

Bill as Introduced

HB 1400 - AS INTRODUCED

2010 SESSION

10-2467
04/03

HOUSE BILL **1400**

AN ACT requiring all colleges and universities to report crimes to the local law enforcement agency.

SPONSORS: Rep. Emerson, Ches 7; Rep. W. Smith, Rock 18; Sen. Roberge, Dist 9; Sen. Carson, Dist 14

COMMITTEE: Education

ANALYSIS

This bill requires all colleges and universities in the state to report crimes occurring on campus property to local law enforcement officials.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT requiring all colleges and universities to report crimes to the local law enforcement agency.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Postsecondary Education Commission; Reporting Crimes. Amend RSA 188-D by
2 inserting after section 9-b the following new section:

3 188-D:9-c Reporting Crimes. Each nonpublic educational institution approved or accredited by
4 the postsecondary education commission that has no sworn law enforcement personnel shall
5 immediately report any crime occurring on campus property to the local law enforcement agency.
6 The institution and local law enforcement officials shall enter into a memorandum of understanding
7 outlining the procedure for reporting crimes on campus property.

8 2 New Section; Community College System of New Hampshire; Reporting Crimes. Amend
9 RSA 188-F by inserting after section 21 the following new section:

10 188-F:21-a Reporting Crimes. Each institution within the community college system that has
11 no sworn law enforcement personnel shall immediately report any crime occurring on campus
12 property to the local law enforcement agency. The institution and local law enforcement officials
13 shall enter into a memorandum of understanding outlining the procedure for reporting crimes on
14 campus property.

15 3 New Section; University System of New Hampshire. Amend RSA 187-A by inserting after
16 section 16 the following new section:

17 187-A:16-a Reporting Crimes. Each institution within the university system that has no sworn
18 law enforcement personnel shall immediately report any crime occurring on campus property to the
19 local law enforcement agency. The institution and local law enforcement officials shall enter into a
20 memorandum of understanding outlining the procedure for reporting crimes on campus property.

21 4 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Amendment to HB 1400

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Section; Postsecondary Education Commission; Reporting Crimes. Amend RSA 188-D by
4 inserting after section 9-b the following new section:

5 188-D:9-c Reporting Crimes.

6 I. Absent a memorandum of understanding, every nonpublic postsecondary educational
7 institution that employs or contracts unsworn law enforcement personnel shall immediately report
8 any crime occurring on campus property to the local law enforcement agency.

9 II. Any memorandum of understanding executed under this section shall reflect the
10 agreement between the nonpublic postsecondary educational institution and the local law
11 enforcement agency as to what constitutes an "immediate report" and the extent to which offenses
12 listed in group A of the National Incident Based Reporting System (NIBRS), as defined by the
13 Federal Bureau of Investigation, shall be covered by the immediate reporting requirement. The
14 nonpublic postsecondary educational institution and the local law enforcement agency shall have the
15 discretion to determine which crimes outside of NIBRS group A offenses shall be covered by the
16 immediate reporting requirement.

17 III. Every nonpublic postsecondary institution in the state shall annually inform students of
18 the provisions of this section by including information about this section in the student handbook,
19 student code of conduct, or other similar online or printed material provided to students.

20 2 New Section; Community College System of New Hampshire; Reporting Crimes. Amend
21 RSA 188-F by inserting after section 21 the following new section:

22 188-F:21-a Reporting Crimes.

23 I. Absent a memorandum of understanding, every institution within the community college
24 system that employs or contracts unsworn law enforcement personnel shall immediately report any
25 crime occurring on campus property to the local law enforcement agency.

26 II. Any memorandum of understanding executed under this section shall reflect the
27 agreement between the community college system institution and the local law enforcement agency
28 as to what constitutes an "immediate report" and the extent to which offenses listed in group A of the
29 National Incident Based Reporting System (NIBRS), as defined by the Federal Bureau of
30 Investigation, shall be covered by the immediate reporting requirement. The community college
31 system institution and the local law enforcement agency shall have the discretion to determine
32 which crimes outside of NIBRS group A offenses shall be covered by the immediate reporting

Amendment to HB 1400

- Page 2 -

1 requirement.

2 III. Every community college system institution in the state shall annually inform students
3 of the provisions of this section by including information about this section in the student handbook,
4 student code of conduct, or other similar online or printed material provided to students.

5 3 New Section; University System of New Hampshire; Reporting Crimes. Amend RSA 187-A by
6 inserting after section 16 the following new section:

7 187-A:16-a Reporting Crimes.

8 I. Absent a memorandum of understanding, every institution within the university system
9 that employs or contracts unsworn law enforcement personnel shall immediately report any crime
10 occurring on campus property to the local law enforcement agency.

11 II. Any memorandum of understanding executed under this section shall reflect the
12 agreement between the university system institution and the local law enforcement agency as to
13 what constitutes an "immediate report" and the extent to which offenses listed in group A of the
14 National Incident Based Reporting System (NIBRS), as defined by the Federal Bureau of
15 Investigation, shall be covered by the immediate reporting requirement. The university system
16 institution and the local law enforcement agency shall have the discretion to determine which crimes
17 outside of NIBRS group A offenses shall be covered by the immediate reporting requirement.

18 III. Every university system institution in the state shall annually inform students of the
19 provisions of this section by including information about this section in the student handbook,
20 student code of conduct, or other similar online or printed material provided to students.

