



# Fitchburg State University Police Department

<p><b><u>Subject:</u> TIMELY WARNING NOTICES (TWN)</b></p> <p>Reference: <b>IACLEA: 16.3.2</b> <b>MPAC: N/A</b></p>		<p><u>General Order</u></p> <h1>16.3.2</h1>
<p><b><u>Effective Date:</u></b> April 25, 2017</p>	<p><b><u>Review Date:</u></b> July 19, 2022 June 13, 2023 June 24, 2024</p>	
<p><b><u>By Order of:</u> Michael J. Cloutier, Chief of Police</b></p>		

**PURPOSE:**

In the event a Clery Act Crime is reported, within Fitchburg State University’s Clery Geography, that, in the judgment of the Chief of Police, or designee, and consultation with responsible authorities when time permits, constitutes a serious or continuing threat, a campus-wide “Timely Warning” Notice (TWN) may be issued.

Fitchburg State University takes its responsibility to inform students and campus community members of criminal incidents and to provide them with information to assist with protecting themselves from harm seriously. As a result, information shared about criminal activity is provided in an accurate and timely fashion. The University will release information that can be used by students and other university community members to reduce their chances of becoming victims of similar crimes. These notices will be issued as a means of a Timely Warning Notice (TWN); which is called an **FSU Crime Alert**.

**POLICY:**

Timely Warning Notices are specifically related to compliance with the federal Clery Act, which requires colleges and universities to notify students and employees whenever there is a threat that a **Clery reportable crime (see list below)** is ongoing or may be repeated so that campus community members can protect themselves from harm. The Clery Act defines specific crimes that require a Timely Warning Notice to be issued when crimes are reported to a Campus Security Authority (CSA’s), University Police, or other local police agencies, and the reported crime(s) are believed to have occurred on campus, in non-campus buildings or on a non-campus property.

The Chief of Police, or designee, in conjunction with public relations, will develop the content of the Timely Warning Notices for the university community. These notices will be used to notify members of the community about serious or ongoing crimes that occur within Clery geography, where it is determined that the incident may pose an ongoing threat to members of the Fitchburg State University community.

**Clery Reportable Crimes:**

- |  |                        |
|--|------------------------|
| 1. Murder and Non-Negligent Manslaughter | 7. Motor Vehicle Theft |
| 2. Negligent Manslaughter                | 8. Rape                |
| 3. Aggravated Assault                    | 9. Fondling            |
| 4. Arson                                 | 10. Incest             |
| 5. Burglary                              | 11. Statutory Rape     |
| 6. Robbery                               |                        |

**The department would typically issue TWNs for incidents of:**

1. Murder/Non-Negligent Manslaughter
2. Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger university community)
3. Robbery involving force or violence (cases including pickpocketing and purse snatching will typically not result in the issuance of a TWN, but will be assessed on a case-by-case basis)
4. Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred when it was reported, and the amount of information known by the Fitchburg State University Police Department)
5. Major incidents of arson

**Timely Warning Notifications will not be issued for Clery Act Crimes if:**

1. The subject(s) are apprehended and the threat of imminent danger for members of the university community has been mitigated by the apprehension.
2. If a report was not filed with the Fitchburg State University Police Department or if the University Police Department was not notified of the crime in a manner that would allow the department to post a "timely" warning to the community.
3. A report that is filed more than five days after the date of the alleged incident may not allow the University Police Department to post a "timely" warning to the community. This type of situation will be evaluated on a case-by-case basis.

4. The institution is not required to issue a Timely Warning Notice with respect to crimes reported to a pastoral or professional counselor.
5. In instances where an **Emergency Notification** (FSUPD Policy 17.1.4) is issued, a Timely Warning Notice may not be issued.
6. When a Clery Crime is reported to the University Police Department but did not occur within Clery Geography.

**A Timely Warning Notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:**

1. Date and time (or timeframe) of the incident
2. A brief description of the incident
3. Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips)
4. Suspect description(s) when deemed appropriate and if there is sufficient detail, (see below)
5. Police/Public Safety agency contact information
6. Other information as deemed appropriate by the Chief of Police, or designee

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and to aid in the prevention of similar occurrences.

The institution is **not** required to issue a Timely Warning Notice for crimes reported to a pastoral or professional counselor. The description of subjects in a case will only be included if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that information will not be included in the alert. Timely Warning Notices will not include any information that would identify the victim.

The issuance of a Timely Warning Notice will be decided on a case-by-case basis, in light of all of the facts surrounding a crime, including the nature of the crime, the continuing risk to the campus community, and the possible risk of compromising law enforcement efforts (see the attached Timely Warning Notice Matrix).

**PROCEDURE:**

The decision to issue a Timely Warning Notice is made in coordination and consultation by **at least two** of the following personnel. However, in an extreme emergency, the notification process may be implemented at the sole direction of the Chief of Police, or designee.

**Decision Team:**

- President, or designee, which may include members of the Executive Cabinet
- Vice President for Student Affairs
- Director of Communication and Public Affairs
- Chief of Police
- Police Lieutenant

The Chief of Police, or designee, in conjunction with the director of communication, will develop a TWN for the university community. The Chief, or designee, will transmit the email containing the Crime Alert to the university community by utilizing the university's mass notification system, RAVE Alert®. Updates to the university community about any particular case resulting in TWN may also be distributed electronically via the university email system.

Members of the larger campus community, those not actively enrolled in a course of study at the University, vendors, and contractors doing business on campus and not issued a University email, and other interested parties are encouraged to "Opt-In" to receive University Crime Alerts by texting FSUALerts to 672836 or 226787.

SMS TEXT messages and data rates may apply. Text messages are sent on an as-needed basis. This service is provided per the Terms of Use and Privacy Policy. Text STOP to 67283 to cancel or HELP for tech support.

The decision of whether or not to issue a timely warning notice will be documented using a Timely Warning Notice Determination Form. FSU Crime Alerts and/or Timely Warning Notice Determination Forms are memorialized in the case folder with the corresponding incident report.

Approval:

M. J. Cloutier  
Chief of Police

06/24/24  
Date

**APPENDIX:**

Timely Warning Notice Matrix