



Indiana University Police Department

## Clery Act Daily Crime Log

<b>Issue Date:</b>	2/28/2019	<b>Effective Date:</b>	2/28/2019
<b>Review Date:</b>	2/28/2020	<b>Number of Pages:</b>	6
<b>Rescinds:</b>	None		
<b>IACLEA Standards:</b>	16.3.3		

### I. Purpose

To outline the requirements of the daily crime log under the Clery Act.

### II. General Order

The Indiana University Police Department (IUPD) in compliance with the Higher Education Opportunity Act and as defined under the Clery Act, must maintain a daily crime log for each Indiana University (IU) campus.

### III. Clery Act Requirements

- A. Under the Clery Act all crimes reported to the IUPD, occurring in any of the following locations, as defined in the Clery Act, must be documented in the daily crime log:
  - 1. On-Campus
  - 2. On-Campus Residential Housing
  - 3. Public Property
  - 4. Non-Campus
  - 5. Patrol Jurisdiction
- B. Crimes should be entered into the log within two business days of the report to the IUPD.
  - 1. Crimes reported directly to the police, as well as crimes initially reported to another Campus Security Authority (CSA) or to local law enforcement that subsequently report the incident to the IUPD must be included.
    - a. Each IUPD Division should establish a process to ensure the office(s) responsible for student discipline on their campus make timely report of all reported crimes occurring at any of the locations described in III.A. to the IUPD.
    - b. Crimes reported to the IUPD from a non-campus location's local law enforcement must also be put on the crime log within two (2) business days of those crimes being reported to IUPD.



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- 2. Only crimes should be included on the crime log. All incidents that do not include the occurrence of a crime or an alleged crime shall not be included in the daily crime log, for example medical assists and citizen assists.

C. Availability and posting of the Log

- 1. Each IUPD Division must post the crime log for their campus on their campus IUPD website Monday through Friday excluding campus holidays.
  - a. The log must be clearly identified as the Daily Crime Log on the division website.
  - b. The Crime Log will have its own webpage and the following language should proceed the log entries:

*Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or Clery Act, Indiana University Police Department – (Division) is required to maintain and make available a daily crime log. This crime log provides certain details about crimes that are reported to the campus police that have occurred on campus, in or on a non-campus building or property, on public property within or immediately adjacent to the main campus, or within the patrol jurisdiction of the campus police, if applicable.*

*According to the Clery Act, institutions may withhold any of the required details of the crime log if any of the following conditions apply:*

*The disclosure is prohibited by law.*

*If disclosure would jeopardize the confidentiality of the victim, or the safety of an individual.*

*If disclosure would jeopardize an ongoing criminal investigation.*

*If disclosure would cause a suspect to flee or evade detection.*

*If disclosure would result in the destruction of evidence.*

*The crime log for the most recent 60-day period is available below. For more information concerning the daily crime log, or to view an older log that is not shown below, please contact the Indiana University Police Department – (Division) during normal business hours.*



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- c. The crime log should only contain the most recent 60-day period. Older crime logs should be taken down from the website and archived for seven years on the Division server where they can be accessed if necessary.
    - i. Crime logs should show the most recent entry at the top of the log.
    - ii. Any requests for log entries older than 60 days must be made available within two business days of the request.
  - d. Entries must be entered according to the date they were reported to the IUPD.
  - e. Even if there are not crimes to report, a daily crime must still be published stating “No Crimes Reported”.
  - f. A paper version of the log will also be maintained and available for public inspection during normal business hours.
- D. The log will contain the following elements:
1. Date the Crime Was Reported: This should be how the crime log is organized.
  2. Date and Time the Crime Occurred: If the exact date and time are not known, use a range, or state unknown.
  3. Nature of the Crime: This should be the Clery crime classification if applicable. If not default to the Indiana Code.
  4. General Location of the Crime: Enter a general location using a description that will having meaning to the campus community, for example “University Hall” rather than “in a dormitory.” When entering the location, ensure that the confidentiality of the victim is maintained.
  5. Disposition of the Complaint, if known: Include the current status of each complaint. The following are a list of dispositions that may be used:
    - a. Investigated by another agency
    - b. Open - The case is currently under active investigation with a willing victim to participate in the investigation and pursue charges.
    - c. Open, Inactive - The case is currently not under active investigation. IUPD still has a willing victim to participate in the investigation and pursue charges but there are no leads to pursue currently.



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- d. Cleared by Arrest - At least one person is arrested, charged with the commission of the offense, and turned over to the court for prosecution.
- e. Cleared by Exception - There are 4 questions that must be answered in the affirmative for a case to be cleared exceptionally. Basically, you have to know who the offender is, have probable cause to make an arrest, know where the offender is, and there is some reason outside your control that you cannot take the offender into custody. Please note, that the victim’s refusal to participate in your investigation does not “Exceptionally Clear” a case. You must answer all four questions with a “yes.” Please see attached document that contains further details on the requirements to “Clear by Exception.”
  - i. Has the investigation definitely established the identity of the offender?
  - ii. Is there enough information to support an arrest, charge, and turning over to the court for prosecution?
  - iii. Is the exact location of the offender known so that the subject could be taken into custody now?
  - iv. Is there some reason outside law enforcement control that precludes arresting, charging, and prosecuting the offender?
- f. Referred for Judicial Review - The case has been referred to another department within the University for “Administrative Action”.
- g. Unfounded, no crime occurred - A full investigation has been completed with evidence that the crime report was false or baseless. The reported crime did not occur, nor was attempted in any way. There is a high standard for this. Please see attached document that contains a detailed explanation of the requirements to Unfound a case. If a case is determined to be unfounded, subsequent detailed documentation must be kept in the report to support the determination.
- h. Closed – case is currently not under active investigation or the victim does not wish to participate in any investigation or pursue charges.
- i. Failed to Locate - Report of a crime is received by IUPD, but responding units were unable to locate the reported crime.



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#### E. Maintaining the Log

1. An entry, an addition to an entry, or a change in disposition of a complaint must be recorded within two business days of IUPD receiving the information.
  - a. If the disposition changes after 60 days have passed since the initial report, an update to the disposition in the log is not required.

#### F. Withholding Information from the Log

1. Any information withheld from the Log requires the approval by the Division Chief or their designee in consultation with the Superintendent of Public Safety or their designee.
  - a. Any information withheld from the Log for any reason must be thoroughly documented.
2. Information may be withheld from the log only if the disclosure:
  - a. Is prohibited by law.
  - b. Would jeopardize the confidentiality of the victim.
3. Information may be temporarily withheld if there clear and convincing evidence that the release of the information would:
  - a. Jeopardize an on-going investigation.
  - b. Jeopardize the safety of an individual.
  - c. Cause a suspect to flee or evade detection.
  - d. Result in the destruction of evidence.
4. All temporarily withheld items must be disclosed once the circumstances for withholding no longer exist.

### IV. Related Information

Indiana University Police Department:

G16.1 *Creating the Daily Crime Log*

G16.1-1 *Attachment 1- Daily Crime Log Checklist*



Indiana University Police Department

General Order G16.3.3

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Indiana University:

Office of the Vice President and General Counsel, Open Records Request Form:  
<http://www.indiana.edu/~vpgc/sample-agreements/open-records-requests.shtml>

U.S. Department of Education:

The Handbook for Campus Safety and Security Reporting:  
<https://www2.ed.gov/admins/lead/safety/handbook.pdf>

Handbook on Indiana's Public Access Laws:

[http://www.in.gov/pac/files/pac\\_handbook.pdf](http://www.in.gov/pac/files/pac_handbook.pdf)

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