21 4 Applicability. Every memorandum of understanding required by this act shall be executed no
22 later than January 1, 2011.

23 5 Effective Date. This act shall take effect 60 days after its passage.

Amendment to HB 1400

- Page 3 -

2010-0727h

AMENDED ANALYSIS

This bill provides that all colleges and universities in the state shall immediately report crimes occurring on campus property to local law enforcement officials, or they shall enter into a memorandum of understanding with the local law enforcement agency as to the procedure for reporting crimes on campus property.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 1400

BILL TITLE: requiring all colleges and universities to report crimes to the local law enforcement agency.

DATE: January 14, 2010

LOB ROOM: 207 **Time Public Hearing Called to Order:** 1:58 PM

Time Adjourned: 3:45 PM

(please circle if present)

Committee Members: Reps. Rous, Reeve, Veaton, Clarke, B. Shaw, S. Merrick, K. Shaw, J. Day, O'Neil, Burke, P. Harvey, P. Price, Ingbretson, Stiles, K. Hutchinson, Boehm, Laurent, B. Ward, Fleck and Ladd.

Bill Sponsors: Resp. Emerson, Ches 7; W. Smith, Rock 18; Sens. Roberge, Dist 9, Carson, Dist 14

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Representative Susan Emerson, prime sponsor. She was asked by the Chief of Police of Rindge to submit this bill. There have been many crimes at Franklin Pierce College. The college and the selectmen want this bill pulled. However, since people are here to testify the policy is that we hear them.

Senator Lou D'Allesandro - opposes. He was vice president of Franklin Pierce and held many other positions in higher education. Reports relative to this topic are done on a regular basis. He thinks the bill is uncalled for. We have mechanisms for reports in place regarding crimes.

***Representative John Hunt - opposes.** See written testimony. He gave testimony about a problem during the ice storm last year. Now the town and college are working on this together. He thinks this would be the best way to work at it. This legislation would be a huge 21-A issue. The selectmen do not want to pursue this. Memoranda of understanding would be public information.

Representative Will Smith - supports. The purpose of the bill is to let the public have the right to know what is happening at the college/university.

***Dr. James Birge, President of Franklin Pierce University in Rindge, NH - opposes.** See written testimony. There may have been a long standing tension between the college and the local police.

Judy Tomlinson, Franklin Pierce - opposes. She did not testify.

Nick Heilas, Chief of Police, UNH - opposes. He was in the New Hampshire State Police. It doesn't affect UNH. However, he feels it is not needed. It will be a significant burden. There is

Federal Law that applies to universities when they receive Federal money. The Cleary Act says you have to report crimes and warnings. A police crime log has to be maintained. It is public information. Not all crimes are reported through this law. This includes hate crimes. There are three year reports on the UNH website. MOU's because 2008 revision of Higher Education Opportunity Act. This is duplicate legislation.

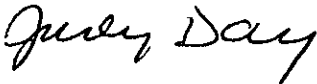
***Amanda Warman, Director of Safety at Keene State College, opposes.** See written testimony. You can't legislate your way out of a communication problem.

***Nick Giaccone, Hanover Police Department – supports.** See written testimony. There are two important words in the bill “immediately” and “memorandum of understanding”. The requirements in state law would spell out what requirements are Part I crimes. We don't have Part I crime money without reports of Part I crimes. He has tried several times to get one. Is there a time line? The consequences of not having one would be an on site evaluation by the DOE. He doesn't know if the word “immediate” not in Cleary Act. Need immediate – could be in MOU. Cleary does not demand what would be in the memoranda. It doesn't say “prompt/timely” fashion.

Kathryn Dodge, Executive Director, New Hampshire Post Secondary Education Commission – opposes. See written testimony.

***Tom Horgan, NH College & University Council – opposes.** See written testimony. The UNH police person will get the Cleary language to us.

Respectfully submitted,



Representative Judy Day, Acting Clerk

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 1400

Clerk Judy Day

BILL TITLE: requiring all colleges and universities to report crimes to the local law enforcement agency.

DATE: 1/14/10

LOB ROOM: 207

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Time Adjourned: 3:45

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Bill Sponsors: Resp. Emerson, Ches 7; W. Smith, Rock 18; Sens. Roberge, Dist 9, Carson, Dist 14

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

① ^{REP} Susan Emersson - prime sponsor - asked by Chief of Police of ^{Rindge} Rindge to submit this. There have been many crimes on Franklin Pierce College. ~~The police would~~ the college + the selectmen want this bill pulled. However, since people are here to testify ~~we~~ the policy is that we ~~do~~ so hear them.

② Senator Len D'Allesandra - opposes the bill. He was VP of Franklin Pierce + held many other positions in higher ed.

Incidence reports are done on a regular ~~basis~~ basis. Thinks ~~uncalled for~~ bill is uncalled for. We have mechanisms for reports in place regarding crimes.

③ Rep Hunt Cheshire 7 - opposes the bill
Gave testimony about a problem during the Ice Storm last year. Now the town + college are working on this together. He thinks this would be the best way to work on it. This legislation would be a huge 21-A issue. The selectmen do not want to pursue this, memorandas of understanding would be public information.

④ Rep Will Smith / Newcastle - supports
Purpose of bill make ~~it~~ the public have the right to know what's happening at college/university

⑤ Dr. James Birge - opposes President of Franklin Pierce in Rindge.
* See written testimony
There may have been a long standing ~~ten~~ tension between college + the local police.

