
Collecting Statistics: Authorities and Law Enforcement Agencies

CHAPTER 4



Now that you know all of the categories of crimes, arrests and referrals to disclose and how geography fits into compliance with campus safety and security regulations, you need to know how to obtain reportable statistics associated with that geography. This requirement involves collecting information from individuals and organizations associated with your institution (i.e., campus security authorities or CSAs) about crimes, arrests and referrals that have been reported to them, and requesting crime and arrest statistics from local law enforcement agencies. We'll begin by discussing campus security authorities.

Although every institution wants its campus community to report criminal incidents to law enforcement, we know that this doesn't always happen. Even at institutions with a police department on campus, a student who is the victim of a crime may report it to someone other than the campus police. For example, a victim of a sexual offense may turn to a resident advisor for assistance, or a student whose car was stolen may report the theft to the school's director. For this reason, the *Clery Act* requires all institutions to collect crime reports from a variety of individuals and organizations that are considered to be "campus security authorities" under the law.

Under the *Clery Act*, a crime is "reported" when it is brought to the attention of a campus security authority, the institution's police department or campus safety office, or 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 a report, he or she must include it as a crime report using whatever procedure has been specified by your institution.

What you must include, therefore, are **statistics based on reports of alleged criminal incidents**. It is not necessary for the crime to have been investigated by the police or a campus

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 include the reported crime in your institution's crime statistics.

*Campus security authority
definition citation*
34 CFR 668.46(a)

security authority, nor must a finding of guilt or responsibility be made to include the reported crime in your institution's crime statistics.

How to Identify Your Institution's CSAs

“**Campus security authority**” is a *Clery Act*-specific term that encompasses four groups of individuals and organizations associated with an institution.

- *A campus police department or a campus security department of an institution.* If your institution has a campus police or security department, all individuals who work for that department are campus security authorities. A security department can be as small as one person. (More about this in Chapter 5.)
- *Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).* Include individuals such as those who provide security at a campus parking kiosk, monitor access into a campus facility, act as event security, such as for sporting events or large, registered parties, or escort students around campus after dark (including other students).
- *Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.* As mentioned in Chapter 1, your institution must publish a number of safety- and security-related policy statements. (These are discussed in Chapters 7 and 8.) If you direct the campus community to report criminal incidents to anyone or any organization in addition to police or security-related personnel, that individual or organization is a campus security authority.
- *An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.* An

official is defined as *any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.*

Because official responsibilities and job titles vary significantly on campuses, we are not providing a list of specific job titles. To determine specifically which individuals or organizations are campus security authorities for your institution, consider the **function** of that individual or office. Look for officials (i.e., not support staff) whose functions involve relationships with students. **If someone has significant responsibility for student and campus activities, he or she is a campus security authority.** Note that whether or not your institution pays an individual is not a factor in determining whether that individual is a CSA. Be sure to keep your CSA list current so that you do not omit any individual or organization that fits the definition of a CSA.

Examples of individuals (outside of a police or security department) who generally meet the criteria for being campus security authorities include

- a dean of students who oversees student housing, a student center or student extracurricular activities;
- a director of athletics, all athletic coaches (including part-time employees and graduate assistants);
- a faculty advisor to a student group;
- a student resident advisor or assistant;
- a student who monitors access to dormitories or buildings that are owned by recognized student organizations;
- a coordinator of Greek affairs;
- a Title IX coordinator;
- an ombudsperson (including student ombudspersons);
- the director of a campus health or counseling center;
- victim advocates or others who are responsible for providing victims with advocacy services, such as

Be sure to keep your CSA list current so that you do not omit any individual or organization that fits the definition of a CSA.

assisting with housing relocation, disciplinary action or court cases, etc.;

- members of a sexual assault response team (SART) or other sexual assault advocates; and
- officers from local law enforcement who are contracted by the institution to provide campus safety-related services.

If your institution directs students or employees to report crimes to other individuals, then those individuals are also CSAs. These individuals could include

- physicians in a campus health center;
- counselors, including peer counselors (except for professional or pastoral counselors addressed later in this chapter); and
- health educators, including peer health educators.

Examples of individuals who would not meet the criteria for being campus security authorities include

- a faculty member who does not have any responsibility for student and campus activity beyond the classroom; and
- clerical or cafeteria staff.

