

# Sam Houston State University

*A Member of The Texas State  
University System*  
**Public Safety**



## **Clery Crime Statistics**

Definitions for terms within the following policies can be found in Annex A, with use of standard Uniform Crime Reporting definitions unless otherwise indicated within the definition.

The SHSU Chief of Police has been selected as Clery Coordinator by Sam Houston State University.

SHSU Chief of Police Department or designee has the responsibility for Clery statistical reporting and other Campus Safety and Security Policies as follows:

### **1.00 Clery Crime Statistics**

**1.1 Include in reported Clery crime statistics the number of all reported offenses without regard to the findings of court, coroner, jury, or decision of a prosecutor.**

**1.2 Count one offense for each victim, unless otherwise indicated.**

### **1.3 Types of criminal offenses**

#### **1.31 Murder and Non-Negligent Manslaughter (list of not included)**

- 1.311 Suicides
- 1.312 Fetal deaths
- 1.313 Traffic fatalities
- 1.314 Accidental deaths
- 1.315 Assaults with intent to murder and attempts to murder
- 1.316 Medically related death that occurs as result of crime
- 1.317 Justifiable homicide

#### **1.32 Manslaughter by Negligence (list of not included)**

- 1.321 Deaths of persons due to their own negligence
- 1.322 Accidental deaths not resulting from gross negligence
- 1.323 Traffic fatalities

#### **1.33 Sexual Assault (Sex offenses)**

- 1.331 Rape
- 1.332 Fondling
- 1.333 Incest
- 1.334 Statutory Rape

**1.34 Robbery**

**1.35 Aggravated Assault**

**1.36 Burglary (one offense per each distinct operation, to include)**

- 1.361 When local jurisdiction defines offense as Burglary
- 1.362 Attempted forcible entry
- 1.363 Forcible entry
- 1.364 Unlawful entry-no force

**1.37 Burglary (does not include)**

- 1.371 Thefts from automobiles whether locked or unlocked
- 1.372 Shoplifting from commercial establishments
- 1.373 Thefts from coin boxes or coin-operated machines
- 1.374 Thefts from areas of open access
- 1.375 Robbery
- 1.376 A forcible entry or unlawful entry in which no theft or felony occurs. Investigation must clearly establish that the unlawful entry was for a purpose other than to commit a felony or theft.

**1.38 Three conditions of Burglary**

- 1.381 Evidence of unlawful entry
- 1.382 Unlawful entry must occur in a *structure*
- 1.383 Structure was unlawfully entered to commit a felony or theft.

**1.39 Motor Vehicle Theft**

- 1.391 Theft of any self-propelled vehicle that runs on land surface and not on rails, such as sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts and motorized wheelchairs.
- 1.392 All incidents where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned. Include joyriding in

this category. If a vehicle is stolen in conjunction with another offense, classify the crime using the procedures for classifying multiple offenses.

**1.40 Arson**

1.401 All of the evidence for any fire not known to be accidental (such as a cooking fire) must be considered by the institutional official designated to make such determinations.

**1.41 Do not classify as arson:**

1.411 Fires of suspicious origin

1.412 Fires of unknown origin

**1.5 The FBI's Hierarchy Rule must be used when counting multiple offenses.**

**1.51 Beginning with the most serious offense, the following shows the hierarchy for Clery Act reporting:**

1.511 Murder and Non-Negligent Manslaughter

1.512 Manslaughter by Negligence

1.513 Sexual Assault

1.514 Robbery

1.515 Aggravated Assault

1.516 Burglary

1.517 Motor Vehicle Theft

**1.52 Exceptions to using the Hierarchy Rule when counting offenses.**

1.521 Arson

1.522 Sexual Assaults

1.523 Hate Crimes

1.524 VAWA offenses

**1.53 Rules for counting arson are:**

1.531 Always count arson regardless of the nature of any other offenses that were committed during the same incident.

1.532 When multiple offenses are committed during the same distinct operation as the Arson offense, report the most serious offense along with the arson.

1.533 Include incidents in which persons are killed as a direct result of arson as murder and non-negligent manslaughter and arson or manslaughter

by negligence and arson.

**1.54 The rules for counting sexual assaults are:**

- 1.541 If rape, fondling, incest or statutory rape occurs in the same incident as murder, count both the sexual assault and the murder.
- 1.542 Fondling is recognized as an element of the other sexual assaults. Include a sexual assault as fondling only if it is the only sexual assault. If fondling occurs in the same incident as murder, count both the fondling and the murder

**1.6 Hate Crimes**

**1.61 Hate Crimes include any of the following offenses that are motivated by bias:**

**Murder and Non-Negligent Manslaughter**

- 1.611 Sexual Assault
- 1.612 Robbery
- 1.613 Aggravated Assault
- 1.614 Burglary
- 1.615 Motor Vehicle Theft
- 1.616 Arson

**1.62 Included in statistics only if hate crime:**

- 1.621 Larceny-Theft
- 1.622 Simple Assault
- 1.623 Intimidation
- 1.624 Destruction/Damage/Vandalism of Property

**1.63 Classify as Larceny:**

- 1.631 Thefts of bicycles or automobile accessories.
- 1.632 Shoplifting.
- 1.633 Pocket-picking.
- 1.634 The stealing of any property or article that is not taken by force and violence or by fraud.
- 1.635 Any of the above regardless of the value of the item or items taken (For example, include the unlawful taking of a parking sticker that is peeled off a car windshield.)
- 1.636 Attempted larcenies.

