

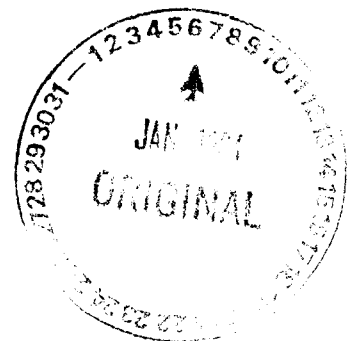
LAW ENFORCEMENT MANAGEMENT INSTITUTE

CRIME AWARENESS AND CAMPUS SECURITY ACT OF 1990:
IS IT ENOUGH?

**A RESEARCH PROJECT PAPER
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I. INTRODUCTION

In 1990, the United States Congress passed the Crime Awareness and Campus Security Act. The Act requires that all colleges and universities participating in the Federal Student Aid Program compile and make known, to the campus community, certain crimes that have or could occur on their campuses. Also, the Act requires the introduction of procedures to create crime awareness programs. Although the Act was a step in the right direction, it fell far short of its intended purpose. Since it is known that some university officials prefer to suppress criminal activity and not report all crimes that occur on their campuses, the Act was created partly to stop this practice. (Nichols 1991)

It is understandable why a university administrator would have a concern about over stressing the crime problems that his university may have. With universities competing so vigorously for students, recruiting is a major project. So naturally, universities are concerned about their image. Administrators know that high crime rates reported on their campuses will raise concern from both parents and students.

As the Act attempts to deter universities from covering up criminal activity, it will naturally create media analysis of the data which in turn will start the comparisons of criminal activity between different universities. In turn, plaintiffs and lawyers will use the statistics in negligent security lawsuits. The statistics will be tailor made for litigation by establishing a national average. With those

universities falling below the national average being more vulnerable to law suits. (Zalud 1991) Trying to avoid the media attention, some officials at universities may try to keep their law enforcement officials from complying with the law to avoid as much adverse attention as possible. For example, at a southeast university a female student was abducted at knife point and raped. The Chief of Police complied with the law and warned the campus community of the kidnapping and rape. The Chief was later questioned and told by a university vice-president that he should not have caused such an alarm. (Critical Incidents 1991-92)

An administrator would be hard pressed to have a beautiful brochure depicting his campus as quiet and serene and then have to show crime statistics that were totally out of proportion with other universities. It is imperative that the university officials who are under reporting crime, report true and accurate accounts of all crime to concerned individuals. This accurate information could then be used by students and employees to better protect themselves with the knowledge that certain crimes do occur on their campus. Those administrators who are under reporting crime should understand that a high crime rate could simply mean that the university has an aggressive police department which causes students and employees to report more crime. (Ordovensky 1990)

Students, parents of students and employees should be able to obtain information about crime such as: Was the perpetrator a student or employee? Was the punishment administered by the courts or the university? What type of punishment was

administered? Universities should make every effort to compile crime information that has occurred adjacent to university property and high crime areas around the university. Statistics should be available on crimes occurring on other university property such as housing, satellite campuses or any other property owned, rented or leased by the university. Interested persons should be able to obtain information from the local district attorney's office on the jurisdiction of the university police as well as the record of prosecution involving university students.

II.

HISTORY

A. *In Loco Parentis*

The definition of *in loco parentis* is simply, "in place of parent". Today, in the university environment, the term is a dead issue. No longer do university administrators act in place of a student's parent. Prior to World War II *in loco parentis* was at its peak. Students were well chaperoned during social gatherings as well as at meals and other university functions. Housing units were monitored and student whereabouts recorded on sign-out lists.

After World War II when older G.I. Bill students started to return home and attend school, the idea of *in loco parentis* started to weaken. In the 60s and 70s, the lowering of the voting age and in many states, the drinking age, cemented the fact that *in loco parentis* was a dead issue. (Matthews 1993)

Even though universities and students feel that *in loco parentis* is no longer an issue, courts are holding universities responsible for

the safety of students at an ever increasing level. Frequently, crime victims, or their parents, will file law suits blaming that a university did not take necessary precautions to prevent crime. If the courts are holding universities responsible for the safety of students, is *in loco parentis* really a dead issue?