The total number of CSAs at your institution depends on the number of individuals or organizations involved in security or that have significant responsibility for student and campus activities, not on the size of your school. Even a small school can have a number of CSAs. For example, your school may have a director, a registrar and a faculty advisor who fit the CSA definition. On the other hand, perhaps only the director fits the definition. If your school does not have security personnel but has one administrator who has all of the responsibility for student and campus activities at the school, that administrator is your only CSA.

Remember, too, that because personnel and job positions can change, someone who is a CSA one year might not be a CSA the following year or vice versa. For example, suppose that you have a computer science instructor who is teaching at

the main campus. She isn't a CSA because she doesn't have any responsibility for student and campus activity beyond the classroom. The following year, this instructor is teaching computer science at one of your institution's **noncampus** locations. Because there aren't any security personnel on site, your institution's security policy identifies this instructor as the person to whom students should report crimes or other emergencies that occur there. This instructor is now a campus security authority. Institutions are advised to reevaluate the CSA status of all employees (including student employees) on at least an annual basis and document the rationale of the determinations.

Please note that, while there may be some overlap, persons considered to be CSAs for *Clery Act* reporting are not necessarily the same as those defined as "responsible employees" for Title IX.

What Does a Campus Security Authority Do?

The function of a campus security authority is to report to the official or office designated by the institution to collect crime report information, such as the campus police or security department, those allegations of *Clery Act* crimes that he or she receives. CSAs are responsible for reporting allegations of *Clery Act* crimes that are reported to them in their capacity as a CSA. This means that CSAs are **not** responsible for investigating or reporting incidents that they overhear students talking about in a hallway conversation; that a classmate or student mentions during an in-class discussion; that a victim mentions during a speech, workshop, or any other form of group presentation; or that the CSA otherwise learns about in an indirect manner.

While there may be some overlap, persons considered to be CSAs for *Clery Act* reporting are not necessarily the same as those defined as "responsible employees" for Title IX.

Examples of Collecting Crime Information

Scenario 1: A resident assistant who has been identified as a CSA is told by a fellow student that she has been raped and is seeking emotional and medical support. The resident assistant should forward the report to the institution's designated official for inclusion in the statistics regardless of whether the victim chooses to file a report with law enforcement or press charges.

Scenario 2: A student mentions to her boyfriend that a number of rooms on her dorm floor were broken into during the previous night's football game. Later that day, her boyfriend tells the athletics director (AD) what he heard. The AD asks which dorm it was and what, if anything else, the boyfriend knows about the incident. The AD should document the information and forward it to the school's campus security department or the institution's designated official for inclusion in the statistics per the school's crime reporting policy.

Scenario 3: Ms. Jones, director of Student Housing at your school, gets a call from the director of a counseling center in town. The caller wants to let the director know that four students from the school sought assistance at the center and told the center's counselors that they had been sexually assaulted on campus and were seeking emotional support. They did not want police investigations. These are third-party reports and Ms. Jones, having no reason to believe that they were not made in good faith, should document all of the information she was given and forward the reports to the person or office responsible for collecting *Clery Act* crime reports at her institution.

Scenario 4: Jane, a resident advisor, is attending a Take Back the Night rally at her school. She attends the event as a participant and is not involved in providing any counseling services. As part of the event's programming, a student gives a speech in which she says that she was raped on campus last year. In response to hearing the speech, three other students decide to address the crowd and disclose their own experiences being sexually assaulted. After the event, Jane returns to her room where a student from her housing facility knocks on her door and tells her that she was sexually assaulted at an on-campus party in another housing facility three months ago. Jane should forward the report of the incident that was reported to her as she was acting in her capacity as an RA for her housing facility. Jane should not report the Sexual Assaults that she heard discussed at the Take Back the Night event.

What Shouldn't a Campus Security Authority Do?

A campus security authority is not responsible for determining authoritatively whether a crime took place—that is the function of law enforcement personnel. A campus security authority should not try to apprehend the alleged perpetrator of the crime. That too is the responsibility of law enforcement.

It's also not a CSA's responsibility to try and convince a victim to contact law enforcement if the victim chooses not to do so.

Exemption for Pastoral and Professional Counselors

There are two types of individuals who, although they may have significant responsibility for student and campus activities, are not campus security authorities **under the Clery Act**:

- **Pastoral counselor:** *A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.*
- **Professional counselor:** *A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.*

The pastoral or professional counselor exemption is intended to ensure that these individuals can provide appropriate counseling services without an obligation to report crimes they may learn about. This exemption is intended to protect the counselor-client relationship. However, even the legally recognized privileges acknowledge some exemptions, and there may be situations in which counselors are in fact under a legal obligation to report a crime.