⑥ Judy Tomlinson - opposes - did NOT testify

⑦ Chief of Police UNH Nick Heilas - opposes
was on NH State Police Doesn't affect UNH
However, he feels it is not needed. Will be a significant burden. There is Federal Law that applies to universities when they receive

Federal ~~money~~ money - The
 Cheary act says you have to
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 Police Crime Log has to be main-
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 Not all crimes are reported through
 this law - This includes Hate Crime
 There are 3 year reports on the UNH
 website.

MOU's because 2008 revision
 of Higher Ed opportunity act.
 This is duplicative legislation.

⑧ ~~with~~ Amanda Warman
 (opposes) ~~representing~~
 Keene State College - See
 written testimony

Can't legislate your way out
 of a communication ~~and~~ problem
 chief.

⑨ NICK GIACCONE - Hanover Police
 Dept. Supports - two important
 words in bill "immediately" and
 "memorandum of understanding"
 Requirement in State law would
 spell out what requirements are
 Part I crimes

Don't have part one crime money without reports of Part I crime.

He has tried several times to get one.

Is there a time line in the ~~clear~~ Cleary Act -

Consequences of not having one would be an ~~write~~ eval. by DOE

Doesn't know if word "immediate" not in Cleary Act.

Need Immediate - Could be in MOU

Cleary does not demand what would be in memorandum

It does say "prompt/truly" fashion.

(10) Katherine Dodge, Executive Director NH Postsecondary Education Commission (opposes)

* written testimony

(11) Tom Horgan NH College + University Council (opposes)

* written testimony

TÓPIC: 5

DATE:

FILE UNDER:

PAGE:

UNH police person will get
clear language to use.

Sub-Committee Actions

HOUSE COMMITTEE ON EDUCATION
SUBCOMMITTEE WORK SESSION ON HB 1400

BILL TITLE: requiring all colleges and universities to report crimes to the local law enforcement agency.

DATE: February 9, 2010

Subcommittee Members: Reps. J. O'Neil, K. Shaw, R. Ladd, J. Fleck, S. Shurtleff

Comments and Recommendations: Several additional people spoke on this issue. The subcommittee made a motion to submit an amendment to the Education Committee. See attached.

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. R. Ladd

Seconded by Rep. J. Fleck

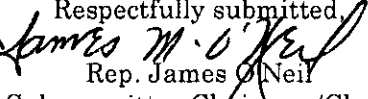
Vote: 5-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. James O'Neil
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON EDUCATION
SUBCOMMITTEE WORK SESSION ON HB 1400

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OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Ladd*

Seconded by Rep. *Fleck*

Vote: *50*

Subcommittee on a motion by Rep. Ladd and Seconded by Fleck to submit to the Education Committee by Ladd's draft

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

A MENDMENT (See ATTACHED)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

James O'Neil
Rep. James O'Neil
Subcommittee Chairman/Clerk

HB 1400 - AS INTRODUCED

2010 SESSION

DRAFT FOR DISCUSSION

10-2467

04/03

HOUSE BILL *1400*

AN ACT requiring all colleges and universities to report crimes to the local law enforcement agency.

SPONSORS: Rep. Emerson, Ches 7; Rep. W. Smith, Rock 18; Sen. Roberge, Dist 9; Sen. Carson, Dist 14

COMMITTEE: Education

ANALYSIS

This bill requires all colleges and universities in the state to report crimes occurring on campus property to local law enforcement officials.

Explanation: Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

10-2467

04/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT requiring all colleges and universities to report crimes to the local law enforcement agency.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Section; Postsecondary Education Commission; Reporting Crimes. Amend

DRAFT

RSA 188-D by inserting after section 9-b the following new section:

188-D:9-c Reporting Crimes. ^{post secondary} ~~Absent a memorandum of understanding, each nonpublic educational institution approved or accredited by the postsecondary education commission or any educational institution that provides a teacher education program approved by the New Hampshire Department of Education that has employs or contracts non-sworn law enforcement personnel shall immediately report any crime occurring on campus property to the local law enforcement agency. The institution and local law enforcement officials shall enter into a memorandum of understanding outlining the procedure for reporting crimes on campus property.~~

- i. The memorandum of understanding will allow the institution and the local law enforcement agency to enter into an agreement as to what constitutes an immediate report and the extent to which offenses listed in Group A of the National Incident Based Reporting System (NIBRS), as defined by the Federal Bureau of Investigation, shall be covered by the immediate reporting requirement and,
- ii. The institution and the law enforcement agency shall have discretion to determine which crimes outside of NIBRS Group A offenses shall be covered by the immediate reporting requirement of the memorandum of understanding
- iii. The institution is encouraged to annually inform students of RSA 188-D:9-c.

2 New Section; Community College System of New Hampshire; Reporting Crimes. Amend RSA 188-F by inserting after section 21 the following new section:

188-F:21-a Reporting Crimes. ~~Absent a memorandum of understanding, each institution within the community college system that has employs or contracts non-sworn law enforcement personnel shall immediately report any crime occurring on campus property to the local law enforcement agency. The institution and local law enforcement officials shall enter into a memorandum of understanding outlining the procedure for reporting crimes on campus property.~~

- i. The memorandum of understanding will allow the institution and the local law enforcement agency to enter into an agreement as to what constitutes an immediate report and the extent to which offenses listed in Group A of the National Incident Based Reporting System (NIBRS), as defined by the Federal Bureau of Investigation, shall be covered by the immediate reporting requirement and,
- ii. The institution and the law enforcement agency shall have discretion to determine which crimes outside of NIBRS Group A offenses shall be covered by the immediate reporting requirement of the memorandum of understanding
- iii. The institution is encouraged to annually inform students of RSA 188-F:21-a.