America's institutions of higher learning were once seen as and tended to operate as sedate ivory towers, sanctuaries apart from the larger society and places where crime and criminal justice did not intrude. (Smith 1988)

Unfortunately, some of today's university and college presidents and administrators still have this perception and operate accordingly. The "sanctuary mentality" remains among some top school officials who have neglected to place high priority on security issues. As one community college official said, "we don't want our students arrested and we don't need police on our campus." (Nichols 1991). If one school official has not accepted their responsibility to deal with campus safety in a realistic manner, that is too many.

B. The Student's Changing Attitude

Now it seems students are telling us, "we're adults and we can do what we want, but you have to protect us." This is the case with every citizen/police officer relation and it is absolutely correct. Today's student should be educated to the rise of crime on university campuses and other dangers that would be awaiting them as they leave the nest and attend the university of their choice. They must get the idea out of their heads that universities are safer than the city streets they are accustomed to walking on. They must realize they are adults and act accordingly.

An 18 year old student today seems to be more independent than ever and has the attitude that he/she is invincible. They are doing things when they are away at college that they would have never considered doing while living with their parents. If asked, most university police officers will tell you that college students are naive. They don't understand that there could be danger in such things as jogging alone at night or walking back to their dormitory from the library after dark. It appears that the only thing that is going to change their attitude is vigorous and mandatory education in crime prevention.

C. Alcohol and Drugs

It seems that once again alcohol is the drug of choice among students. Universities across the nation are banning alcohol on campus. This is forcing students to get in their vehicles and find other places to drink. Which, in turn, causes problems such as driving while intoxicated and alcohol related accidents, as it did as far back as in the 1920's.

When the Chief of Police of a large university in Tennessee made a statement that during the 1991-92 academic year that 86 percent of the people arrested for alcohol violations were non-students, (McRary 1993) he failed to mention that university police are encouraged, not ordered, to overlook some alcohol violations committed by students. So, one wonders, of the 86 percent non-

students arrested, could there have been that many, if not more, students who were in violation and not arrested. A college or university may have many liquor-law violations which will not be reflected in the annual reports, if they are handled through internal processes.

According to a 1992 survey done at the University of Tennessee, 70 percent of 2,146 students questioned said they had drunk in the two weeks prior to the survey and two-thirds of those students were under the age of 21. Forty two percent said they had drunk five or more drinks in three hours which meets the criteria for "binge drinking." On the average, students who drank got drunk three times over a two week span. (McRary 1993)

Another study by Southern Illinois University and the College of William and May show that heavy drinking reflects in students grades. The survey questioned 56,361 students at 78 campuses during the 1989-90 school year. It showed that students with Ds and Fs drank an average of 10.9 drinks weekly while "A" students consumed 3.4 drinks weekly. (McRary 1993)

Violence due to alcohol has become a major problem for university police. At the University of Hartford, some 1,000 students rioted when police tried to break up an unauthorized keg party. Students threw bottles and rocks at approximately 100 officers trying to stop the party. Seven police officers and nine students were injured in the riot and 12 students were arrested on charges of first-degree riot. (Keg Party Brews 1991) This is obviously an

extreme case, but statistics show that nearly 66 percent of those who commit campus crime are using alcohol. (Burgett 1990)

According to information received by the International Association of Campus Law Enforcement Administrators (IACLEA), many campuses have been working towards an alcohol free environment. Campuses that have added more officers to control crowds at sports events, etc., are eliminating the consumption of alcohol both during and after the event are finding that assaults, disturbances and other crimes have decreased. Also, data indicates that religious affiliated universities, where alcohol is strictly prohibited, have a lower crime rate than secular schools. (Critical Incidents 1992) So in order to reduce crime, officials must find a way to reduce alcohol consumption by students.

III. CAMPUS CRIME

A student roams a northeast university campus, shooting four people and killing a fellow student and professor. At a junior college in Texas, the chairman of the sociology department is held hostage by a student who is displeased with his grade. At a northern Ivy League university, a student dies only yards from the university president's house after being shot in a street robbery. (Matthews 1993) Examples like these are becoming more common. Campus violent crimes are on the rise and steps to reduce them need to be addressed, but in order for these problems to be dealt with properly universities will have to accurately report their individual crime data.

The first annual reports required by the Crime Awareness and Campus Security Act of 1990 were due September 1, 1992. These first reports indicate that 7,500 violent crimes occurred on college and university campuses across the nation. This total included 30 murders, nearly 1,000 rapes and more than 1,800 robberies. Violent crimes were the exception and not the rule. Crimes such as burglary of motor vehicle and theft totaled more than 41,000. (Lederman 1993) However, these figures are misleading. Several dozen universities had not filed their data before the reporting deadline. Officials at those universities said they knew nothing of the law or were confused about what was required.