**1.64 Do not classify as Larceny:**

- 1.641 Motor Vehicle Theft.
- 1.642 Attempted Motor Vehicle Theft.
- 1.643 Embezzlement.

- 1.644 Confidence games.
- 1.645 Forgery.
- 1.646 Worthless checks.

**1.65 Simple Assault:**

- 1.651 Include all assaults that do not involve the use of a firearm, knife, cutting instrument or other dangerous weapon, and in which the victim did not sustain serious or aggravated injuries.

**1.66 Intimidation:**

- 1.661 A person is assumed to be placed in “reasonable fear” if he or she reports threatening words or other conduct to law enforcement personnel.

**1.67 Destruction/Damage/Vandalism of Property Classification examples**

- 1.671 Cutting auto tires.
- 1.672 Drawing obscene pictures on restroom walls.
- 1.673 Smashing windows.
- 1.674 Destroying school records.
- 1.675 Defacing library books.

**1.68 Do not classify as Destruction/Damage/Vandalism of Property:**

- 1.681 Incidents of burning that willfully or maliciously destroy, damage or deface property. Classify such incidents as Arson.

**1.69 Additional considerations in determining whether an incident is a Hate Crime:**

- 1.691 Need for a case-by-case assessment of the facts.
- 1.692 Misleading facts.
- 1.693 Feigned facts.
- 1.694 Offender’s mistaken perception.

**1.70 Rules for Counting Hate Crimes**

- 1.701 Count all of the offenses committed in a multiple offense incident that are bias-motivated.
- 1.702 In reporting the number of hate crimes, you must include only the

crimes that are bias-motivated as hate crimes in a multiple-offense incident.

- 1.703 For any criminal offense that is also a hate crime, your statistics should indicate the offense and also the offense with the category of bias.
- 1.704 The exception, aggravated assault, is not included in the criminal offenses category because of the hierarchy rule.

### **1.71 VAWA Offenses**

- 1.711 Dating Violence
- 1.712 Domestic Violence
- 1.713 Stalking

### **1.72 Rules for Counting VAWA Offenses**

- 1.721 The Hierarchy Rule does not apply to VAWA offenses. Therefore, for any criminal offense, hate crime, or arrest for weapons, drug or liquor law violations that is also a VAWA offense, SHSU statistics must reflect the original offense and the VAWA offense.

## **1.8 Arrests and Disciplinary Referrals for Violation of *Weapons, Drug Abuse and Liquor Laws***

### **1.81 Report statistics for violations of the law that occur on your *Clery Act* geography and result in arrests or persons being referred for disciplinary action, whether staff, faculty or students, for the following:**

- 1.811 Weapons: carrying, possessing, etc.;
- 1.812 Drug abuse violations; and
- 1.813 Liquor law violations.

### **1.82 If an individual is both arrested and referred for disciplinary action for an offense, include only the arrest in your statistics.**

### **1.84 Arrests and referrals for these law violations are not covered by the Hierarchy Rule used to count Criminal Offenses.**

### **1.85 SHSU Chief of Police or designee must count arrests for Weapons, Drug Abuse and Liquor Law Violations in addition to the most serious Criminal Offense when occurring in a single incident.**

### **1.86 Classify as arrests:**

- 1.861 Those persons arrested and released without a formal charge being placed against them.

- 1.862 Juveniles taken into custody or arrested but merely warned and released without being charged.
- 1.863 Any situation where a young person, in lieu of actual arrest, is summoned, cited or notified to appear before the juvenile or youth court, or similar official for a violation of the law.
- 1.864 Only violations by young persons where some police or official action is taken beyond a mere interview, warning or admonishment.
- 1.865 Arrests or referrals that were reported to the SHSU Department of Human Resources or the Dean of Students are forwarded to the SHSU Chief of Police for inclusion into SHSU Clery Act statistical reporting.

**1.87 Do not classify as arrests incidents in which:**

- 1.851 Police contact a juvenile who has not committed an offense.
- 1.852 Police take a juvenile into custody for his or her own protection, but the juvenile did not commit a crime.
- 1.853 Officers make call backs or follow-up contacts with young offenders for the purpose of determining their progress.
- 1.854 An individual makes a "citizen's arrest."
- 1.855 The arrest was for something other than a violation of a weapons, drug abuse or liquor law (e.g., an arrest for an aggravated assault).
- 1.856 A civil citation is issued.