3 New Section; University System of New Hampshire. Amend RSA 187-A by inserting after section 16 the following new section:

~~DRAFT~~

187-A:16-a Reporting Crimes. Absent a memorandum of understanding, each institution within the university system that has employs or contracts non-sworn law enforcement personnel shall immediately report any crime occurring on campus property to the local law enforcement agency. ~~The institution and local law enforcement officials shall enter into a memorandum of understanding outlining the procedure for reporting crimes on campus property.~~

- i. The memorandum of understanding will allow the institution and the local law enforcement agency to enter into an agreement as to what constitutes an immediate report and the extent to which offenses listed in Group A of the National Incident Based Reporting System (NIBRS), as defined by the Federal Bureau of Investigation, shall be covered by the immediate reporting requirement and,
- ii. The institution and the law enforcement agency shall have discretion to determine which crimes outside of NIBRS Group A offenses shall be covered by the immediate reporting requirement of the memorandum of understanding
- iii. The institution is encouraged to annually inform students of RSA 187-A:16-a.

4 Effective Date. This act shall take effect ~~60 days after its passage~~ January 1, 2011.

Sub-Committee Minutes

HOUSE COMMITTEE ON EDUCATION
SUBCOMMITTEE WORK SESSION ON HB 1400

BILL TITLE: requiring all colleges and universities to report crimes to the local law enforcement agency.

DATE: January 28, 2010

Subcommittee Members: Reps. J. O'Neil, K. Shaw, R. Ladd, P. Price, S. Shurtleff, J. Fleck
(Alternate)

Comments and Recommendations: No action was taken the subcommittee will meet again on February 9, 2010 at 10:00 AM in Room 207.

Amendments:

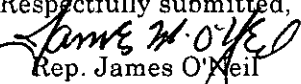
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.
Seconded by Rep.
Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.
Seconded by Rep.
Vote:

Respectfully submitted,

Rep. James O'Neil
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON EDUCATION
SUBCOMMITTEE WORK SESSION ON HB 1400

BILL TITLE: requiring all colleges and universities to report crimes to the local law enforcement agency.

DATE: 1/28/2010

Subcommittee Members: Reps. O'NEIL, K. SHAW, LADD, FLECK (ALTERNATE)
SHUNTLEFF (CRIMINAL JUSTICE)

Comments and Recommendations:

Amendments: SUBCOMMITTEE WILL MEET ON Feb 9, 2010 AT 10:00AM - NO ACTION TAKEN

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk

James M. O'Neil

Testimony

Did not testify
Brought by Rep Hunt

To: The House Education Committee

From: Patricia Lang Barry, Selectman, Town of Rindge

Re: House Bill Proposed by Susan Emerson and Chief Michael Sielicki regarding reporting of crimes by college and universities to local law enforcement.

Date: January 14, 2010

.....

I would like to take this opportunity to express my opinion on the legislation being proposed to your committee today, regarding local law enforcement involvement in colleges and universities in the State of New Hampshire.

As a Selectman for the Town of Rindge, as a taxpayer and as a parent with three children currently in college, I am opposed to this legislation.

It is my opinion that passage of this bill will have numerous negative consequences on both the towns and institutes of higher education throughout this State. If local police departments become involved in every offense on campus, it will logically result in a huge increase in local resources and higher taxes. Increased manpower would be required, which would negatively impact coverage of the rest of the Town and require more to be spent on the police department. Taxes would either need to be raised or other departments and services would be negatively impacted.

As a parent of college-aged students, I have seen how well run administrations deal with their in-house issues. The multitude of these offenses can and should be handled through a clearly defined policy, which is administered judicially within the confines of the institution of higher learning. A college campus needs to be a place where students are free to make some initial errors in judgment, without the threat of getting a police record. If I knew that my son or daughter would automatically be subject to local law enforcement for actions on their campus, I would think twice about sending them to that institution. This would have a tremendously negative impact on enrollment throughout this State, which we cannot afford.

A Memo of Understanding between the Town and institution, which clearly defines the roles of each partner, is what is needed in every college town. We have been actively involved in working toward this over the past eight months. I have every reason to believe we will achieve this and therefore have no need of this legislation.

I humbly ask the Committee to table this bill, given that it is not in the best interest of the citizens of New Hampshire and for all the above stated reasons. Thank you.

Testimony
#5

Testimony

HB1400

Good afternoon. I am Dr. James Birge, President of Franklin Pierce University located in Rindge, NH. Let me begin my remarks by offering my thanks to Representative Rous and the members of the Education Committee for convening this public hearing. I am testifying in opposition to this bill.

Franklin Pierce University is a private, regionally accredited university grounded in the liberal arts with a focus on personal attention and high-quality instruction. The University consists of the College at Rindge and the College of Graduate and Professional Studies. We have nearly 2,500 students in our undergraduate and graduate programs with campuses located throughout the state in Rindge, Concord, Lebanon, Manchester and Portsmouth.

Communities that host a college or university within their town borders reap educational, cultural and financial benefits from the presence of a vibrant intellectual institution such as ours. Similarly, the students and employees of universities receive a great deal of neighborly and logistical support from the residents

and management of the communities in which they study and work, such as the Town of Rindge. There are, of course, times when natural tensions arise due to real or perceived differences between Universities and their host communities and Franklin Pierce University and the town of Rindge are no exception.

