

ATTACHMENT III – CLERY INCIDENT REPORT (REPORTING FORM)

TOWSON UNIVERSITY CLERY INCIDENT REPORT

To be completed by a **Campus Security Authority** if victim/witness does not wish to report incident to the Towson University Police Department

One purpose of CLERY is to encourage reporting and collecting accurate campus crime statistics to promote crime awareness and enhance campus safety. This form provides a uniform method to document the “What, When & Where” of certain reportable crimes and/or non-criminal hate motivated incidents that have occurred and have been reported to Campus Security Authorities (CSA) other than the Towson University Police Department. Data collected on this form is to be used to increase public safety, not to identify the victim; therefore, personal identifying information is not required.

It is the policy of Towson University to encourage victims and/or witnesses to report crimes to the police and/or to a designated Campus Security Authority. A complete list of Campus Security Authorities can be found in the Annual Clery Report which is available at www.towson.edu/police. For the purpose of CLERY, CSAs are required to document certain reportable crimes and non-criminal hate motivated incidents that have been reported to them and occurred in the following locations:

- 1) On-campus property: Any building or property owned or controlled by the university within the same reasonably contiguous geographic area and used by the university in direct support of, or in a manner related to, the university’s educational purpose, including buildings or property the location described herein that is owned by the university but controlled by another person and which is frequently used by students. (Excluding residential life buildings.)
- 2) On-campus residential life buildings
- 3) Non-campus property: Non-campus property or building owned or controlled by the university that is frequently used by students and is not within the same reasonably contiguous geographic area of the institution, or any building/property that is owned or controlled by a student organization that is officially recognized by the university.
- 4) Public property: Public property located immediately adjacent to and accessible from campus, including: thoroughfares, sidewalks, streets, lands.

For CLERY purposes, the student status of the offender or the victim is not a relevant fact as to whether or not this report form is to be completed. Documentation is required if one of the 15 highlighted violations (see reverse) occurs. CLERY documentation is not satisfied by simply directing/referring the reporting party of the police department. In order for TUPD to satisfy the statistical reporting requirements of the Clery Act, all CSA’s are required to complete this form when certain any of the listed offenses are reported to them. In addition, a person reporting a crime must also be encouraged to report the crime to the TUPD.

Note: Certain individuals, specifically pastoral and professional counselors, are exempted from this requirement to report certain crimes. However, to be exempt from disclosing reported offenses, pastoral and professional counselors must be acting in the role of pastoral or professional counselors.

DEFINITION OF CAMPUS SECURITY AUTHORITY (CSA)

- A campus law enforcement unit;
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus security department, such as an individual who is responsible for monitoring entrance into school property, such as an access monitor;
- An individual or organization specified in a school’s campus security statement as the individual or organization to which students and employees should report criminal offenses; and
- An official of a school who has significant responsibility for student and campus activities including, but not limited to, student housing, student discipline, and campus judicial proceedings.

INCIDENT DETAILS

Reporting Person Campus Security Authority		Phone
Incident (see reverse)		Date

Name of victim or witness (write “Refused” if they do not wish this info given to PD)

Brief description of the incident:

Date & time incident occurred:		
Did the crime occur in a building or on the street? Specify Location, such as: Tower A 2nd Floor or University Avenue or Lot 6	Building	Street
Did the crime occur on TU owned, controlled or leased property?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Did the crime occur at a TU sponsored activity or event?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

CRIME DEFINITIONS:

Murder/Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

Negligent Manslaughter: the killing of another person through gross negligence.

ATTACHMENT III – CLERY INCIDENT REPORT (Continued)

Domestic Violence: Federal law definition: The term “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 who is cohabiting with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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. *There is no Maryland law definition of domestic violence (it is not distinguished from general crimes of violence, such as assault).*

Dating Violence: Federal law definition: The term “dating violence” means violence committed by a person (A) 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 shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of the relationship; (iii) the frequency of interaction between the persons involved in the relationship. *There is no Maryland law definition of dating violence (it is not distinguished from general crimes of violence, such as assault).*

Sexual Assault I and II: The actions constituting sexual assault are set forth in Title 3, Subtitle 3 of the Criminal Law Article of the Annotated Code of Maryland and include, but are not limited to the following acts committed by an acquaintance or stranger (“Actor”): Rape, forcible sodomy, or forcible sexual penetration, however slight, of another person’s anal or genital opening; touching of an unwilling person’s intimate parts (defined as genitalia, groin, breast, or buttocks, or clothing covering them); or, forcing an unwilling person to touch another’s intimate parts. To constitute sexual assault these acts must be committed either by force, threat, intimidation or through the use of the victim’s mental or physical helplessness of which the Actor was aware or should have been aware.

Stalking: Federal law definition: The term “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. Maryland law definition: Stalking means a malicious course of conduct that includes approaching or pursuing another where the person intends to place or knows or reasonably should have known the conduct would place another in reasonable fear: (1)(i) of serious bodily injury; (ii) of an assault in any degree; (iii) of rape or sexual offense as defined by Sections 3-303 through 3-308 of the Criminal Law Article of the Maryland Code or attempted rape or sexual offense in any degree; (iv) of false imprisonment; or (v) of death; or (2) that a third person likely will suffer any of the acts listed in item (1) above.

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.

Aggravated Assault: an 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 or probably would result in a serious potential injury if the crime were successfully completed.

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 a larceny or a felony; breaking and entering with the intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles were later abandoned – including joyriding.

Arson: The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another.

Weapon Law Violation: 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; all attempts to commit any of the aforementioned.

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana, synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzadrine).

Liquor Law Violation: The violation of laws or ordinance prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor, maintaining unlawful drinking places; bootlegging, operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor, drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkness and driving under the influence are not included in this definition.)

Hate Crime: A criminal offense committed against any person or property which is motivated, in whole or in part, by the offender’s bias. Clery reportable hate motivated crimes include Murder, Manslaughter, Sex offenses, Robbery, Aggravated Assault, Simple Assault, Intimidation, Burglary, Motor Vehicle Theft, Destruction of Property, Theft and Arson. Although there are many possible categories of bias, under Clery, only the following categories are reported: Race, Gender, Religion, Sexual Orientation, Sexual Identity, Ethnicity/National Origin, and Disability.

INSTRUCTIONS

- If the reported incident constitutes a threat to the safety of the TU community, prior to completing this form, the CSA shall immediately telephone the Towson University Police Department at 410-704-4444.
- Confidential and anonymous reports are accepted. However, if the reporting party is a victim of a sex offense, he/she shall also be encouraged to report the crime directly to the police department.
- While second hand reports are inherently unreliable and are difficult to verify, such reports shall also be accepted. The potential for duplication of reported incidents shall not be a factor in determining whether or not a report is taken.
- Clery reporting (this form) does not replace or change any existing reporting requirements or procedures for disciplinary referrals for student or employee misconduct.
- Hate crimes present a special reporting challenge. CLERY requires the CSA to document each reported crime occurrence and CLERY also requires the CSA to record the category of prejudice.

Send report to Towson University Police Department or fax to 410-704-5536; Attention: Clery Coordinator.

Any questions concerning this form or the CLERY ACT should be directed to the Clery Coordinator at the Towson University Police Department, 410-704-3381.