Still, other universities were trying to hide behind the federal Family Educational Rights and Privacy Act, also known as the Buckley Amendment. This is an amendment intended to protect student's educational records from public disclosure. Paul Kincaid, Director of University Relations, Southwest Missouri State University (Kincaid 1990) and other university officials, as well as the United States Department of Education, claim that police records came under the definition of educational records. However, journalists said that the Buckley Amendment never intended the law to cover criminal records. In March of 1991, U.S. District Court Judge Russell G. Clark ruled that the interpretation of the Education Department was incorrect and that criminal records were not covered under the Buckley Amendment, but came under the open records law covering crime data. (Jaschik 1993) Those favoring Clark's ruling, such as

Frank Gibson, president of the Society of Professional Journalists and metropolitan editor of The Tennessean in Nashville, point out that Buckley, a staunch conservative, never intended his act to shield campus crime from the public. (Mitgang 1991)

Additionally, all universities do not compile statistics in the same manner and not all crimes are defined in the same way. Some universities may combine their burglaries with their thefts. Others may have jurisdiction over off-campus housing such as fraternity or sorority houses and still another would let outside agencies handle off campus housing.

Another thing that is not required in the reporting statistics is size and location of the universities. For instance, a university with an enrollment of 20,000 students reporting five aggravated assaults and three rapes may be safer than a university with an enrollment of 1,000 students who report two assaults and one rape. (Lederman 1993) These examples would cause a discrepancy in the crime reporting data.

Although there were 30 murders reported in the September 1992 report, rape seems to be the violent crime that is most often publicized. Although some people opt not to attend college, for the students that do, college would be the last chance society has to educate young people about human relations, living together, competition and fair play. Therefore it is necessary for every university to provide students with information on human sexuality. Every institution of higher learning should have a rape education and

awareness program in place and available to all students. (Keller, undated)

By using the terms "date rape" or "acquaintance rape" rather than rape or sexual assault, the true terms, university officials seem to be down-playing the seriousness of the crime. Far too often, victims are counseled by university officials and no criminal charges are ever filed. Often, the attacker is not even expelled, but given the freedom to withdraw from school, or in some incidences no action is taken at all. (Newman 1993) Once again, these statistics are not showing in the crime reports.

In a Kent State University study, it was found that one out of every females had been raped. (Laird 1993) Of those, about 25 percent had been assaulted by acquaintances, 30 percent of steady dates and 21 percent by casual dates. More alarming is that a University of Houston counselor estimates that she sees reports on only 10 percent of student sexual assaults. This is an indication that rape, especially so called "date rape", is grossly under reported. (Laird 1993) In one incident, at a small prestigious Texas university, a victim reported to the university police that she was a victim of an "acquaintance rape". The police followed the procedures in sexual assault investigation and presented it's findings to the local district attorney. In the district attorney's opinion, the victim had passed the "point of no return" and no charges were filed. After a vice-president of the university heard of the district attorney's opinion he accused the police department of being over zealous in their investigation. What he or anyone else should understand is that

evidence of sexual intercourse did exist and the police department was obligated to present its findings to the district attorney. Also, when any allegation of criminal activity is made to a police department it should be investigated to the departments utmost ability. Additionally, district attorneys seem to be reluctant when it comes to prosecuting college students. For example, in a large metropolitan city in Texas, a university police officer was attempting to file charges of credit card abuse against four university students. One of the students had stolen the card from a neighboring student's dormitory room. All four students used the card for monetary gain. Even though the district attorney did accept the charges, he would ask questions of the officer such as "is this not just a college prank"? Are you sure you want to ruin these young student's lives?" These are questions that are not pertinent in the acceptance of charges. Not once did the district attorney mention the victim, who had his right to privacy violated when one of the students entered his dormitory room uninvited. There was no mention of victim's parents who could not understand that such a thing could happen on a university campus.