**1.88 Rules for Counting Arrests for Weapons: Carrying, Possessing, Etc., Drug Abuse Violations; and Liquor Law Violations**

- 1.881 Count the number of arrests for Weapons: Carrying, Possessing, Etc., the number of arrests for Drug Abuse Violations and the number of arrests for Liquor Law Violations.
- 1.882 If a single incident involving a Liquor Law Violation resulted in the arrest of 10 students, count this as 10 arrests.
- 1.883 If the same person is arrested for multiple incidents in the same calendar year (e.g., one arrest in February and one arrest in March), count this as two arrests. Count this as two arrests even when both arrests are for the same type of violation.
- 1.884 If an individual is arrested for one type of law violation and referred for disciplinary action for a different type of law violation during a single incident (e.g., arrested for a drug abuse violation and referred for a liquor law violation), count only the arrest.
- 1.885 If a person is both arrested and referred for disciplinary action for a single incident involving a law violation (e.g., a drug abuse violation), count only the arrest.

- 1.886 If a person is arrested for multiple violations during a single incident (e.g., violations of both drug abuse and liquor laws), the SHSU PD Chief of Police or his/her designee determines which violation to count and documents the justification for this determination.

**1.89 Rules for Counting Referrals for Disciplinary Action for Weapons: Carrying, Possessing, Etc., Drug Abuse Violations; and Liquor Law Violations**

- 1.891 Count the number of persons who were referred for Weapons, the number referred for Drug Abuse Violations and the number referred for Liquor Law Violations.
- 1.891 Only count the number of persons referred for violations of the law.
- 1.892 If a person is referred for disciplinary action for multiple incidents in the same calendar year count this as two referrals for disciplinary action.
- 1.893 If an individual is arrested for one type of law violation and referred for disciplinary action for a different type of law violation during a single incident count only the arrest.
- 1.894 If a person is referred for disciplinary action for multiple violations during a single incident the SHSU Chief of Police or designee may use his/her discretion to determine which violation to count. It is recommended that justification for the discretion used in the single incident be documented to support the referral(s).
- 1.895 If a person is issued a civil citation for a law violation (e.g., in lieu of an arrest) do not count as an arrest. If the person is also referred for disciplinary action for the same violation, count the disciplinary referral.

**1.90 How to Classify Weapons Law Violation**

- 1.901 Manufacture, sale, or possession of deadly weapons according to state law and university policy and
- 1.902 Carrying deadly weapons in violation of state law or university policy.
- 1.903 Furnishing deadly weapons to minors.
- 1.904 Aliens possessing deadly weapons.
- 1.905 Attempts to commit any of the above.

**1.91 Classify as a Drug Abuse Violation:**

- 1.911 All drugs, without exception, that are illegal under local or state law where your institution is located.  
All illegally obtained prescription drugs



**1.92 Do not classify as a drug abuse violation:**

- 1.921 Use of legally obtained, personal prescription drugs used by the owner in a manner not consistent with the instructions provided by the physician.

**1.93 Classify as a liquor law violation:**

- 1.931 The manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor.
- 1.932 Maintaining unlawful drinking places.
- 1.933 Bootlegging.
- 1.934 Operating a still.
- 1.935 Furnishing liquor to a minor or intemperate person.
- 1.936 Underage possession.
- 1.937 Using a vehicle for illegal transportation of liquor.
- 1.938 Drinking on a train or public conveyance.
- 1.939 Attempts to commit any of the above.

**1.94 Do not classify as a Liquor Law Violation:**

- 1.941 Drunkenness (Public Intoxication)
- 1.942 Driving under the influence (DWI)

**1.95 Unfounded Crimes**

- 1.951 A crime is considered unfounded for Clery Act purposes only if the SHSU Chief of Police or designee (a commissioned law enforcement officer) make a formal determination that the report is false or baseless.
- 1.952 A reported crime cannot be designated “unfounded” if no investigation was conducted or the investigation was not completed. A crime report cannot be designated unfounded merely because the investigation failed to prove that the crime occurred.

**1.96 Do not count as unfounded crimes:**

- 1.961 Crimes that were initially misclassified.
- 1.962 Crimes that were initially reported as occurring on Clery Act geography through investigation but determined to have occurred outside of Clery Act geography
- 1.963 Burglary, robbery, or larceny-theft incidents in which the property

was returned. The crimes still occurred.

- 1.964 Reports of weapons: carrying, possessing, etc. violations, drug abuse violations, or liquor law violations in which officers were unable to substantiate the report and no arrests were made. For example, if an officer investigates a report of marijuana smoke and does not find any drug abuse violation, the report is unsubstantiated, not unfounded. There is no crime to unfound.
- 1.965 Reports from local law enforcement of unfounded arrests. Arrests cannot be unfounded.
- 1.966 Disciplinary referrals in which it is determined through the disciplinary process that no law violation occurred or no sanction is imposed. Once a student has been referred for disciplinary action, a record has been initiated and the referral must be counted. Disciplinary referrals cannot be unfounded.
- 1.967 Reports from local law enforcement of crimes that were unfounded because the victim refused to cooperate with authorities or there was not enough evidence to press charges. To be unfounded, investigation must prove that the crime did not occur and was never attempted.
- 1.968 Findings of a judge, jury, disciplinary committee or any other person or entity that is not a sworn or commissioned law enforcement officer. A district attorney may unfound a crime only if he or she is also a sworn or commissioned law enforcement officer.
- 1.969 Reports of crimes where the victim later retracts his or her statement, or withdraws a complaint, unless a thorough investigation proves that the crime did not occur and was never attempted. A victim might retract his or her statement because he or she does not want to continue to answer questions or is being pressured by the perpetrator or other parties. A retracted statement or withdrawal of a complaint alone is not sufficient evidence to prove that the crime did not occur.

