

**CLERY INCIDENT REPORT**

One important purpose of the Clery Act is to encourage the accurate collection of campus crime statistics in order to promote and enhance campus crime awareness and campus safety through reliable statistical crime reporting. The purpose of this report form is to provide Campus Security Authorities (CSAs) with a uniform mechanism for documenting the (who, what, when, where) of crimes reported to them, especially, confidential reporting.

Clery provides the following definitions for reporting locations.

- 1) **On-campus property:** Any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purpose, including any buildings or property that is owned by the University but controlled by another person and which is frequently used by students and supports institutional purposes such as a food or other retail vendor. (Excluding residential apartments)
- 2) **On-campus residential apartments. (University Village and Quad Apartment complexes)**
- 3) **Non-campus property:** Any building owned or controlled by a student organization that is officially recognized by the University; or any building or property owned or controlled by the University that is used in direct support of, or in relation to the University's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the University.
- 4) **Public property:** All public property, including: thoroughfares, streets, sidewalks, parking facilities, that is within the campus, or immediately adjacent to and accessible from campus.
- 5) **Off campus:** Locations not included above.

Data collected on this form shall not include personal identifying information. The student status of the offender or victim is not a relevant fact when determining if a report should be accepted. **All reports involving any of the listed crimes shall be documented and reported to the University Police Department.** The annual Clery statistical count shall be determined by the University Police Department.

**A Campus Security Authority (CSA) is defined in section 3.3 of the Annual Clery report and on the reverse side of this form.**

- |                                       |   |  |  |
|---------------------------------------|---|--|--|
| <input type="checkbox"/> Homicide     | <input type="checkbox"/> Aggravated Assault                 | <input type="checkbox"/> Domestic Violence | <input type="checkbox"/> Motor Vehicle Theft |
| <input type="checkbox"/> Manslaughter | <input type="checkbox"/> Sexual Assault (as defined)        | <input type="checkbox"/> Dating Violence   | <input type="checkbox"/> Arson               |
| <input type="checkbox"/> Robbery      | <input type="checkbox"/> Burglary (excluding auto burglary) | <input type="checkbox"/> Stalking          |  |

<b>Hate Crime</b> (Evidenced by the commission of any crime listed here or above) <input type="checkbox"/> Bodily injury <input type="checkbox"/> Vandalism <input type="checkbox"/> Intimidation <input type="checkbox"/> Theft <input type="checkbox"/> E-messaging <input type="checkbox"/> Telephone <input type="checkbox"/> Other _____	<b>Category of Bias:</b> <input type="checkbox"/> Race <input type="checkbox"/> Ethnicity <input type="checkbox"/> National Origin <input type="checkbox"/> Gender <input type="checkbox"/> Gender Identity <input type="checkbox"/> Disability <input type="checkbox"/> Religion <input type="checkbox"/> Sexual Orientation
<b>Location of Incident:</b> <input type="checkbox"/> On-campus (excluding student housing) <input type="checkbox"/> On-campus (student housing) <input type="checkbox"/> Off Campus <input type="checkbox"/> Unknown location <input type="checkbox"/> Non-campus property	Date of Incident: _____ Time of Incident: _____ CSA Tracking #: _____
<b>Name of CSA receiving report:</b> _____	CSUSM Department/Unit: _____ Date report received: _____ Time report received: _____
<b>CSA received report from:</b> <input type="checkbox"/> Victim <input type="checkbox"/> Witness <input type="checkbox"/> Friend <input type="checkbox"/> Offender <input type="checkbox"/> Family <input type="checkbox"/> Other _____	Police Report filed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk Date/time reported to Police Department: _____ CSUSM PD Case#: (If known) _____

**Sexual Assaults:** Sexual assaults are of special concern to the campus community because historically they have been under reported. The victim of a sex offense typically desires confidentiality and anonymity; as a result he/she will often seek a reporting source other than law enforcement such as a designated Campus Security Authority. Because the sex offender may continue to pose a threat to the community, the threat potential needs to be quickly evaluated and the campus community alerted/warned as deemed necessary. In this regard, the following additional information is requested.

<b>Sexual Assault:</b> <input type="checkbox"/> Victim: ( <input type="checkbox"/> student <input type="checkbox"/> staff <input type="checkbox"/> faculty <input type="checkbox"/> other _____ ) <input type="checkbox"/> Known offender: ( <input type="checkbox"/> friend <input type="checkbox"/> classmate <input type="checkbox"/> acquaintance <input type="checkbox"/> date <input type="checkbox"/> other ) <input type="checkbox"/> Unknown offender: (stranger) <input type="checkbox"/> Victim was not physically injured (excluding emotional/psychological trauma) <input type="checkbox"/> Victim was physically injured Describe injuries: _____	<b>Circumstances:</b> <input type="checkbox"/> Alcohol involved: <input type="checkbox"/> Offender <input type="checkbox"/> Victim <input type="checkbox"/> Drugs/narcotics involved: <input type="checkbox"/> Offender <input type="checkbox"/> Victim <input type="checkbox"/> Weapon involved: <input type="checkbox"/> Yes <input type="checkbox"/> No Describe weapon: _____
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<b>Description of Offender:</b> Race: _____ Gender: _____ Age: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____ Physical Characteristics: _____	<b>Brief Description of Crime:</b> _____ _____ _____
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## Definitions