Another example of a prosecutor's unwillingness to prosecute, is that of Kristen Buxton. Buxton was intoxicated at a Sigma Chi fraternity party on the campus of Colgate University and fell asleep in an upstairs bedroom. She was raped by three freshman, two of which were minors. Fearful of not getting a conviction and without input from Buxton, the district attorney, Neal Rose, plea bargained

for a lesser misdemeanor charge with no jail time. Rose stated that he feared a jury would not convict the assailants and a plea bargain was a sure thing. According to James Leach, a spokesman for Colgate University, the only punishment that was administered by the University was that the three culprits were suspended and the fraternity house was shut down for one year. (Schwed 1990) Rape and sexual assaults can never be totally eliminated from college campuses. However, if more colleges would adopt a well planned, pro-active prevention measures, along with comprehensive rape education and awareness programs, we can reduce or minimize the number of these crimes on campus. (Keller, undated)

So, who is responsible when a serious crime occurs on campus? If blame is placed, such as in civil suits, the first entity of the university that is blamed is the campus police. However, cases have been made against the administration, business offices, student affairs, deans, facilities planning and architect, general counsel, physical plant operations and the academic scheduling office. (Bromley 1986) Since the courts are blaming other people for crimes that occur on campus, rather than just the perpetrator, then the victim should bear some of the burden, if he or she were forewarned of danger and did not take necessary action to protect themselves. Of course, the responsibility to make students, faculty and staff aware that certain crimes are a possibility, lies directly on the university officials.

IV. LEGISLATION

The Clery's

Any mention of the Crime Awareness Act, which is also known as the Clery legislation, would not be complete without speaking of Howard and Constance (Connie) Clery. These two people probably did more to have the Act passed than any other people and their names are synonymous with the Act. The Clery's formed Security on Campus, Inc. and worked for the passage of the Act for four years. Their names became known throughout America by legislators, victims and survivors.

Their daughter Jeanne Ann, who was raped, tortured and murdered on April 5, 1986 at Lehigh University was the force behind their endeavor. Jeanne Ann, a student living on campus, was attacked by a fellow student and part-time employee of the University. The attacker, Joseph Henry, who is now on death row, got into her dormitory through an open door. He bit, sodomized and then murdered Jeanne Ann. After the murder, three of Jeanne Ann's friends lost a year of school and the girl in the bed next to her had a nervous breakdown. (Kalette 1990)

The Clery's, who pushed the Pennsylvania legislature to have a security information act passed were first successful in 1988. Governor Robert Casey signed into law the Pennsylvania College and

University Security Information Act. The law required that all public and private universities in Pennsylvania report to the Pennsylvania State Police campus crime statistics from their perspective universities. Also, they were to provide information on crimes, crime rates and security policies and procedures to students and employees, as well as to applicants for enrollment and employment. The Pennsylvania Act became the model for future legislation in other states as well as the Crime Awareness and Campus Security Act of 1990. Furthering their effort the Clerys pushed for federal legislation. The Crime Awareness Act sponsored by Representative William Goodling and Senator Arlen Specter, both Republicans from Pennsylvania, was signed into law by President Bush in November, 1990. On August 23, 1991, President Bush proclaimed the week beginning September 1, 1991, as National Campus Crime and Security Awareness week.

The Clerys had planned to step quietly away after the passage of the Act. However, with so many unresolved issues, the frequency of rape by college acquaintances and unreported crimes on campuses, friends wonder whether the Clerys can rest. (Kalette 1990)

B. The Act

As with any government legislation it is sometimes hard to decipher the intent, purpose and meaning of the law. With this in mind, it may be necessary to take each section of the Act and interpret its meaning.

TITLE II___CRIME AWARENESS AND CAMPUS SECURITY

SEC. 201. SHORT TITLE

This title may be cited as the "Crime Awareness and Campus Security Act of 1990."

SEC. 202. FINDINGS

The Congress finds that:

- (1) the reported incidence of crime, particularly violent crime, on some college campuses has steadily risen in recent years;
- (2) although annual "National Campus Violence Surveys" indicate that roughly 80 percent of campus crimes are committed by a student upon another student and that approximately 95 percent of the campus crimes are violent and alcohol and drug related, there are currently no comprehensive data on campus crime;
- (3) out of 8,000 post-secondary institutions participating in Federal Student Aid Programs, only 352 colleges and universities voluntarily provide crime statistics directly through the Uniform Crime Reports of the Federal Bureau of Investigation, and other institutions report data indirectly, through local police agencies or states, in a manner that does not permit campus statistics to be separated;
- (4) several state legislatures have adopted or are considering legislation to require reporting of campus crime statistics and dissemination of security practices

and procedures, but the bills are not uniform in their requirements and standards;