**1.97 Do count as unfounded crimes:**

- 1.971 Motor vehicle thefts where an SHSU PD investigation determined that the car was misplaced by the owner and a motor vehicle theft did not occur and was never attempted.
- 1.972 Burglaries where investigation determined that the items were misplaced by the owner and Burglary did not occur and was not attempted.

**1.98 Excluded Crimes**

- 1.981 If you disclose statistics for non-Clery Act crimes, disclose them in a

- manner either separating the statistics from one another or declaring they are included and the reason why.
- 1.982 Crimes not committed in geographic locations specified by the Clery Act.

### **1.99 Review of Policy**

- 1.991 All Safety and Security policies found in this section shall serve for all campuses of Sam Houston State University and be reviewed at the end of each January for possible improvements or corrections, or when changes in Federal Law dictate a revision or addition to policies.

**Responsible Department:** Sam Houston State University Police Department

**Date of Policy:** 8/1/16

**Location of Policy Statement:** 2015 ASR

**Legal Reference(s):** Reported crime statistics citation 34 CFR 668.46(c)

<http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=34:3.1.3.1.34>

Hierarchy rule citation 34 CFR 668.46(c)(9)

<http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=34:3.1.3.1.34>

Hate crime citation 34 CFR 668.46(c)(4)

<http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=34:3.1.3.1.34>

Arrests and referrals citation 34 CFR 668.46(c)(1)(ii)

<http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=34:3.1.3.1.34>

Unfounded crimes citation 34 CFR 668.46(c)(2)(iii)

<http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=34:3.1.3.1.34>

**Reference(s):** The Clery Handbook of Campus Safety and Security Reporting 2016 Edition  
<https://www2.ed.gov/admins/lead/safety/handbook.pdf>

## **Sam Houston State** **University**

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Definitions for terms within the following policies can be found in Annex A.

SHSU Chief of Police Department or designee has the responsibility for Requesting Statistics from Local Law Enforcement Agencies as follows:

## 2.5 Requesting Statistics from Local Law Enforcement Agencies

### 2.51 Clery Act and SHSU Requirements

- 2.511 The Clery Act requires SHSU UPD make a “reasonable, good-faith effort” to obtain Clery Act crime statistics from all local law enforcement agencies that have jurisdiction over the SHSU’s Clery Act geography.
- 2.512 The SHSU Chief of Police or designee must ask for local or state law enforcement statistics for *Clery Act* crimes that occurred on any area included in SHSU’s Clery Act geography with documentation of a good faith effort, and documentation if the request was denied.
- 2.513 SHSU will not be held responsible for the failure of the local or state agency to supply the statistics.
- 2.514 SHSU Chief of Police or designee may rely on the statistics provided by the local or state law enforcement agency
- 2.515 The SHSU Chief of Police or designee should make requests for statistics in January of each year in order to give sufficient time for the agency to gather the information, if possible.
- 2.516 SHSU Chief of Police or designee must document the good faith effort to obtain the statistics including any follow-up requests.
- 2.517 If supplied local law enforcement statistics cannot be determined to apply or include SHSU’s Clery geography, SHSU’s Chief of Police or designee should provide a caveat in the ASR that the statistics were requested but not available in a useable format.

### 2.52 Policy Review

- 2.521 All Safety and Security policies found in this section shall serve for all campuses of Sam Houston State University and be reviewed at the end of each January for possible improvements or corrections, or when changes in Federal Law dictate a revision or addition to policies.

**Responsible Department:** Sam Houston State University Police Department

**Location of Policy Statement:** 2015 ASR

**Reference(s):** Requesting local police statistics citation 34 CFR 668.46(c)(9)  
<http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=34:3.1.3.1.34>

**Reference(s):** The Handbook for Campus Safety and Security Reporting 2016 Edition  
<https://www2.ed.gov/admins/lead/safety/handbook.pdf>

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SHSU Chief of Police Department or designee has the responsibility for Daily Crime Log and other Campus Safety and Security Policies as follows:

**2.53 The Daily Crime Log**

- 2.531 For Clery Act purposes, Sam Houston State University Chief of Police or designee is required to record all criminal incidents and alleged criminal incidents that are reported to the campus police for the required Clery Act geographic locations.
- 2.532 The crime log includes specific information about criminal incidents, not crime statistics.
- 2.533 A crime must be entered into the log within two business days of when it was reported to the SHSU Police Department
- 2.534 The UCR Hierarchy Rule does not apply to the crime log. If multiple criminal offenses are committed during a single incident, all of the offenses must be recorded in the log.
- 2.535 The additional geographic locations that applies exclusively to the crime log that must be recorded includes crimes that occurred within the patrol zones of the SHSU Police Department.

