




Why is this so easy?
Daily Crime Log: Mistakes and Common Errors — How to Get it Right




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Why are we here?




- Daily Crime Log requirements
 - Do we KNOW what the requirements are?
 - Are we DOING what the requirements ask?
- Confusion from outside can make us appear lacking
 - Constant media attention- scrutiny is often the first black eye
 - "They must be covering up something"
- How do we get others to see where we think we are?
 - We are always in compliance, ...until we aren't
 - Would your least trained person pass the test?

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What are we asked to do? 1 of 3



- "The purpose of the daily crime log is to record all **criminal incidents** and **alleged criminal incidents** that are reported to the campus police or security department."
(Handbook for Campus Safety and Security Reporting, 2016, 5-2)
- There is NO Hierarchy rule- Every crime gets counted
- "Patrol Jurisdiction" is NOT "Clery Geography"
- Enter crimes within (2) two days of report to Campus Police or Security

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What are we asked to do? 2 of 3 

- Create your Log
 - ❑ Date Crime was reported
 - ❑ Date AND Time Crime occurred
 - ❑ Nature of Crime
 - ❑ General Location of Crime
 - ❑ Disposition of Complaint
- Maintain your Log
 - ❑ Record case changes within (2) two days (e.g., "open" to "closed")
 - ❑ DON'T DELETE AN ENTRY- UPDATE IT
 - ❑ Remember you must update changes for 60 days from inclusion

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What are we asked to do? 3 of 3 

- Make your Log Available
 - ❑ It can be hard copy or electronic
 - ❑ You should disclose:
 - how to view it,
 - what it contains,
 - where it is
 - ❑ Most recent 60 days must be IMMEDIATELY accessible
 - ❑ Any portion beyond 60 days must be made available within 2 business days
 - ❑ Archives must be kept for 7 years

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What can we NOT do? 

- We can NOT ask WHO they are
- We can NOT ask why they want to see it
- We can NOT ask if they are related to or employed by the College/University?
- We can NOT require a written request
- We can NOT deny media request

Just give them the Log!

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If we ARE fundamentally doing what we are asked, why do we look so bad?

- We believe that *we* know
- We believe that *they* know
- We discover that **NO ONE** knows

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Loyola University

- Drive-by shooting occurs within "patrol jurisdiction", multiple shots fired, no one is hit. School newspaper discovers that no log entry was included for thirty (30) days.
- This leads to further investigation which determines:
 - "Campus Safety hasn't released a crime alert — typically sent out via a campus-wide email — in six months, despite **recording** 18 violent crimes in its police logs since the start of the school year."

(Campus Safety's Lack of Transparency Misrepresents Community's Crime Rate, Loyola Phoenix , October 19, 2017)

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Pomona College

- The editor claims to be researching bicycle thefts for a project.
 - "To access records, I was required to submit identification, being that the Campus Safety representative stated that the department is obligated to maintain a record of who accesses the log."
 - "Campus Safety informed me that photographing the logs or possessing a digital copy would be illegal."
 - Campus Safety Director [allegedly] claimed that neither he nor Pomona College "possesses the statutory authority" to release digital copies of the logs. He further claimed to be unable to find "a colleague that supports this much broader interpretation" of the Clery Act as to allow such access.

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Example: MGL c41 s98F (cont.) 

“...provided, however, that the following entries shall be kept **in a separate log** and shall not be a public record nor shall such entry be disclosed to the public, or any individual not specified in section 97D: (i) any entry in a log which pertains to **a handicapped individual who is physically or mentally incapacitated to the degree that said person is confined to a wheelchair or is bedridden or requires the use of a device designed to provide said person with mobility,** (ii) **any information concerning responses to reports of domestic violence, rape or sexual assault or** (iii) **any entry concerning the arrest of a person for assault, assault and battery or violation of a protective order where the victim is a family or household member, as defined in section 1 of chapter 209A.” M.G.L. 41 98F**

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Fortunately Though it is Nice and Clear 

- “A Superior Court judge did not err in concluding that certain documents in the custody of the police department of Harvard University, a private educational institution, did not constitute "public records" subject to mandatory disclosure under the Massachusetts public records law, G. L. c. 66, s. 10, **and the fact that some of the officers in the department had been appointed deputy sheriffs or "special" State police officers under G. L. c. 22C, s. 63, did not transform the department itself into an agency of the Commonwealth such that it became subject to the mandates of the public records law.**

Harvard Crimson, Inc. v. President And Fellows of Harvard College, 445 Mass. 745, 840 N.E.2d 518 (2006)

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But wait,... what are we being asked? 