(5) students and employees of institutions of higher education should be aware of the incidence of crime on campus and policies and procedures to prevent crime or to report occurrences of crime;

(6) applicants for enrollment at a college or university, and their parents, should have access to information about the crime statistics of that institution and its security policies and procedures; and

(7) while many institutions have established crime preventive measures to increase the safety of campuses, there is a clear need__

(A) to encourage the development on all campuses of security policies and procedures;

(B) for uniformity and consistency in the reporting of crimes on campus; and

(C) to encourage the development of policies and procedures to address sexual assaults and racial violence on college campuses.

SEC. 203. DISCLOSURE OF DISCIPLINARY PROCEEDING OUTCOMES TO CRIME VICTIMS

(6) Nothing in this section shall be construed to prohibit an institution of post-secondary education from disclosing, to an alleged victim of any crime of violence , the results of any

disciplinary proceeding conducted by such institution against the alleged perpetrator of such crime with respect to such crime.

INTERPRETATION: This allows the victims of violent crimes to be made aware of the results of any disciplinary proceedings in which their assailant has been charged. The action may be taken by a university court or administrative hearing. The term violent crime as described in Section 16 of title 18 of the United States Code is any felony, by its nature, involving a risk that physical force will be used in the course of the offense or the use, attempted use or the threat of use of force against the person or property. It should be noted that if the proceedings is held by a student university court it is the institutions prerogative to release the information due to the Buckley Amendment.

SEC. 204. DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS.

(1) Each eligible institution participating in any program under this title shall on September 1, 1991 begin to collect the following information with respect to campus crime statistics and campus security policies of that institutions, and beginning September 1, 1992 and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon information with respect to the campus security policies and campus crime statistics of that institution:

INTERPRETATION: As of August 1, 1991, all post secondary institutions which are participating in Federal Student Aid Programs must record all crime activities as well as safety measures. The recorded information should be made available to all students and employees as well as potential students and applicants for employment. The information may be distributed through campus mailouts or through student and university newspapers.

- (A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports.

INTERPRETATION: All campus mailouts and newspaper publications pertaining to Section 204 should include procedures for reporting crime and to whom the crime is reported. It should give specific locations as to where to go to report a crime in person as well as a phone number. The mailouts and publications should also describe what is considered an emergency and the response of the agency to that emergency.

- (B) A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

INTERPRETATION: Information pertaining to security features and how a person would gain access to a certain building, especially

residential buildings, and the procedures for safety upkeep of the buildings should be publicized.

(C) A statement of current policies concerning campus law enforcement, including__

- (i) the enforcement authority of security personnel, including their working relationship with state and local agencies; and
- (ii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies.

INTERPRETATION: This information should include the number of commissioned and noncommissioned personnel as well as their jurisdiction. By what authority are they commissioned or licensed. Also, their working relationship with other police agencies. The information should include policies which encourage members of the institution to report crimes on their campuses.

(D) A description of the type and frequency of programs 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.

INTERPRETATION: A description of existing crime prevention programs for community members, how these programs are presented and the frequency of the presentations. They should be programs that explain to each member, how they can better protect

themselves and their property, such as locking of rooms, marking of valuable items, locking vehicles and bicycles and reporting suspicious persons.

(E) A description of programs designed to inform students and employees about the prevention of crimes.

INTERPRETATION: Each crime prevention program must be described. If it is done with pamphlets, videos, speeches, etc. must be indicated.

(F) Statistics concerning the occurrence of crime on campus, during the most recent school year, and during the two preceding school years for which data is available, of the following criminal offenses reported to the campus security authorities or local police agencies__

- (i) murder;
- (ii) rape;
- (iii) robbery;
- (iv) aggravated assault;
- (v) burglary; and
- (vi) motor vehicle theft

INTERPRETATION: This section requires that information on the six specific crimes mentioned above be collected and published for the current year and two previous calendar years, beginning August 1, 1991. Again this can be accomplished by using school newspapers, handouts, mailouts and student handbooks.

(G) A statement of policy concerning the monitoring and recording through local police agencies criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities.

INTERPRETATION: Universities must attempt to make an agreement with outside law enforcement agencies who respond to off-campus student organizations, such as fraternities and sororities, in an attempt to gather information about criminal activity at these locations. This information is required reporting. If the local agencies fail to supply such information, the university still has to show that an attempt was made to obtain the information.