**2.54 Information included on the Crime Log:**

- 2.441 The date the crime was reported
- 2.442 The date and time the crime occurred
- 2.443 The nature of the crime
- 2.444 The general location of the crime
- 2.444 The disposition of the crime if, known

**2.55 Exceptions to Maintaining Log and accessibility to on site location**

- 2.551 If the disclosure is prohibited by law;
- 2.552 If the disclosure would jeopardize the confidentiality of the victim.
- 2.553 Place in your policy statement where the crime log URL is located
- 2.554 If electronic log is unavailable, a paper copy is to be kept at the SHSU Police Department and made available to public
- 2.555 The crime log must be publicized on the SHSU PD website and other locations where it may be easily observed.
- 2.556 The SHSU Police Department crime log for the most recent 60-day period

must be available to the public including the media free of charge.

## **2.56 Policy Review**

2.561 All Safety and Security policies found in this section shall serve for all campuses of Sam Houston State University and be reviewed at the end of each January for possible improvements or corrections, or when changes in Federal Law dictate a revision or addition to policies.

**Department:** Sam Houston State University Police Department

**Location of Policy Statement:** ASR 2015

**Reference(s):** Daily crime log citation **34 CFR 668.46(f)**

<http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=34:3.1.3.1.34>

**Reference(s):** The Handbook for Campus Safety and Security Reporting 2016 Edition

<https://www2.ed.gov/admins/lead/safety/handbook.pdf>

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## **2.59 Timely Warning**

2.591 The Chief of police or designee is responsible to:

### **2.60 Required to alert the campus community crimes listed in the Clery Act that is**

2.601 Found in SHSU UPD policy 1.03

2.602 Timely (in a manner that allows people to protect themselves.)

2.603 issued as soon as the pertinent information is available, which will aid in the prevention of similar crimes.

### **2.61 Crimes subject to a timely warning**

2.611 reported to campus security authorities or local police agencies

2.612 considered by SHSU or the Chief of Police to represent a serious or continuing threat to students and employees.

### **2.62 Crimes exempt from timely warning requirement**

- 2.621 For non-Clery Act crimes
- 2.622 Crimes reported to a pastoral or professional counselor

**2.63 Making the Decision to Issue a Timely Warning**

- 2.631 Case by case basis

**2.64 Includes such factors as:**

- 2.641 The nature of the crime
- 2.642 The continuing danger to the campus community
- 2.643 The possible risk of compromising law enforcement efforts

**2.65 Determining the Content of a Timely Warning**

- 2.651 Information provided by the chief of police or his/her designee should include all information that would promote the safety of the community and aid in the prevention of crimes.

**2.66 This information content for a timely warning may include:**

- 2.661 Date
- 2.662 Time frame
- 2.663 Method of Operation, or how crime was conducted
- 2.664 Suspect information
- 2.664 Vehicle information
- 2.665 Location(s) where crimes are occurring
- 2.666 Crime prevention information specific to crime(s) committed
- 2.667 May include personally identifiable information if necessary
- 2.668 Other information not covered in the above listed information

**2.67 Issuing a timely warning may be accomplished by:**

- 2.671 Email
- 2.672 Postings around campus and residence halls
- 2.673 Building or patrol car loudspeakers
- 2.674 Police Department Facebook or twitter (social media)
- 2.675 SHSU PD website

**2.68 Policy Review**

- 2.681 All Safety and Security policies found in this section shall serve for all

campuses of Sam Houston State University and be reviewed at the end of each January for possible improvements or corrections, or when changes in Federal Law dictate a revision or addition to policies.

**Department:** Sam Houston State University Police Chief or designee

**Location of Procedure(s):** 2015 ASR

**Reference(s):** Timely warning citation § 34 CFR 668.46(e)

<https://www.gpo.gov/fdsys/pkg/CFR-2012-title34-vol3/pdf/CFR-2012-title34-vol3-sec668-46.pdf>

FERPA and the Timely Warning citation § 34 CFR 99.31(b)(6) and §34 CFR 99.36

<https://www.gpo.gov/fdsys/pkg/CFR-2011-title34-vol1/pdf/CFR-2011-title34-vol1-sec99-31.pdf>

[http://www.ecfr.gov/cgi-bin/text-idx?node=34:1.1.1.1.33.4&rgn=div6#se34.1.99\\_131](http://www.ecfr.gov/cgi-bin/text-idx?node=34:1.1.1.1.33.4&rgn=div6#se34.1.99_131)

**Reference(s):** The Handbook for Campus Safety and Security Reporting 2016 Edition

<http://www2.ed.gov/admins/lead/safety/handbook.pdf>

## Sam Houston State

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## **2.7 Crime Prevention Programs**

### **2.71 Description of Programs**

- 2.711 The SHSU Chief of Police or designee is directed to provide a description of programs designed to inform students and employees about the awareness and prevention of crimes in a policy statement to be submitted to the Annual Security Report each year by October 1<sup>st</sup>.
- 2.712 The statement should include information about campus security practices and procedures, and
- 2.713 Each program should encourage all students and staff to be responsible for their own security and to be responsible for the security of others.