Last June, as Franklin Pierce's newly hired president, I set as a high priority the reestablishment of a strong working relationship between Franklin Pierce University and the town of Rindge. During the past several months the Town and the University have pursued and engaged in an effort to improve our relationship by establishing a Town/Gown Team of town and university representatives who meet monthly to discuss relevant topics. I am an active participant on this team and we have made much good progress. Indeed, I have been upbeat that our police and fire incidences for the 2009 fall semester were at their lowest level in seven years. This reflects positively on our students, on the Rindge community, and on our efforts to overcome our differences. In fact, the local police and fire chiefs have both commented to me how pleased they are that calls to campus are significantly lower this academic year. Franklin Pierce University employs ten trained security personnel some of whom are sworn officers and one who is a retired Chief of Police to insure that our

students, faculty and all employees are learning and working in a safe environment. We are proud of our record on campus safety and security and will continue to work to be a safe campus and a good neighbor.

Franklin Pierce University and the Town of Rindge Police Department have been in discussions about creating a document to guide our interactions. Upon my return from a conference this week, I had planned to call the Chief of Police to arrange a time for us to meet and discuss common ground and hopefully reach an understanding.

Moreover, and to the point of this legislation and my testimony, the University routinely calls the Rindge Police when a crime has been committed and we encourage students to do the same when they know a crime has been, or is about to be committed. Additionally, it is not uncommon for the local police to appear on campus when our University safety officials are responding to a call. There are times when student's actions may contravene a statute but, discretion needs to be available to the University just as it is available to the local police. The University's practice has been, and will continue to be, that the local Police are called and do appear on campus when they are needed.

I see no need for this legislation and request that you not support it.

Again, I want to thank the Committee for the opportunity to address this vitally important matter.

8

File

**House Bill 1400: Requiring All New Hampshire Colleges and Universities to Report All Crimes
Reported on Campus to Local Police**

**Testimony of Amanda Guthorn Warman, Director of Campus Safety at Keene State College
Before the NH House Education Committee, January 14, 2010**

Good morning Representative Rous and members of the Education Committee. My name is Amanda Warman, and I am the Director of Campus Safety at Keene State College. Thank you for hearing my testimony in opposition to House Bill 1400.

Campus Safety Officers at Keene State provide safety services for our students, faculty, staff and visitors and are not sworn police officers. The officers are well trained receiving about 300 hours of training in their first year and 40 in subsequent years. The department and officers are managed by educated, experienced and highly trained campus law enforcement professionals. Police services are provided by the Keene Police Department and the College provides payment for a city of Keene police liaison officer whose office is on the campus. The college cooperates with the city regarding the reporting of crime and adheres to all federal regulations, particularly the Clery Act, a federal mandate requiring the reporting of crime.

While no doubt well-intended, the requirements of HB 1400 present a number of issues and concerns that would significantly impact both New Hampshire's colleges and universities and the communities in which they are located.

Requiring reports of all crimes to local law enforcement, regardless of their magnitude, would unduly burden local police departments and court systems. There are certainly minor incidents that occur on campuses that might meet the legal definition of a crime but to require the police to respond, document and investigate all of those reports would serve neither the victim nor the police department. For example, we might receive a report that an ex-roommate is sending repeated text messages and posting nasty messages on Facebook, harassing a victim: this meets the required elements of RSA 644:4 on criminal harassment. When this type of incident is handled on campus, the incident can be investigated quickly without requiring a warrant or court order for student records and the student is more likely to have his/her issue addressed quickly, which, in most cases, is just to have the behavior

stop. Remediation is brought through a campus conduct system grounded in the principles of education and reparation. Utilizing local and regional agencies for these matters would usurp valuable resources and potentially create roadblocks instead of solving problems. At a time when municipal resources are extremely limited it seems counterintuitive to create additional work.

At Keene State, crime victims are advised of the option to contact the Keene Police and assisted in doing so. In fact, victims can often report incidents directly to the Keene police liaison officer whose office is housed in our department. In instances where a serious crime has been committed and reported to Campus Safety, the officers have been trained to contact the Keene Police Department immediately. Even in the most sensitive cases where the victim is unwilling to report to the police (such as in the case of a sexual assault), the incident information is provided to the police department in a timely fashion, minus the victim's name, so the incident can be documented in case he or she chooses to move forward in the future or the incident affects the safety of the community.

A college or university's faculty, staff, students and visitors are private citizens and therefore are not compelled to report every crime of which they have knowledge or of which they are victims. Many may choose to report to campus safety for documentation purposes or to have an internal investigation conducted for violations of various college codes, or merely to have an offending behavior stopped. Requiring in all cases an additional report to local police may prevent folks from reporting at all or force them to create a subversive means of attaining their objective (e.g. vigilante "street justice"). The existence of campus safety actually encourages reporting allowing more instances of unlawful behavior to be captured and quantified, even if not with the local police department.

There seems to be some belief that colleges and universities are not forthcoming about campus crime. Since the passing of the federal Clery Act in 1992 higher education institutions have been required to report certain crimes and infractions reported on campus to the Department of Education and the public on an annual basis, in addition to making our campus safety logs available for review daily. HB 1400 infers there is an attempt to hide crimes on campus when we are actually held to a higher standard than municipal police departments which report crime only on a voluntary basis via the federal Uniform Crime Report system. A college hiding a reportable crime would subject the institution to

significant fines and compromise institutional integrity, outcomes that no institution would intentionally risk merely to circumvent reporting a crime.