To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors. State licensing requirements for professional counselors typically include completion of a minimum of 3,000 hours of post-master's degree supervised clinical experience, performed within two years before a license is awarded. If an unlicensed counselor has completed his or her master's degree course work, and is acting in the role of a licensed counselor under the supervision of a licensed professional in order to gain the required supervised clinical

*Campus security authority
exemptions citation
34 CFR 668.46(a)*

experience in a two-year period, he or she would be exempt from CSA requirements. An example is a Ph.D. counselor-trainee acting under the supervision of a professional counselor at the institution. However, a dean of students who has a professional counselor's license but is employed by the institution only as a dean and not as a counselor, is not exempt from reporting. If that same dean is employed by the institution as **both** a professional counselor and an academic counselor, and she learns of a criminal incident while she is engaged in academic counseling, she is not exempt from reporting that incident. Note also, that if your institution has an individual with dual roles, one as a professional or pastoral counselor and the other as an official who qualifies as a CSA, **and the roles cannot be separated**, that individual is considered a campus security authority and is obligated to report *Clery Act* crimes of which they are aware.

An individual who is counseling students and/or employees, but who does not meet the *Clery Act* definition of a pastoral or professional counselor, is not exempt from being a campus security authority **if** they otherwise have significant responsibility for student and campus activities. This may include a triage nurse at the student health center or crisis intervention staff at the rape crisis clinic at your institution.

In most cases it is possible for a CSA to fulfill his or her responsibilities while still maintaining victim confidentiality. CSA reports are used by the institution to compile statistics for *Clery Act* reporting and to help determine if there is a serious or continuing threat to the safety of the campus community that would require an alert (i.e., a timely warning or emergency notification discussed in Chapter 6). However, those responsibilities can usually be met without disclosing personally identifying information.⁴ A CSA report does not need to automatically result in the initiation of a police or disciplinary investigation if the victim does not want to pursue this action.

⁴ "Personally identifying information" is defined in section 40002(a)(20) of the *Violence Against Women Act of 1994* and is incorporated into the *Clery Act* regulations; therefore, this handbook uses the term "personally identifying information" when discussing *Clery Act* requirements.

Recommendations

The *Clery Act* regulations do not address coordinating your crime reporting process or training your campus security authorities. However, because the role of CSAs is vital to compliance with the law, many schools have requested suggestions for doing so. The following section addresses those requests by providing **recommendations—not requirements**—which your school can adapt to meet its unique configuration and needs. As you read them, please keep in mind that the effort and coordination needed to comply with the requirement to collect crime reports varies significantly depending on several factors, such as the size of your school, the number of individuals or offices that meet the campus security authority definition, whether your school has law enforcement or security personnel and whether you provide student housing.

- **Designate an individual or office to coordinate and oversee your campus security authorities.**

This can be particularly helpful for schools with a large number of CSAs. Assign someone who is knowledgeable about the *Clery Act* to coordinate everything from identifying your institution's CSAs to making sure all CSAs provide information on any crimes reported to them.

Rather than assuming that because a CSA hasn't forwarded a crime report to the appropriate individual or office no crimes were reported to that CSA, a coordinator can be charged with canvassing each CSA to request crime reports from them. CSAs who don't have crimes to report can be asked to document this in writing. This could be as simple as writing a statement that reads, "From _____ to _____ I was not aware of, and did not receive, any reports of criminal incidents, arrests or disciplinary actions for *Clery Act* crimes." Even if crime reports are submitted online, it's a good idea to ask CSAs to indicate if they have no crimes to report.

- **Make sure your campus security authorities know they are campus security authorities.**

To do this, we suggest that you update the job descriptions of individuals at your institution who fit the definition of a CSA. Make this designation an official part of their job description so that they know what's required of them. You may also want to contact all CSAs annually in writing to

remind them of this obligation. Because of turnover, or a change in job descriptions, you may have to notify some individuals mid-year.

- **Provide training.**

CSAs have an important job to do and providing them with training will help to ensure that they do it properly. Training can be provided in a variety of ways, ranging from sending materials in an e-mail to face-to-face meetings that include PowerPoint presentations and training manuals. Whatever form your training takes, page 4-11 provides some elements you might want to include.

