

Policy Number: 108.1

Policy: Annual & Required Reports

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Approved by: Scott Forshee, Chief of Police

This policy establishes guidelines for reports and bulletins utilized by the University Police Department. The Department will have a management information system, including statistical and data summaries of agency activities and an administrative reporting program.

DEFINITIONS:

Shelter in Place” or “Lock Down” - To immediately seek shelter inside a building or University residence. This course of action may need to be taken during a tornado, earthquake, or release of hazardous materials in the outside air, or a civil disturbance. Alternatively, if you are outside and able to safely leave the hazardous area, that is the recommended course of action.

Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act – Codified at 20 USC 1092 (f) as a part of the Higher Education Act of 1965, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private post-secondary educational institutions participating in federal student aid programs are required to comply with it. The law, originally enacted by Congress in 1990 as the Campus Security Act, was initiated by Howard and Connie Clery after their daughter Jeanne was tragically murdered at Lehigh University in 1986. Amendments to the Act in 1998 renamed it in memory of Jeanne Clery.

The Clery Act requires colleges and universities to publish an annual report every year by October 1st that contains 3 years of crime statistics and certain policy statements including sexual assault policies which assure basic victims' rights, the law enforcement authority of campus police, and where the students should go to report crimes. The complete text of the Clery Act and the U.S. Department of Education regulations are available on the Security On Campus, Inc. web site at www.campussafety.org.

- I. CRIME REPORTING DEFINITIONS: (The following definitions apply to the Clery report)
 - A. Campus - any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as food or other retail vendors).
 - B. Non-Campus Building or Property - any building or property owned or controlled by a student organization recognized by the institution; or any building or property, (other than a branch campus) owned or controlled by an institution that is used in direct support of or relating to the institution's educational purpose, is frequently used by students, and is not within the same reasonably contiguous geographical area of the institution. Data from the Billings Police Department is listed in this category.
 - C. Public Property - all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purpose.
 - D. Robbery - The taking or attempting to take anything of value from 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.

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- E. Aggravated Assault - The 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 and probably would result in serious personal injury if the crime were successfully completed.
- F. 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 larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- G. Motor Vehicle Theft - The theft or attempted theft of a motor vehicle. (Classified as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned— including joyriding.)
- H. 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 minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.
- I. Liquor Law Violations - The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned.
- J. Arson - Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- K. Criminal Homicide - Manslaughter by Negligence - The killing of another person through gross negligence.
- L. Criminal Homicide - The willful (non-negligent) killing of one human being by another.
- M. Forcible Sex Offenses - Any sexual act directed against another person, forcibly or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. Includes forcible rape, forcible sodomy, sexual assault with an object and forcible fondling.
- N. Forcible Rape - The carnal knowledge of a 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 temporary or permanent mental or physical incapacity, (or because of his/her youth).
- O. 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 permanent mental or physical incapacity.
- P. 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.
- Q. Forcible Fondling - The touching of the private 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.
- R. Sex Offenses - Non-Forcible: Unlawful, non-forcible sexual intercourse:

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1. Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 2. Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- S. The “**Campus Sex Crimes Prevention Act**”, (section 1601 of Public Law 106-386 is a federal law enacted on October 28, 2001 that provides for the tracking of convicted sex offenders enrolled at or employed by institutions of higher education. The act amends the **Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act** to require sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. Requires that state procedures ensure that this registration information is promptly made available to law enforcement agencies with jurisdiction where the institutions of higher education are located and that it is entered into appropriate State records or data systems. These changes took effect October 28, 2002.
- II. Fire Statistics - In accordance with the Higher Education Opportunities Act of 2008, fire statistics are reported per the Department of Education law (Public Law 110-315) stating that all eligible institutions that participate in any Title IV program and maintain on-campus student housing facilities, must publish an annual fire safety report, keep a fire log, and report fire statistics to the Secretary of Education.