This legislation singles out educational institutions holding them to a different, higher standard than our counterparts in private business. Businesses with in-house security or no security, certainly don't report all crimes to the police nor are their practices in that area being legislated.

This seems a problem more effectively addressed with communication and cooperation, practices that have been quite successful in Keene and other host communities. This legislation is unnecessary and redundant and has the very real potential to overburden an already overburdened justice system. On behalf of the University System and Keene State College, I urge you to vote HB 1400 inexpedient to legislate.

Thank you.

9
people wanted name in record (said by Chief Giaccone)

From: David LaRose [mailto:dlarose@myfairpoint.net]

Sent: Wednesday, January 13, 2010 7:32 AM

To: Nick Giaccone

Subject: Fwd: Proposed Legislation in New Hampshire - LaRose Statement

Good morning Chief. David and I want to thank you for the opportunity to weigh in on what we believe is very valuable legislation. We would appreciate your sharing our statement at the public hearing.

We are strong proponents of the legislation as submitted whereas we personally were involved in a situation which found the investigation of a crime involving our daughter compromised. Our daughter was sexually assaulted while visiting a friend at Dartmouth College. Based upon advice of local law enforcement officials we reached out to the campus safety office to talk to them about reporting a crime. While we were assured that the proper authority would be notified and would subsequently return our call, the College instead, via the Dean notified, opted to go directly to the accused who then made himself unavailable for questioning. The investigator engaged was never able to speak to the accused and his side of the story went untold.

To this day we do not know why the Dean felt that her action was appropriate but since the leaders of our educational institutions are potentially conflicted about the protection of their student body and the protection of the reputation of their hallowed halls we encourage you to enact this legislation to ensure that the rights of all visitors to a college are equally protected. Educational institutions should not be allowed to interject themselves in the midst of a potential criminal situation or investigation.

We understand that the families of all college-bound students are concerned with the safety of the school to which they send their child. We believe a college might be inclined to be less than forthcoming about crimes that might occur on its campus and how that might result in the desire to self-investigate those crimes to keep the reported crimes to a minimum but that does NOT protect students or visitors to that campus and should NOT be allowed!

Sincerely submitted by David and Stefanie LaRose

File

Testimony # 9

From: David LaRose [mailto:dlarose@myfairpoint.net]
Sent: Wednesday, January 13, 2010 7:32 AM
To: Nick Giaccone
Subject: Fwd: Proposed Legislation in New Hampshire - LaRose Statement

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Sincerely submitted by David and Stefanie LaRose

File #9 Success

JICD-Exhibit A

MEMORANDUM OF UNDERSTANDING

I. Pursuant to New Hampshire RSA 193-D, "Safe School Zones," as amended, the Dresden School District and the Hanover Police Department shall work together to provide a safe and healthy school environment for the District's students, staff, and visitors. This Memorandum of Understanding explains how the District and Hanover Police Department will cooperatively administer the requirements of RSA 193-D:4, "Written Report Required," in the spirit of the Safe School Zones law.

II.(a) Unless the District determines at the time information is received that pupil conduct is subject only to the District's (or individual school's) disciplinary procedures as permitted by N.H. RSA 193-D:2, II. and/or D:4, I.(b), a school employee who witnesses or has information from the victim of an act of theft, destruction, or violence in a safe school zone (see Section V. below) shall report such information in writing immediately to a supervisor. This requirement to report in "writing" to a supervisor shall be satisfied if the employee conveys such information to a supervisor via a hard copy or electronic (e.g., e-mail) communication or if the employee is informed by the employee's supervisor that the supervisor will forward the information in writing to the school's principal or the principal's designee (e.g., Dean of Students, Vice-Principal, or the Superintendent) (hereafter, collectively or individually the "Principal"). A supervisor who receives information or a report pursuant to this subsection shall immediately forward a written report to the Principal.

(b) As referenced in subsection II.(a), unless the reported information is pupil conduct subject only to the District's disciplinary procedures, the Principal shall immediately report (by telephone or otherwise) the information to the Hanover Police Department, and the Principal shall follow up such initial reporting with a written report to the Hanover Police Department within 48 hours of the Principal having first received the information. The report shall include any written statements from the witnesses in accordance with II.(a) above. The Hanover Police Department shall waive the above requirement for the Principal to issue a written report if (i) the Hanover Police Department responds to the Principal's report and creates a written police report, or (ii) the Hanover Police Department tells the Principal the Hanover Police Department will respond and create a written police report, whether or not such a written police report is subsequently created.

III. The District and the Hanover Police Department recognize that N.H. RSA 193-D:7, "Confidentiality," permits school administrators to exchange information with any law enforcement officers consistent with the Safe School Zones law. The statute states:

Notwithstanding any other provision of law, it shall be permissible for any law enforcement officer and any school administrator to exchange information relating only to acts of theft, destruction, or violence in a safe school zone regarding the identity of any juvenile, police records relating to a juvenile, or other relevant information when such information reasonably relates to delinquency or criminal conduct, suspected delinquency or suspected criminal conduct, or any conduct which would classify a pupil as a child in need of services under RSA 169-D or a child in need of protection under RSA 169-C.