- **Forward crime reports to your campus police or security department, if you have one.**

Provide a simple mechanism for CSAs to report information to the person or office responsible for compiling the institution's crime statistics. CSA crime reports should include sufficient detail, such as dates and locations, and, where appropriate, personally identifying information, including name and contact information if available. Encourage CSAs to immediately forward reports of crimes to the designated officials, whether they be your campus police or security department if you have one, or to another official charged with this responsibility. This is because a CSA crime report may be the basis for determining if there is a serious or continuing threat to the safety of the campus community that would require an alert (i.e., a timely warning or emergency notification). Also, if your institution has a campus police or security department and a crime is reported to a non-police/security CSA, the report should be forwarded to your campus police or security department so that it will be entered in your institution's daily crime log in a timely manner. (More about the crime log in Chapter 5.)

- **Keep documentation of all crime reports.**

Keep hard copy or electronic documentation for all CSA-reported crimes and make sure that more than one person knows where the documentation is kept. If there is reason to believe that a crime report was not made in good faith, and your institution does not include the reported incident in its crime statistics, we strongly suggest that you document the justification for not including the crime in those statistics.

If your institution contracts with a third party to provide security services, ensure that the contracted company shares documentation of all incidents so that you can meet *Clery Act* requirements for retaining records. As discussed further in Chapter 9, you must retain all records used in compiling your annual security report for three years from the latest publication of the report to which they apply.

Figure 5. Suggested Training Elements for Campus Security Authorities

Describe the role of a CSA—The *Clery Act* is a federal law that requires the institution to identify individuals and organizations that meet the definition of a campus security authority. CSAs have an important role in ensuring that the school complies with the law. Explain that CSA crime reports are used by the school to

- fulfill its responsibility to annually disclose accurate crime statistics; and
- to issue or facilitate the issuance of timely warnings or emergency notifications for crimes that pose a serious or continuing threat to the campus community.

If an individual reporting an incident needs assistance, a CSA should explain how to get help. Let a victim know that help is available even if he or she does not want an investigation conducted. The decision to act on this option is the victim's. In the midst of an emergency situation, such as a physical assault, however, a CSA should contact the campus police or call 911, as appropriate.

Provide reporting materials—Good recordkeeping can help minimize the chances of double reporting crimes. Suggested materials are

- descriptions, a map, or both, of the school's *Clery Act* geography;
- a list of *Clery Act* crimes and definitions; and
- hard copy or electronic Crime Report forms for documenting criminal incidents.

Discuss the importance of documentation—Explain that if a CSA is unsure of whether an incident is a *Clery Act* crime, or even if it's criminal in nature, they should report it.

- Stress the importance of providing as much information about a reported incident as possible to aid law enforcement in addressing and categorizing the crime.
- Explain that CSA crime reports should include personally identifying information if available. This is important for law enforcement purposes and to avoid double counting crimes. If a victim doesn't want the report to go any further than the CSA, the CSA should explain that he or she is required to submit the report for statistical purposes, but it can be submitted without identifying the victim.

Emphasize the need for timely report submission—Explain that if a crime is reported to a CSA, but goes no further than that, the school won't have fulfilled its obligation under the law, and campus community members might not have the information they need to stay safe on campus. Instruct CSAs on

- how to submit their crime reports in a timely manner; and
- to whom reports should be submitted.

Requesting local police
statistics citation
34 CFR 668.46(c)(9)

You must ask for law enforcement statistics for *Clery Act* crimes that occurred on any area included in your institution's *Clery Act* geography: on campus, public property and noncampus locations, if you have any.

Requesting Statistics From Local Law Enforcement Agencies

In addition to collecting crime **reports** from campus security authorities, the *Clery Act* requires that every institution make a “reasonable, good-faith effort” to obtain *Clery Act* crime **statistics** from all local law enforcement agencies that have jurisdiction over the school's *Clery Act* geography. Local law enforcement agencies do not include your campus police or security department (if you have one). The campus police and security departments are campus security authorities.

Local law enforcement refers to outside law enforcement agencies or departments with jurisdiction over some or all of your *Clery Act* geography. If there are several agencies involved, for example, city police, tribal police, the county or parish sheriff's office and state police, you must request statistics from all agencies with jurisdiction over areas in your school's *Clery Act* geography. You don't need to request statistics from local agencies that only provide court security, administer the jail, transport prisoners or serve papers, etc.