### Criminal Homicide (Manslaughter by Negligence)

The killing of another person through gross negligence. (Attempts are classified as aggravated assaults)

### Criminal Homicide (Murder and Non-negligent Manslaughter)

The willful (non-negligent) killing of a human being by another. (Attempts are classified as aggravated assaults)

### 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. (Includes attempts)

1. Rape- 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
2. Fondling- touching the private parts of another person for sexual gratification without consent of the victim
3. Incest- sexual intercourse between persons who are related to one another within the degrees wherein marriage is prohibited
4. Statutory rape- sexual intercourse with a person who is under the statutory age of consent

### Robbery

The taking or attempting to take anything of value from the care, custody, or control of a person(s) by force or threat of violence and/or fear.

### Aggravated Assault

An unlawful attack of another for the purpose of inflicting severe or aggravated bodily injury accomplished by the use of a weapon or means likely to produce death or great bodily harm. It is not necessary that an injury results when a gun, knife or other weapon was used but which could have resulted in serious injury. (Includes attempts)

### Burglary

The unlawful entry (or attempt to enter) into a defined structure with the intent to commit a theft or any felony. (Includes attempts, but excludes vehicle burglary.)

### Motor Vehicle Theft

Taking of a motor vehicle (as defined) without the consent of the owner with the intent to either permanently or temporarily deprive the owner of the vehicle. (Includes attempts and joyriding)

### Arson

The willful or malicious burning or attempt to burn (w/o the intent to defraud) a dwelling house, public building, motor vehicle or aircraft, or personal property of another, etc. (Includes attempts)

### Dating Violence

The term "dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim:

(1) the existence of such a relationship shall be determined by the victim with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship

(2) for the purposes of this definition:

(i) dating violence includes sexual or physical abuse or the threat of such abuse

(ii) dating violence does not include acts covered under the definition of domestic violence

### Domestic Violence

The term "domestic violence" includes felony or misdemeanor crimes of violence committed:

- (i) by a current or former spouse or intimate partner of the victim,
- (ii) by a person with whom the victim shares a child in common,
- (iii) by a person who is cohabitating with the victim as a spouse or intimate partner,
- (iv) 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,
- (v) 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 where the crime occurred

### Stalking "Stalking" means

- (1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –
  - (i) Fear for his/her safety or the safety of others; or
  - (ii) Suffer substantial emotional distress
- (2) For the purposes of this definition –
  - (i) 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
  - (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling
  - (iii) Reasonable person means—a reasonable person in the victim's circumstances

### Hate Crime

A criminal act involving one/more of the below listed crimes which was motivated by bias against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, gender, gender identity, sexual orientation, or disability of the person or group, or bias based upon the perception that the person or group has one or more of those characteristics.

### Larceny-Theft (Except Motor Vehicle Theft)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

### Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

### Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

### Destruction/Damage/Vandalism of Property

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## DEFINITION OF CAMPUS SECURITY AUTHORITY (CSA)

- a. A police department or security department of the University.
- b. Any individual who has responsibility for campus security but who is not a member of the campus police department or the campus security department (e.g. parking enforcement staff, special event venue security, community service officers).
- c. Any individual or organization specified in the University's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- d. **Any official of the University who has a significant responsibility for student and campus activities** (e.g. Dean of Students; Student Judicial Affairs Officer; Directors of Campus Social Justice Centers; Director of Student Housing; Director of Athletics and team coaches; Coordinators directors and/or advisors to student organizations, programs, activities, campus recreation, Greek Affairs; etc.).

## INSTRUCTIONS

- a. If the reported incident constitutes a threat to the safety of the CSUSM community, the CSA shall immediately telephone the University Police Department at (760) 750-4567. If the reporting party is a victim of a sex offense, the victim should be encouraged to report the crime directly to the University Police Department.
- b. "Good faith" confidential, second hand or anonymous reports shall be accepted.
- c. The potential for duplication of reported crimes is not be a factor in determining whether or not a report is received.
- d. This reporting form does not replace or change any existing reporting requirements or procedures established for disciplinary referrals for student or employee misconduct.
- e. Hate crimes present a special reporting challenge, because Clery also requires the recording of a "category of prejudice" that is associated with the reported hate crime incident.

**Send report:** Please fax to (760) 750-3046, scan/email or submit in person all Clery Incident reports to CSU San Marcos Police Department, attention Clery Coordinator. Questions concerning this form or the Clery Act should be directed to the Clery Coordinator at the University Police Department (760) 750-4506.