(H) Statistics concerning the number of arrest for the following crimes occurring on campus:

- (i) liquor law violations;
- (ii) drug abuse violations; and
- (iii) weapons possessions.

INTERPRETATION: Statistics pertaining to the above three crimes should be compiled only when arrests are made. This differs from crimes mentioned previously, in that those crimes need only to be reported to be included in the annual report.

(I) A statement of policy regarding the possession, use and sale of alcoholic beverages and enforcement of state underage drinking laws and a statement of policy regarding the

possessions, use and sale of illegal drugs and enforcement of Federal, and state drug laws and a description of any drug or alcohol abuse education programs as required under section 1213 of this Act.

INTERPRETATION: The university must make a statement concerning their policies on the possession, use and sale of alcohol. This policies should at least meet or exceed the state laws. Also, a policy on the possession, use and sale of illegal drugs should be made. These policies should coincide with state laws pertaining to illegal drugs. In addition, the universities should adopt drug and alcohol abuse education programs for all students, and employees on campus, describe them, and make the community aware that they exist.

(2) Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to campus crimes or campus security.

INTERPRETATION: This section states that there is no definite detail that the Secretary of Education must place on any university for obtaining any of the statistics and policies. A university must adopt at least a general plan to comply with the reporting requirements.

(3) Each institution participating in any program under this title shall make timely reports to the campus community on crimes considered to be a threat to other students and employees described in paragraph (1)(f) that are reported to campus security or local police agencies. Such reports shall

be provided to students and employees in a manner that is timely and that will aid the prevention of similar occurrences.

INTERPRETATION: This section describes that the university must warn students and employees, in a timely manner, if a threat of crime exists. An example would be aggravated robbery on campus. The university would be obligated to make the community aware as quickly as possible, in the event another robbery might occur. The seriousness of the crime dictates how fast the warning should be made. In the event of an aggravated robbery the alert would be made immediately. In cases where several thefts of backpacks were reported stolen, the alert would not have to be made so quickly.

(4) Upon request of the Secretary, each institution participating in any program under this title shall submit to the Secretary a copy of statistics required to be made available under paragraph (1)(F) and (1)(H). The Secretary shall__

(A) Review such statistics and report to the committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate on campus crime statistics by September 1, 1995; and

(B) in coordination with representatives of institutions of higher education, identify exemplary campus security policies, procedures and practices and disseminate information concerning those policies, procedures and practices that have proven effective in the reduction of campus crime.

INTERPRETATION: All institutions must submit the annual reports to the Secretary of the Department of Education. In turn the Secretary must report the statistics to the appropriate committee in Congress. by September 1, 1995. The Secretary can take information, that he deems outstanding security measures, from any university and share the information with others to improve that campus's security measures.

(5)(A) For purposes of this subsection, the term "campus" includes__

(i) any building or property owned or controlled by the institution of higher education within the same reasonably contiguous geographic area and used by the institution in direct or related to its educational purposes;

or

(ii) any building or property owned or controlled by student organizations recognized by the institution.

INTERPRETATION: This section is to mean that crimes reported on all property owned, rented, leased or used for educational purposes and within a geographic proximity must be included in the annual reports.

(B) In cases where branch campuses of an institution of higher education, or administrative divisions within an institution are not within a reasonably contiguous geographic area, such entities shall be considered separate campuses for purposes of the reporting requirements of this section.

INTERPRETATION: All branch campuses that are not in a geographical proximity to the main campus must submit separate annual reports.

(6) the statistics described in paragraphs (1)(F) and (1)(H) shall be compiled in accordance with definitions used in the uniform reporting system of the Department of Justice, Federal Bureau of Investigation, and the modifications in such definitions as implemented pursuant to the Hate Crimes Statistics Act.

INTERPRETATION: This section deals with the Hate Crime Statistics Act which requires special reporting when there is evidence that the crime was committed due to the hate of a person because of race, religion, sexual orientation or ethnicity.

(c) Effective dates.____The amendments made by this section shall take effect on September 1, 1991, except that the requirement of section (485(f)(1)(F) and (H) of the Higher Education Act of 1965 (as added by this section) shall be applied to require statistics with respect to school years preceding the date of enactment of this Act only to the extent that data concerning such years is reasonably available.