You must ask for law enforcement statistics for *Clery Act* crimes that occurred on any area included in **your institution's *Clery Act* geography**: on campus, public property and noncampus locations, if you have any. It doesn't matter what the institution's relationship is with local law enforcement, nor does it matter if you've requested *Clery Act* statistics from them in the past and haven't gotten a response; you must make the request annually. If your institution has multiple campuses, each campus must make this request to the appropriate local law enforcement agencies. And remember, if your institution has an additional campus in a foreign country, that campus also has an obligation to make a good-faith effort to obtain statistics from local law enforcement authorities in that area.

Good-faith Effort

The *Clery Act* doesn't require local law enforcement agencies to provide institutions with crime statistics. If you make a reasonable, good-faith effort to obtain the statistics, your institution is not responsible for the failure of the local or state police agency to supply them. The law states that an institution “may rely on the information supplied” by a local or state police agency. The phrase “may rely on” means that an institution is not required to verify the accuracy of the statistics that are provided; however, you are required to ensure that the

statistics you receive cover your *Clery Act* geography and not other areas. Remember that, in most cases, you will need to request only crime statistics, not the actual law enforcement reports, unless there are known issues with the way incidents were classified by a particular law enforcement agency.

That said, you should be aware of **red flags** that alert you to the possibility that an agency misunderstood your request. In such a case, you should contact the agency for clarification. Red flags include:

- **Statistics for Burglaries on public property:** A Burglary is the unlawful entry of a structure to commit a felony or a theft. A structure has four walls, a roof and a door. To be a Burglary on public property, there must be an element of trespass into a public structure on public land within your campus or immediately bordering your campus. For most institutions, public property is the public sidewalk, street and opposite sidewalk bordering the campus. Some institutions may also have public parking facilities in their public property category. A Burglary in this category is a rare event.
- **Large numbers of crimes on public property:** Public property is narrowly defined by the *Clery Act*. Large numbers may indicate statistics for private homes and businesses or for an entire police jurisdiction.
- **Missing geography:** The statistics you received are for crimes that occurred only on public property; however, you are certain that there were on-campus *Clery Act* crimes that were reported to the local police department. This indicates that the police did not understand that you wanted statistics for all of your *Clery Act* geography: on campus, public property and noncampus locations, if you have any.
- **Statistics for Incest and Statutory Rape.** Because one doesn't expect many of these crimes on *Clery Act* geography, it's very likely that the crimes were committed in locations other than your *Clery Act* geography.

How Do You Obtain Statistics From Local Law Enforcement?

Other than making a good-faith effort, the *Clery Act* doesn't specify how an institution has to obtain the statistics. For institutions that are not experienced in these matters, we offer the following suggestions:

- **Determine the correct law enforcement authorities and develop a relationship with them.**

You should request statistics from every law enforcement agency that has jurisdiction over areas in your institution's *Clery Act* geography. If you are unsure where to begin, call your local area information number (generally 411), and give your institution's address to the operator. He or she can give you the telephone number of the local police who respond to calls for your location. You can also find this information on the Internet by searching for "law enforcement" along with the zip code in which your institution is located.

Call that agency, and ask to speak with a supervisor or public affairs office. They should be able to point you to the appropriate person. Ask that individual what other law enforcement agencies have concurrent jurisdiction in the area where your institution is located. Be sure to include state law enforcement agencies. Remember to provide addresses for noncampus buildings or property if your institution has any. If you have an out-of-state noncampus location, you need to ask for the local law enforcement agency number for that zip code as well. (A sample letter to a law enforcement agency is included in Appendix B.)

- **Contact local law enforcement early in the year.**

Contact agencies early in the calendar year for crime statistics for the previous year. Agencies, particularly those with extensive jurisdictions or those with a very small number of personnel, need time to collect the information you request. Providing them adequate advance notice may increase your chances of getting the requested statistics in a timely manner.

- **Document your good-faith effort to obtain the statistics, including follow-up requests.**

After you know who or what department to contact at each agency, we suggest that you write a letter, on your institution's official letterhead, if possible, explaining the following:

What you need. Ask for statistics for all *Clery Act* crimes for

- your campus;
- on-campus student housing facilities, if you have any;
- public property; and
- noncampus buildings or property, if you have any.

Provide a list of the applicable crimes and addresses for your buildings and property. Be very specific about what constitutes public property for *Clery Act* reporting purposes. For example, ask for "crime statistics for the sidewalk, street and opposite sidewalk between the 1200 and 1400 blocks on Elm Street," rather than "crime statistics for public property around the school." State that you do not need statistics about crimes at private homes or businesses. If your institution uses a map to identify its *Clery Act* geography, include the map with your request.