### **2.72 Programs in the statement should indicate:**

- 2.721 Type



- 2.722 Frequency
- 2.723 Date and time

**2.73 Program listings should also indicate programs were provided to:**

- 2.731 Employees
- 2.732 Students, or
- 2.733 Both

**2.74 Program Submissions**

- 2.741 The SHSU Chief of Police or designee will accept from all departments submissions of those departments' crime prevention programs in the same Police Department format.
- 2.742 All program submissions are required to be entered into the policy statement and into the yearly Annual Security Report.
- 2.743 Submissions must be received by January 31 each year for the preceding year's programs.
- 2.744 A form shall be provided at a UPD website location for other department's documented crime prevention programs, as well as VAWA related programs conducted by the Office of Equity and Inclusion and other SHSU departments and committees.

**2.75 Policy Review**

- 2.751 All Safety and Security policies found in this section shall serve for all campuses of Sam Houston State University and be reviewed at the end of each January for possible improvements or corrections, or when changes in Federal Law dictate a revision or addition to policies.

**Department:** Sam Houston State University Police Chief or his/her designee

**Location of Procedure(s):** ASR 2015

**Location to Record Programs Given:** <http://www.shsu.edu/dept/public-safety/upd/documents/VAWA%20Crime%20Prevention%20Program.pdf>

**Reference(s):** Crime Prevention Programs, Safety Responsibility **34 668.46(b)(5)(6)**

<https://www.gpo.gov/fdsys/pkg/CFR-2012-title34-vol3/pdf/CFR-2012-title34-vol3-sec668-46.pdf>

**Reference(s):** The Handbook for Campus Safety and Security Reporting 2016 Edition  
<http://www2.ed.gov/admins/lead/safety/handbook.pdf>

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Definitions for terms within the following policies can be found in Annex I.

SHSU Chief of Police Department or his/her designee has assigned the responsibility for submission of required Clery policy statements and other Campus Safety and Security Policies as follows: Where sex offender information provided by the state is available.

**2.8 Sex offender information location**

- 2.811 The SHSU Police Department Chief of Police or designee is directed to provide where and how to find information provided by the State of Texas concerning possible sex offenders who may be a student or an employee at SHSU.
- 2.812 Should the location of the sex offender site provided by the state of Texas change, this policy directs the SHSU Police Department Chief or designee to include within each forthcoming annual security report a statement advising the campus community where law enforcement agency information provided by the State of Texas is located.
- 2.813 The current site for the location of the sex offender site is:  
<http://www.shsu.edu/dept/public-safety/upd/index.html>
- 2.814 A direct link to the Texas Sex Offender Registry  
<https://records.txdps.state.tx.us/SexOffender/>

**Date of Policy:** 8/1/16

**Department:** Sam Houston State University Police Chief or designee

**Location of Procedure(s):** 2015 ASR

**Reference(s):** 34 CFR §668.46 (2) (11) (B) (12)

<https://www.gpo.gov/fdsys/pkg/CFR-2012-title34-vol3/pdf/CFR-2012-title34-vol3-sec668-46.pdf>

**Reference(s):** [Sec. 170101\(j\) of the Violent Crime Control and Law Enforcement Act of 1994 \(42 U.S.C. 14071\(j\)\)](#)

**Reference(s):** The Handbook for Campus Safety and Security Reporting 2016 Edition  
<https://www2.ed.gov/admins/lead/safety/handbook.pdf>

# Sam Houston State University

*A Member of The Texas State  
University System  
Public Safety*

Definitions for terms within the following policies can be found in Annex A.

SHSU Chief of Police Department or designee has been assigned the responsibility for required Clery policy statements and other Campus Safety and Security Policies as follows:

Relationships with other law enforcement authorities and MOU's

**2.82 Sam Houston State University Police Department seeks to maintain a good working relationship with other law enforcement authorities to include:**

- 2.821 Federal agencies
- 2.822 State agencies
- 2.823 Local agencies

**2.83 Relationships with other agencies attempts to ensure:**

- 2.831 That crimes involving Clery required statistics at off-campus sites, including student organizations with noncampus housing facilities, may be reported to the SHSU Police Department for Clery statistical purposes.
- 2.832 When needed, gain assistance from other agencies with manpower, equipment or certain law enforcement skill sets unavailable to SHSU PD.
- 2.833 MOU's (Memorandums of Understanding) are used to support the goals of Campus Safety and Security policies 2.831 and 2.832 in service to SHSU.
- 2.834 The SHSU Chief of Police or designee, in an effort to document all MOU's with other law enforcement agencies, shall list the current agencies that SHSU Police department currently has in each year's policy statement for the ASR, and maintain a copy of the MOU's at the SHSU Police Department.
- 2.835 The SHSU Police Department Chief of Police or designee shall renew or rewrite MOU's with current law enforcement agencies on a bi-annual basis. If there is a change in the status of the MOU with any agency, or a new agency is added, the information for the ASR policy statement shall be changed.