INTERPRETATION: If information was already compiled and available by a particular university prior to August 1, 1991 the university would be obligated to report statistics for 1990, 1991 and 1992.

SEC. 205. PROGRAM PARTICIPATION AGREEMENT REQUIREMENTS.

(12) The institution certifies that____

(A) the institution has established a campus security policy;
and

(B) the institution has complied with the disclosure
requirements of section 485(f).

INTERPRETATION: This section states that universities must certify that they have a security policy in place and that they will comply with the disclosure requirements.

V.

THE UNIVERSITY POLICE ROLE

In an attempt to try to aid university police departments across the nation in complying with the Crime Prevention Act, the International Association of Campus Law Enforcement Administrators (IACLEA) has published a position statement pamphlet. The pamphlet guides departments in regards to not only compliance with the Act, but training for officers, functions of the police department and to whom they are accountable. If university police departments will adopt policies following the guidelines mentioned below they will have no trouble complying with the Act.

In regards to the reporting of the crime statistics, the campus police department has a very extensive role. It is their responsibility to negotiate with the local police to obtain information concerning crimes which are reported at off-campus organizations. Also, to obtain other information about off-campus crimes which may be considered a threat to students and employees and are therefore subject to the "timely notice" crime prevention provision of the Act. The police must compile all of the campus crime statistics to be

included in the annual report and keep an accurate record of all crime committed on campus. This in turn will insure the community is made aware of these crimes. The should also be able to give technical advice to all other affected units and appropriate administrators. (Tuttle 1991)

In addition to having knowledge of the reporting requirements, every campus law enforcement officer should have the expertise to investigate criminal wrongs, make arrests and refer to the appropriate criminal justice system when need be. University police officers must be trained in rendering basic aid to victims of violent crimes, for when it becomes necessary. The officer should be able to refer victims to various victim's assistance organizations and furnish information regarding victim compensation. The agency should have a broad responsibility campus wide and ensure that all persons know to who the police department is responsible.

Campus law enforcement officials must understand that crime is a community problem and not just a police problem. In order to reduce crime on campus the police department must interface with the community and attack such problems as alcohol abuse, rape, etc.

University police must insure the rights of all community members that are guaranteed under the Constitution. All persons are granted the right to courteous and respectful treatment, regardless of race, religion, national origin, handicap and sexual orientation. When these rights are infringed upon the police department should respond rapidly and identify the violators and prosecute them swiftly. This should be done without showing

partiality to any person regardless of race, beliefs, position within the university, financial influences, social status, appearance or attitude.

The officer should still be guided by what is practical. It may be necessary for campus police officers to divert from the criminal justice system into the university when the university is the victim. Or, when the victim so desires and refuses to testify in public proceedings. The decision for diversion should be made in conjunction with the appropriate prosecutor's office and should not use a relationship with the institution as the only criteria for the diversion.

The decision to arm campus police has been an ongoing dilemma. If the campus provides a full service law enforcement agency the officer should be armed. If armed, they should be subjected to vigorous and ongoing training programs in the use of defensive weapons. They should meet the standards established for use of the defensive weapons as determined by the state in which the university is located. The department should establish a use of force policy that meets or exceeds public expectations as expressed in law, court decisions and community sentiment.

A campus law enforcement agency is accountable to the community that it serves. Members of the organization must conform with community levels of expectation and be disciplined when those expectations are not met. Discipline should not be confused with punishment. Punishment is usually resorted to when

other forms of supervision and leadership have failed. The objective of discipline is to correct and modify behavior in a positive manner. Discipline should only be administered by campus law enforcement managers and the university administration.

While the primary function of campus police is to provide basic functions for criminal justice services, there are other areas in which the police officer must undertake. Such things as educational programs, crime prevention, enhancement of physical facilities such as lighting access control and security escorts should also be in the officers job description. Officers should undertake services which support the community and reduce the fear of crime and victimization. (IACLEA)

VI.

MINIMIZING LIABILITY

No university or college can become completely immune from crime, regardless of how much money is spent on security features. However, there are suggestions by experts in the field of crime prevention, such as Daniel P. Keller, that can help reduce the liability. In Keller's book, "The Prevention of Rape and Sexual Assault on Campus", he outlines a number of suggestions that minimize campus crime, which in turn minimizes the liability of a university. The following are examples of such strategies:

1. Campuses normally have foliage, shrubs and trees to enhance the attractiveness of buildings and grounds. Foliage should be trimmed at a height of no more than three feet. Tree limbs should be trimmed at least six feet from the ground. If there are

wooded or heavily tread areas on campus, special attention should be given to pathway lighting. Foot patrols by uniformed officers should also frequent such pathways.

