred, or as to the guilt of the alleged perpetrator. Instead, it means that there is little or no reason to doubt the validity of the information.

Reporting can be done by phone or in person, in either case to the William & Mary Police Department located at 201 Ukrop Way, 221-4596 (non-emergency calls).

To ensure that this reporting occurs, a letter in substantially the form of the template attached as Appendix A will be provided on or about September 1 of each year. Such a letter will also be provided to any individual newly hired or appointed into a CSA position.

**V. Related Policies or Other Documents**

College of William & Mary Annual Campus Safety and Fire Report

Appendix A - Definitions of Clery Act Incidents

Appendix B - Template Reporting Obligation Notification

## APPENDIX A

### Definitions

**Murder and Non-negligent manslaughter** is the willful (non-negligent) killing of one human being by another.

**Negligent manslaughter** is the killing of another person through gross negligence.

A **forcible sex offense** is defined as any sexual act directed against another person forcibly and/or against that person's will or not forcible or against the person's will where the victim is incapable of giving consent due to a temporary or permanent disability. These crimes include:

- A. Forcible Rape, including acts that may be considered "date rape" or "acquaintance rape"
- B. Forcible Sodomy
- C. Sexual Assault with an object
- D. Forcible Fondling

A **non-forcible sex offense** is defined as unlawful, non-forcible sexual intercourse to include:

- A. Incest
- B. Statutory rape, i.e., non-forcible sexual intercourse with a person under the statutory age of consent. In Virginia, the age of consent is 13.

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

**Aggravated assaults** are defined as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually involves a weapon or means likely to cause death or great bodily harm.

**Burglary** is defined as the unlawful entry into a structure to commit a felony or theft. Theft or unlawful entry into open-access areas, such as dining halls and libraries, is not burglary. A structure is a physical space enclosed by four walls, with a roof and door, and so does not include lockers, tents, or cars, for example. Shoplifting is not burglary.

**Arson** is maliciously burning or causing to be destroyed by burning any public or private Property of another.

The next category that the law required reporting is that of **motor vehicle theft**, which is defined as the theft or attempted theft of a motor vehicle. (This classification also includes "joyriding"). Motor vehicle is defined broadly to include not only cars and trucks but any self-propelled vehicle that runs on land surface and not on rails, such as golf carts, motor scooters, motorized wheelchairs, and ATVs.

**Hate crimes** are defined for this report as crimes committed against a person which manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, ethnic/national origin, disability, or sexual orientation. For this report, the hate crime must have been for one of the following criminal offenses that was committed where the victim was intentionally selected because one of the above listed biases motivated the perpetrator. These crimes are

- murder and non-negligent manslaughter,
- forcible and non-forcible sex offenses,
- robbery,
- aggravated assault,
- burglary,
- motor vehicle theft,
- arson,
- larceny-theft,
- simple assault,
- intimidation, and
- destruction/ damage/ vandalism to property.

Under the Clery Act, **arrests for liquor law, drug abuse and weapon violations** must be reported. **Liquor law violations** are defined as violations of laws or ordinances prohibiting the manufacture, sale, possession, transporting, or furnishing of intoxicating liquors or alcoholic beverages; and all attempts to commit any of the aforementioned. (Public drunkenness and driving under the influence are not included).

**Drug abuse violations** are defined as violations of State and local laws relating to the unlawful possession, sale, use, growing or manufacturing and making of narcotic drugs.

**Weapons possession violations** are defined as violations of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying of deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons and all attempts to commit any of these acts.

## **APPENDIX B**

### **Memorandum**

To: Distribution List ("Campus Security Authorities")

From: Chief of Police

Date:

Re: Crime Reporting Requirements

The Campus Security Act, a federal law commonly known as the Clery Act, requires universities to annually compile and publish crime statistics for their campuses and certain other areas. This law requires that "campus security authorities" report crime statistics for inclusion in the college's Annual Security Report. If you are receiving this letter, then you are a "campus security authority" as that term has been defined by the United States Department of Education. Crimes and incidents that should be reported -- Clery Act crimes -- are described in the university's Clery Act Reporting Procedure. The procedure also includes information about the scope of the reporting obligations, such as what physical locations are covered.

If you observe any Clery Act crime, or if any person reveals to you that he/she learned of or were the victim of, perpetrator of, or witness to any such crime, immediately contact the William & Mary Police Department. Please do not investigate the incident or attempt to determine whether a crime actually took place. Simply make the report; a member of the Police Department will work with you to obtain the necessary information about the alleged incident.

If you are in doubt as to whether a crime is reportable, please err on the side of reporting the matter. Thank you for your assistance in fulfilling these federal requirements.