**Department:** Sam Houston State University Police Department

**Location of Procedure(s):** 2015 ASR

**Reference(s):** 34 CFR §668.46 (b) (11) (vi), 34 CFR §668.46 (b) (7)  
<https://www.gpo.gov/fdsys/pkg/CFR-2011-title34-vol3/pdf/CFR-2011-title34-vol3-sec668-46.pdf>

**Reference(s):** The Handbook for Campus Safety and Security Reporting 2016 Edition  
<http://www2.ed.gov/admins/lead/safety/handbook.pdf>

## Sam Houston State University

*A Member of The Texas State  
University System*  
**Public Safety**

Definitions for terms within the following policies can be found in Annex A.

### **2.82 Authority and Jurisdiction of Sam Houston State University Police Department**

#### **2.83 Authority of Sam Houston State University Police Department**

2.831 Sam Houston State University's Police Department personnel is lawfully recognized by Texas State law as law enforcement officers under the Texas Code of Criminal Procedure, Article 2.12 (8) – Who are Peace Officers- Officers commissioned under Section 51.203, Education Code, or Subchapter E, Chapter 51, Education Code; and are authorized to make arrests and other powers of law enforcement duties.

#### **2.84 Jurisdiction of Sam Houston State University Police Department**

2.841 The primary jurisdiction of the Sam Houston State University Police Department is determined by Section 51.203 of the Texas Education Code, and encompasses all counties where SHSU owns, leases or controls property by written agreement.

#### **2.85 MOU with other agency**

2.851 Write a new memorandum of Understanding (MOU) with the listed law enforcement authorities (unless a change is warranted in selection of agencies) in UPD Policies Section 3.02 on a bi-annual basis. The MOU's between SHSU PD and participating agencies are to be maintained at the SHSU Police Department by Chief Morris or designee.

**Date of Policy:** 8/1/16

**Department:** Sam Houston State University Police Department

**Location of Procedure(s):** 2015 ASR

**Reference(s): 34 CFR §668.46 (b) (11) (vi), 34 CFR §668.46 (b) (7)**

<https://www.gpo.gov/fdsys/pkg/CFR-2011-title34-vol3/pdf/CFR-2011-title34-vol3-sec668-46.pdf>

**Reference: §668.46 (4)(i)** <https://www.gpo.gov/fdsys/pkg/CFR-2011-title34-vol3/pdf/CFR-2011-title34-vol3-sec668-46.pdf>

**Reference:** Campus Safety and Security Handbook 2016 edition, located at:  
<http://www2.ed.gov/admins/lead/safety/handbook.pdf>

## **Annex A Definitions**

### **To be included with Annex**

#### **ABBREVIATIONS used in 2016 Clery Handbook**

AD: Athletics director

*Clery Act: Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*

*Clery Act geography:* Buildings or property that meet the definition of On Campus, Public Property, or Noncampus buildings or property as defined by the *Clery Act* and discussed in Chapter 2 of this handbook

CSA: Campus Security Authority

DUI: Driving under the influence

DWI: Driving while intoxicated

*FERPA: Family Educational Rights and Privacy Act*

FBI: Federal Bureau of Investigation

FSEOGs: Federal Supplemental Educational Opportunity Grants

GO: General order

*HEA: Higher Education Act of 1965*

LEAP: Leveraging Educational Assistance Partnership

MOU: Memorandum of Understanding

NIBRS: Uniform Crime Reporting National Incident-Based Reporting System

PPA: Program Participation Agreement

RA: Resident assistant

SOP: Standard operating procedure

The Department: U.S. Department of Education

UCR: Uniform Crime Reporting

*VAWA: Violence Against Women Act*

**Administrative personnel** encompass a variety of individuals who may have some responsibility for the activities that take place at the location; administrative personnel include, for example, a director, a building coordinator, a registrar or a secretary.

**Athletic campuses or complexes:** If your institution owns a noncontiguous athletic complex that has administrators on site and houses classrooms used for courses that are part of an organized program of study.

**Branch Campus:** A location of an institution that is geographically apart and independent of the main campus of the institution. A location of an institution is considered independent of the main campus if the location is permanent in nature, offers courses in educational programs leading to a degree or other recognized educational credential, has its own faculty and administrative or supervisory organization, and has its own budgetary and hiring authority.

**Branch Campus definition citation 34 CFR 600.2**

**Business day.** Monday through Friday, excluding any day when the institution is closed

**Campus.** (i) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

(ii) Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). **On-campus definition citation 34 CFR 668.46(a)**

**Campus Security Authority.** (i) A campus police department or a campus security department of an institution.

(ii) Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph

(i) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.

(iii) 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.

(iv) 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. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

**Clery geography.** (i) For the purposes of collecting statistics on the crimes listed in paragraph (c) of this section for submission to the Department and inclusion in an institution's annual security report, Clery geography includes—

(A) Buildings and property that are part of the institution's campus;

(B) The institution's noncampus buildings and property; and

(C) Public property within or immediately adjacent to and accessible from the campus.

