



Fitchburg State University Police Department

<u>Subject:</u> TIMELY WARNING NOTICES (TWN) Reference: IACLEA: 16.3.2 MPAC: N/A		<u>General Order</u> <h1>16.3.2</h1>
<u>Effective Date:</u> April 25, 2017	<u>Review Date:</u> July 19, 2022 June 13, 2023 June 24, 2024 September 9, 2024	
<u>By Order of:</u> Michael J. Cloutier, Chief of Police		

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

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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 Affairs, 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.

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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 President's Cabinet
- Executive Director of Communications and Public Affairs
- Chief of University Police
- University 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:



Chief of Police



Date

APPENDIX:

Timely Warning Notice Matrix

Fitchburg State University

Timely Warning Decision Matrix

Date/time incident was reported to a CSA: ___ \ ___ \ ___ : ___

Date/time incident was reported to FSUPD: ___ \ ___ \ ___ : ___

FSUPD Case # _____ Maxient IR # _____

How was the report received:

University Police Reported by other CSA Local Law Enforcement Other

Date/time incident occurred: ___ \ ___ \ ___ : ___

1. Clery Crime Classification (If it is one of these crimes, check and move on to next question):

- Homicide
- Aggravated Assault
- Sex Offense
- Burglary
- Robbery
- Motor Vehicle Theft
- Arson
- Domestic Violence
- Dating Violence
- Stalking
- Hate Crime
 - Larceny-Theft
 - Simple Assault
 - Intimidation
 - Destruction of Property/Vandalism

2. Clery Crime Geography (If it is one of these locations, check and move on to the next question):

- On-Campus
- On-Campus Residence Facilities
- Public Property
- Noncampus Property
- Not Clery Geography

3. Hate Crime (If a Hate Crime occurred select one or more of the following categories and move on to the next question):

- Race
- Religion
- Sexual Orientation
- Gender
- Gender Identity
- Ethnicity
- National Origin
- Disability

3. Description of incident:

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4. Factors to consider in determining if serious or ongoing threat may exist (check all that apply):

- Incident occurred more than 30 days prior to report
- Suspect known to victim/relationship between suspect and victim
- Suspect not in custody
- Suspect has prior arrests/history of violent behavior
- No-contact order in place
- Suspect has history of noncompliance with law enforcement or institutional directives
- Incident involved physical violence
- Suspect threatened to commit physical violence
- Multiple victims
- Appear to be isolated incident with specifically targeted victim?
- Pattern of behavior around particular group/recurring event/pattern of reported crimes
- Suspect used date rape/other similar drugs/intoxicants
- Victim under 18 years of age
- Other aggravated circumstances or signs of predatory behavior that may constitute a serious or ongoing threat
- Lack of available facts to determine threat/no threat (explain):

5. Is this considered to represent a serious or ongoing threat to students and/or employees?

- YES:** Issue a timely warning and indicate date/time of issuance:

- NO:** Why not? (Check relevant factors)
 - Suspect in custody
 - Isolated incident with no pattern
 - Incident targeting specific individual
 - Did not include violence or threat thereof
 - Report generalized/lacks pertinent information to determine if threat continues or exists
 - Significant delay between incident and report date
 - Other:

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6. Law enforcement consulted? Yes No

When/contact info/notes:

7. Could a timely warning present a risk of compromising law enforcement efforts?

Yes No

If yes, was there a request for specific information withheld from timely warning? Explain:

Blast Email Sent to Community? Yes No Date: _____

Timely Warning Notice Posted? Yes No Date: _____

Has the subject been arrested/barred? Yes No Date: _____

Was the threat to the community mitigated? (If so, explain below) Yes No

Was there any information withheld from the TWN based on a potential compromise to law enforcement efforts? (If so, please explain the details below). Yes No

If a Timely Warning Notice was not sent or posted, indicate the reason(s) why:

Completed by: _____

In Consultation With: _____

Date/Time: _____

FSUPD Report # _____

Chief's Signature _____ Date _____

If Timely Notification Sent (Attach a copy of alert sent with this matrix)

Keep completed forms for documentation purposes in report folder. Scan this form once signed and attached to report electronically in departments Record Management System (IMC), Submit a copy to Lieutenant for file.