2. Lighting standards should be maintained around building exteriors, parking lots, sports facilities and residence halls. Lighting surveys should be conducted on a regular basis by physical plant and/or public safety employees. Records should be maintained and follow-up inspections conducted to insure that corrective measures on burnt out lights or taken.

3. Emergency telephones should be installed in strategic locations on campus. These phones should be available both in public areas of buildings and in pedestrian traffic areas on campus. Usually, these phones are designed to ring directly into the campus police dispatching center when the receiver is lifted.

4. The campus law enforcement or security agency should be given the opportunity at the programming stage to make recommendations related to physical and electronic security design for new or renovated facilities. Areas of review should include access control of such public use facilities as restrooms and vending machines and alarm systems. If the institution does not have qualified staff on board to make such recommendations, a qualified consultant should be employed.

5. After hour and weekend workers who work in isolated areas should be encouraged to contact the campus security or law enforcement agency and advise them of their presence on campus.

These individuals should also be encouraged to take appropriate steps to insure their own safety.

6. Special attention should be placed on student residence facilities. In particular, access control systems, including the problem of door propping, should be closely reviewed.

7. Escort services should be provided or managed by the campus security or law enforcement agency.

8. Institutions should provide workshops, brochures, posters, pamphlets and film to train and educate students and staff on the prevention of rape, robbery and assault.

9. The institution must maintain a competent and professional security and/or law enforcement staff appropriate to the size, need and complexity of the campus community. Selection and training standards for this public safety staff are vitally important.

10. Criminal activity information should be maintained and regularly reviewed. Patterns of crimes should initiate corrective action. Particularly for crimes against persons. Members of the community should be kept informed about the time and location of those crimes and should be given crime prevention suggestions.

11. Consideration should be given to not scheduling classes in remote campus areas, particularly during the hours of darkness. If it is not possible to avoid such scheduling, emphasis of campus security patrols should be directed to these locations during the most critical hours.

12. The institution, whether public or private, should have a well defined policy relating to trespassing on campus. Restrictions should be established for the purpose of enhancing the educational mission and providing protection to the campus community. These policies should be appropriately posted and enforced in evenhanded manner. (Keller, undated)

VII.

SUMMARY

Imagine a small resort island somewhere off the coast of New England. The local townspeople depend strictly on the summer beach goers, from the mainland, for their livelihood. All of a sudden two swimmers, in separate incidents, are killed by a shark attack two hundred yards off the beach. Now the mayor of the town is faced with a dilemma. Should he publicize the attacks, knowing that this would keep the summer crowds away from the island, which in turn would destroy the local economy? Or, should he keep the presence of the shark unknown and risk other people being killed? Now imagine all university official's dilemma. Should they make students aware of 30 murders, 1800 rapes and 41,000 burglaries and motor vehicle thefts? The answer is yes.

The mayor has an obligation to at least make the public aware of the shark and let them decide if they want to swim in the ocean. As well, the university official has the obligation to make students aware of the crimes that his campus may be facing, in order for them to make a sensible decision. Information and personal awareness are weapons to protect ourselves as individuals and as a community.

Until all university officials take a firm stance and begin to accurately report crime, so individuals will have the tool of information, crime rates will continue to climb on campuses. They need to re-evaluate their present law enforcement and security measures and take the necessary action to shore up their weaknesses. The myth that campuses are safe havens will have to be dismissed and reality that we are allowing criminals into our universities accepted. Officials must stop trying to circumvent the law and spend the money they are using to fight the Act and spend it on security features, rather than in the courtroom. It is obvious that the Act is falling short of its intended purpose, due to some crimes not being required reporting. Such crimes as destruction of property, arson, disorderly conduct and most importantly larceny/theft, should be required reporting to get a more accurate picture of campus crime. (Lederman 1993)

The Crime Awareness and Campus Security Act of 1990 came at the right time. So, if all university officials will accept that the Act is in place and follow what it mandates, then place more emphasis on their individual crime problems, such as theft and disorderly conduct, there would be no need for further legislation. The Act, if followed correctly, could give students the information they need to protect themselves.

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