(ii) For the purposes of maintaining the crime log required in paragraph (f) of this section, Clery geography includes, in addition to the locations in paragraph (i) of this definition, areas within the patrol jurisdiction of the campus police or the campus security department. **Geographic breakdown citation 34 CFR 668.46(c)(4)**

**Controlled by** means that your institution (or an institution-associated entity as described below) directly or indirectly rents, leases or has some other type of **written** agreement (including an informal one, such as a letter or an e-mail) for use of a building or property, or a portion of a building or property.

**Directly support, or relate to, the institution's educational purposes** refer to the function of the building or property.

**“Educational purposes** are buildings or property that support or relate to the institution's educational purposes will vary based on the type of institution and characteristics of its campus. Functions related to educating students, housing students or faculty, providing administrative support for the school, providing supplies or services for employees or students, maintaining the grounds and facilities, housing or supporting athletics or other student activities or organizations, etc., would all directly support or relate to the institution's educational purposes.”

**Ethnicity:** a preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry

**Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program.** A nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and

federal law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of crimes in Appendix A to this subpart and the requirements for classifying crimes in this subpart.

**Foreign locations:** A foreign location that a U.S. institution owns or controls that has an organized program of study and administrative personnel on-site is a separate campus.

**Military bases:** If your institution has a written agreement giving it use of a defined space within the base, and the location otherwise meets the definition of a campus, it's a separate campus.

**National origin:** a preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth

**Noncampus buildings or property:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. **Noncampus definition citation 34 CFR 668.46(a)**

**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.

**On-campus property:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor). **On-campus definition citation 34 CFR 668.46(a)**

**On-campus student housing facility:** any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. **On-campus student housing facility definition citation 34 CFR 668.41(a)**

**Crimes by location citation 34 CFR 668.46(c)(4)(ii)**

**organized program of study** means that the location offers courses in educational programs leading to a degree, certificate, or other recognized credential



**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.

“**personally identifying information**” or “**personal information**” means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, regardless of whether the information is encoded, encrypted, hashed, or otherwise protected, including—

- (A) a first and last name;
- (B) a home or other physical address;
- (C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
- (D) a social security number, driver license number, passport number, or student identification number; and
- (E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that would serve to identify any individual.

**40002(a)(20) of the *Violence Against Women Act of 1994***

**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.

**Programs to prevent dating violence, domestic violence, sexual assault, and stalking. (i)** Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that—

- (A) Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
- (B) Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

(ii) Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

**Public property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. **Public property definition citation 34 CFR 668.46(a)**

**Reasonably contiguous** refers to a building or property your institution owns or controls that's in a location that you and your students consider to be, and treat as, part of your campus.

**Referred for campus disciplinary action.** The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

**Research campuses:** If your institution owns a farm, agricultural or horticultural center, or other noncontiguous research facility that has an administrator on-site and that is used by students for recurring classes, recurring field trips, internships, student jobs or other regularly scheduled use, it should be considered a separate campus.

**Risk reduction** is defined as options designed to:

- decrease perpetration and bystander inaction;
- increase empowerment for victims in order to promote safety; and
- help individuals and communities address conditions that facilitate violence.

**School:** A school is a division of an institution that is organized to give instruction of a defined type, such as a school of business, law, medicine or nursing. A school may be, but is not always, a separate campus.

**separate campus** meets all of the following criteria:

Your institution owns or controls the site;  
It is not reasonably geographically contiguous with the main campus;  
It has an organized program of study; and  
There is at least one person on site acting in an administrative capacity.

**Test.** Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

## **Clery Crime Definitions**

**Murder and 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.

**Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

**Incest-** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

**Date Rape Drug:** Under Clery, the administration of a date rape drug in an unsuccessful attempt to incapacitate and sexually assault the victim, and investigation determines that the perpetrator's attempt was to commit a sex offense, is a sexual assault. Administration of a date rape drug in which intent cannot be proven is an Aggravated Assault.

**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. Aggravated assault includes poisoning (date rape drug, etc.)

**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 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 are later abandoned – including joy riding).

**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 kind.

**Liquor Law Violations:** 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. (Drunkenness and driving under the influence are not included in this definition.)

**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, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

**Hate crime.** A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

**Hierarchy Rule.** A requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted. **Hierarchy rule: citation 34 CFR 668.46(c)(9)**

**(Crime definitions are from the Uniform Crime Reporting Handbook. Sex offense definitions are from the National Incident-Based Reporting System edition of the Uniform Crime Reporting Program).**

**Dating violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(ii) For the purposes of this definition—

(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(B) Dating violence does not include acts covered under the definition of domestic violence.

(iii) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Domestic violence.** (i) A felony or misdemeanor crime of violence committed—

(A) By a current or former spouse or intimate partner of the victim;

(B) By a person with whom the victim shares a child in common;

(C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

(D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or

(E) 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 in which the crime of violence occurred.

(ii) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Stalking.** (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

(ii) For the purposes of this definition—

(A) **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(B) **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.

(C) **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(iii) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Additional crimes are defined by the State of Texas and can be found in the **TEXAS STATE UNIVERSITY SYSTEM SEXUAL MISCONDUCT POLICY AND PROCEDURES** located at <http://www.shsu.edu/titleix/Sexual+Misconduct+Policy.pdf>