Why you need it. State that the information is required by the federal *Clery Act* for disclosure in an annual security report and a Web-based data collection.

The format in which you need it provided—preferably in writing (either paper or electronic). Ask for statistics for crimes classified according to the UCR. If the local police agency does not use UCR classifications, and can't provide them, ask what classifications are used (e.g., state crime classifications).

When you need it. Explain that you must disclose the statistics by Oct. 1 and suggest a reasonable deadline that will allow you some leeway. It may take considerable time and effort to review the statistics to prevent double counting the crimes reported by your institution's CSAs and the crime statistics reported by local law enforcement agencies.

Where it should be sent. Provide your institution's mailing or e-mail address.

To whom it should be sent. Provide the name and title of the person who is responsible for collecting these data for your institution.

Even if you make a phone call asking for this information, we suggest that you **follow up** with a letter or an e-mail for the purpose of documenting your good-faith effort. Also document any response, or lack of response, from each agency that you contact. If your deadline for disclosing the crime statistics is fast approaching and you haven't heard from an agency, contact them again and inquire about the status of your request.

What to Do If You Are Directed to a Website

In some jurisdictions, local law enforcement statistics are available on a public access website. In this case, the police may instruct you to visit the site to obtain the statistics. If you can identify the statistics for your school's *Clery Act* geography from the statistics, and you can confirm that the website is up-to-date, this is an acceptable means of meeting the requirement. You are still, however, required by law to make an initial request for statistics annually directly to the agency.

What to Do If an Agency Requests Payment for the Statistics

If an agency requests payment in return for providing your institution with statistics, you may pay the agency, but you are not required to do so.

What to Do If You Obtain Non-UCR Statistics

The *Clery Act* requires institutions and the Department to use the definitions of crimes in the FBI's Uniform Crime Reporting Program when compiling crime statistics for *Clery Act* purposes, but not all law enforcement agencies use these definitions. If you know that the statistics you obtained aren't classified according to UCR definitions, and you have campus police personnel familiar with UCR definitions, they might be able to reclassify the crimes. For example, if under the Robbery classification you received statistics for "robbery of an apartment" or "safe robbery," the UCR equivalent would be

“Burglary.” (See “Burglary” in Chapter 3.) An incident classified by some agencies as “breaking and entering with intent to commit a larceny,” is also classified as “Burglary” in the UCR. You can also request clarification from the local law enforcement agency if you are not sure how a crime should be listed. If you cannot reclassify the statistics, include them in your disclosures with an explanation that UCR classifications were not used for crimes reported to local law enforcement agencies and included in the statistics.

What to Do If You Obtain Statistics That You Can’t Attribute to Your *Clery Act* Geography

In some jurisdictions, local law enforcement agencies cannot provide a breakdown of statistics specific to *Clery Act* geographic areas. For example, the police may provide your institution with statistics for the entire jurisdiction or the entire city, or they may include statistics for private residences and businesses. If the statistics are all zeros, that isn’t a problem. **If not, we suggest that you request addresses for the crimes included in the statistics to help you determine if any of the crimes occurred on your *Clery Act* geography.** If you can determine that some of the crimes occurred in or on your *Clery Act* geography, but you can’t determine if they occurred on your campus or public property, disclose those statistics in an additional table or in a caveat explaining why they are separated from your other *Clery Act* statistics.

If you cannot determine whether any of the crime statistics apply to or include your *Clery Act* geography, provide a caveat in your annual security report explaining that the statistics were requested but were not available in a usable format for *Clery Act* reporting. (More about how to disclose statistics in your annual security report and in the Web-based survey in Chapter 9.)

What to Do If Your Request for Statistics Is Denied

If a law enforcement agency that you contact does not comply with your request for crime statistics, document both your request for the statistics and the response, or lack of response, from the agency. You should also consult state and local open records laws to see if law enforcement agencies are required to provide crime statistics to citizens and organizations that request them. If some of the agencies provide you with statistics and others don’t, be sure to include

the statistics you did receive in your reported crime statistics. Add an explanation to tell the reader that not all of the agencies responded to your request for statistics, or that not all of the agencies could provide the statistics as requested.

Remember, requesting *Clery Act* crime statistics from local law enforcement agencies is an institutional obligation. This means that if you assign someone the responsibility to request and review the statistics, and that person for whatever reason is unable to do so, your institution is still responsible for complying with the law. You must make this effort in time to include the statistics in your annual security report which must be published by Oct. 1. The same statistics must also be entered in the Web-based data collection in the fall.