- Federal (Clery)
- Local
- State
 - Contradictions
 - Are you maintaining multiple logs?

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Why the “Duplication”?

- The log is designed to provide crime information on a more timely basis than the annual statistical disclosures. A crime **must be entered into the log within two business days of when it was reported to the campus police or security department**. This includes crimes that are reported directly to the campus police or security department, as well as crimes that are initially reported to another campus security authority or to a local law enforcement agency, which subsequently reports them to the campus police or security department.

(Handbook for Campus Safety and Security Reporting, 2016, 5-3)

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**Best Practices:
5 Simple Steps to Compliance**

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**Best Practices:
Step 1: Train your People at
EVERY level**

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Step 1-TRAIN

- Train Committee members how to determine Geography
- Train the people entering into your Daily Crime (and Fire Safety) Log
- Train CSAs to promptly report
- Train ALL Report Writers
- Train everyone NOT TO ASK-
Just give the LOG!

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Best Practices:

Step 2: Prepare to succeed by looking for failures

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Step 2- PREPARE


- Read a Final Program Review Determination and ask yourself, "Could that be my institution?"

If you answer "no," **Read it again!**
- Spot Check your Daily Crime (and Fire Safety Log)

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Best Practices:

Step 3: Educate Potential Critics

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Step 3- EDUCATE

- "Crime log case numbers do not run sequentially. The XYZ POLICE/PUBLIC SAFETY DEPARTMENT assigns case numbers to both criminal and non-criminal reported activities"
- "Crimes are listed in chronological order based upon the date that they are reported to XYZ POLICE/PUBLIC SAFETY DEPARTMENT"
- "Because the XYZ POLICE/PUBLIC SAFETY DEPARTMENT is required to report state crimes as well as federal crimes, some incidents with different state classifications will NOT match Federal Clery statistics disclosed in the Annual Security (and Fire Safety) Report"

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Step 3- EDUCATE (cont.)

Tell the reader what the Disposition means to eliminate confusion and false presumption

- If you are *actually able to follow up* and are doing so, tell the reader that.
 - **Open Case:** "This case is being investigated by the XYZ POLICE/PUBLIC SAFETY DEPARTMENT"
- If you DID investigate *and found it wasn't a true crime*, tell the reader that.
 - **Unfounded:** "Through investigation, this case was found to be false or baseless. NO actual offense was completed or attempted"

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Step 3- EDUCATE (cont.)



- If there is nothing further that your department is able to do to investigate, tell the reader that.
 - **Closed.** This case has no further action required.
 - This may include
 - Victim declined to prosecute
 - Determined to be outside of jurisdiction
 - Subject was arrested
 - No witnesses, suspects, ability to proceed

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HOWEVER,...



- If someone else IS continuing the investigation, *say that*.
 - **Closed. Referred to DEPARTMENT (internal):** This case was referred to the appropriate supervisory employee or to THE APPROPRIATE DEPARTMENT DIVISION TITLE. Those Departments review the case and determine if disciplinary action will be initiated.”
 - This may include (internal)
 - TITLE IX
 - STUDENT CONDUCT
 - HUMAN RESOURCES

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HOWEVER,...



- If someone else IS continuing the investigation, *say that*.
 - **Closed. Referred to MUNICIPAL/ STATE POLICE:** This case is being investigated by the *NAME OF OTHER POLICE AGENCY.*”

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Best Practices:

**Step 4: Don't try to make it easy,
make it right.**

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**Step 4- DO WHAT IS RIGHT, NOT
WHAT IS EASY**

- Remember, exceptions are just that, **EXCEPTIONS.**
- The law permits institutions to “temporarily withhold” information from the log **only if** there is clear and convincing evidence that the release of information would
 - jeopardize an ongoing investigation;
 - jeopardize the safety of an individual;
 - cause a suspect to flee or evade detection; or
 - result in the destruction of evidence.

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Best Practices:

**Step 5: Put the Right People and
Processes in Place.**

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Step 5- PEOPLE and PROCESS

- Assign a competently trained person to update your Daily Crime Log EACH business day
- Assign another back-up
- Assign a Supervisor to confirm completion each day

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What are we REALLY being asked?

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Questions?

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Remember to Evaluate This Session!

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