IV.(a) The District and the Hanover Police Department agree the report required by N.H. RSA 193-D:4, I. shall include the following information as per RSA 193-D:4, II:

- (1) The name and home address, if known, of any person suspected of committing an act of theft, destruction, or violence in a safe school zone.

- (2) The name and home address, if known, of any witness to the act of theft, destruction, or violence in a safe school zone.
- (3) Identification of the act of theft, destruction, or violence as defined in R.S.A. 193-D:1 that was allegedly committed.

(b) The District and the Hanover Police Department further recognize the Department of Education's "Form Ed317" requests information not required by RSA-D:4, II., and, therefore, while completion and submission of Form Ed317 shall satisfy the reporting requirements of RSA 193-D:4, I., the Hanover Police Department shall waive the additional reporting elements in Form Ed317 so long as the District provides the information required in RSA 193-D:4, II., which information is enumerated in subsection IV.(a) above.

V.(a) The Safe School Zones law, N.H. RSA 193-D, contains, amongst others, the following definitions.

- (1) "Safe school zone" means an area inclusive of any school property or school buses. RSA 193-D:1, II.
- (2) "School" means any public or private elementary, secondary, or secondary vocational-technical school in New Hampshire. It shall not include home schools under RSA 193-A. RSA 193-D:1, III.
- (3) "School property" means all real property, physical plant and equipment used for school purposes, including but not limited to school playgrounds and buses, whether public or private. RSA 193-D:1, V.
- (4) "School purposes" means school-sponsored programs, including but not limited to educational or extra-curricular activities. RSA 193-D:1, VI.
- (5) "School employee" means any school administrator, teacher, or other employee of any public or private school, school district, school department, or school administrative unit, or any person providing or performing continuing contract services for any public or private school, school district, school department, or school administrative unit. RSA 193-D:1, IV.
- (6) "Act of theft, destruction, or violence" means an act set forth in the following statutes regardless of the age of the perpetrator:
 - (a) Homicide under RSA 630;
 - (b) Any first- or second-degree assault under RSA 631;
 - (c) Any simple assault under RSA 631:2-a;
 - (d) Any felonious or aggravated felonious sexual assault under RSA 632-A;
 - (e) Unlawful possession or sale of a firearm or other dangerous weapon under RSA 159;
 - (f) Arson under RSA 634:1;
 - (g) Burglary under RSA 635;
 - (h) Robbery under RSA 636;
 - (i) Theft under RSA 637;
 - (j) Illegal sale or possession of a controlled drug under RSA 318-B; or
 - (k) Criminal threatening under RSA 631:4. RSA 193-D:1, I.(a)-(k).

(b) Notwithstanding the above statutory definitions, the District and the Hanover Police Department agree to the following additional or modified items to this Memorandum of Understanding.

- (1) The District shall immediately report to the Hanover Police Department any death in a Safe School Zone regardless of whether the death meets or appears to meet the definition of a homicide.
- (2) Pursuant to RSA 193-D:4, I.(b), the District will not report to the Hanover Police Department any simple assault involving pupils in kindergarten through grade 12 provided the District determines the assault did not result in serious injuries. The

District will handle such simple assaults according to the District's disciplinary policy, which sets forth circumstances under which the parents of the pupil(s) involved shall be notified of such assault.

- (3) In addition to the statutory requirements of RSA 159 (firearms), the District shall immediately report to the Hanover Police Department any person in the unauthorized possession of a firearm in a Safe School Zone.
- (4) In addition to the statutory definition of arson, the District shall immediately report to the Hanover Police Department any person who knowingly or with intentional disregard for the safety of others starts any fire or causes any explosion in a Safe School Zone that results in injury and/or damage to property.
- (5) In addition to the statutory definition of burglary, the District shall immediately report to the Hanover Police Department any person who enters a school building or a separately secured section of a school building with the purpose to commit a crime inside.
- (6) In addition to the statutory definition of theft and notwithstanding the statutory definition of robbery, the District shall immediately report to the Hanover Police Department any theft that is accomplished by the use of physical force or the threatened use of physical force.
- (7) Though not specifically enumerated in RSA 193-D:1, I., the District and the Hanover Police Department recognize it is illegal pursuant to RSA 179:10 for a person under the age of 21 years to possess alcoholic beverages or to be intoxicated by the consumption of alcoholic beverages. Therefore, in the spirit of maintaining a safe and healthy school environment, the District shall notify the Hanover Police Department of any person under the age of 21 years who is in a Safe School Zone and who is in possession of or appears intoxicated by the consumption of alcoholic beverages. The same would be applied to anyone, who appears to a staff person who is trained and qualified to make such decisions, to be under the influence of any illegal substance as defined under RSA 318-B, Controlled Drug Act.

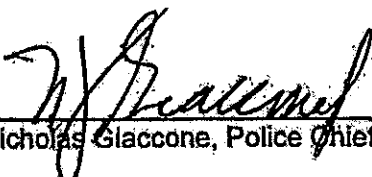
VI. The District and the Hanover Police Department agree that nothing contained in this Memorandum of Understanding is intended to limit the events or circumstances under which the District may choose to report a matter to the Hanover Police Department or request assistance from the Hanover Police Department even when that matter is not specifically referenced in this Memorandum of Understanding or the Safe School Zones law, as amended.

DRESDEN SCHOOL DISTRICT

BY: 
Wayne F. Gersen, Superintendent

11/2/09
Date

HANOVER POLICE DEPARTMENT

BY: 
Nicholas Glaccone, Police Chief

11/02/09
Date

Accepted: Dresden School Board: September 22, 2009



File (10)

STATE OF NEW HAMPSHIRE POSTSECONDARY EDUCATION COMMISSION

Financial Aid | College & University Approvals | Career School Licensing | Veterans State Approvals | Closed School Transcripts | Research/Studies

TESTIMONY

Kathryn G. Dodge, Ph.D., Executive Director

House Bill 1400 – requiring all colleges and universities to report crimes to the local law enforcement agency.

House Education Committee

Thursday, January 14, 2010

Good afternoon Chair Rous and committee members. Thank you for the opportunity to speak on behalf of House Bill 1400. I am Kathryn Dodge, Executive Director of the Postsecondary Education Commission (Commission).

The Commission supports the concept of criminal reporting, but it does not support this bill for practical reasons, as we are not convinced of the necessity. The first practical reason is related to current federal government requirements resulting from the Clery Act. State action, as proposed in HB1400, appears to be a duplicative effort possibly conflicting with the federal act and adding layers of responsibility and reporting that are impractical and not necessary for NH institutions. I am not sure it adds any value for students; it appears it would add administrative and fiscal burdens on institutions.

The second practical reason is in regard to compliance. Commission rules that implement our regulatory responsibilities do not currently address the reporting of crimes. Additionally, the Commission tracks student complaints and follows up on those that directly relate to our rules. We have never received a complaint on this topic and wonder if the intent of the bill might be better served with an institutional as opposed to a state solution.

I want to reinforce our interest in transparency and the concept of reporting crimes, and suggest that this is, perhaps, a well intentioned, but unnecessary approach to the matter.

In short, House Bill 1400 appears impractical and not necessary. For these reasons, the Commission does not support it.



FranklinPierce
UNIVERSITY

To: Representative James O'Neil, Chair, HB1400 Sub-committee
From: Judy Tomlinson, Government Relations, Franklin Pierce University
Date: February 5, 2010
Re: House Bill 1400 – Requiring all Colleges and Universities in the State to Report Crimes Occurring on Campus Property to Local Law Enforcement Officials

HB1400 was introduced by Town of Rindge Chief of Police asking the state to resolve a local issue through legislation. The Chief drafted and submitted the proposed legislation without consulting with the Town of Rindge Board of Selectmen or without notifying Franklin Pierce University's new President.

Dr. James Birge, President of Franklin Pierce University has worked closely with the Chief and other Town officials since his arrival in June 2009 toward the development of a Memorandum of Understanding (MOU) between the University and the Town of Rindge Police Department; one that meets the needs of both parties. The recent arrival of Dr. Birge and the complexities of the past relationship between the Town and the University necessitated a slow and deliberate process of agreement on the MOU – a process that was on-going when the Chief submitted the legislation you are now considering.

Franklin Pierce University has established policy and procedures to deal with crimes and violations of the student code of conduct that occur on campus. Let me offer this summary to the members of the Sub-committee researching the implications of House Bill 1400.

Student Code of Conduct:

Our academic community recognizes the necessity to establish clearly defined standards of behavior that preserve and protect our mission and the laws of New Hampshire. As part of our educational mission, the University has developed the student Code of Conduct. Students are expected to become familiar with and adhere to the University's standards and policies for student conduct. Furthermore, those students who violate the Code of Conduct are held accountable for their actions through the campus Judicial System which imposes sanctions on them ranging from warnings to suspension from the University when they are found to be in violation of the code of conduct.

Each fall during opening weekend, as part of our student orientation session, we invite the Rindge Police Chief to address our students. During this informational session, the Chief talks about local laws and answers any questions the students may have. We also invite a local attorney to present information regarding student rights. We want our

students to be informed regarding their role as a member of the University and Rindge community as well as their rights under New Hampshire law.

Reporting of Incidents:

The University encourages any member of our community to take an active role to ensure the safety of our campus. To help facilitate this, we recommend the reporting of any suspicious activity, incident or violation immediately to the Department of Campus Safety, Residential Life, Judicial Affairs and the Rindge Police Department.

When a violation of University policy, crime or other serious incident is reported, a Campus Safety Officer is dispatched to the scene. The officer(s) assess the situation, based on protocols established between the University and the Chief; determine if the Rindge Police should be notified.

The Rindge Police Department; as well as the State Police and or the County Sheriff's Office are notified if appropriate. Additionally, the victim of any incident determined to be a violation of State or Federal statutes has the right to report the incident to local law enforcement. Campus Safety or other representatives of the University regularly encourage and assist the victim report the crime to local law enforcement.

If the Campus Safety Officer determines the situation presents a significant, on-going or imminent danger to the Franklin Pierce community, the Director of Campus Safety and the Dean of Student Affairs will be notified and a timely warning will be conveyed to the community.

We work closely with the Rindge Police Department on all matters related to public safety. For example; the following procedure was developed in response to requests by the Rindge Police Department.

The University will immediately report any violation of University policy, State or Federal statutes to local law enforcement related to the possession of controlled substances, to wit drugs or drug paraphernalia. In such cases on confirmation of the presence of these items Campus Safety will immediately notify the Rindge Police Department and request their assistance. Once an officer(s) of the Rindge Police arrives at the scene; the scene will be transferred to their control for action as part of the criminal investigation.

In addition, when it comes to crimes of sexual assault, we work closely with the victim. Often times the victim is not sure if they want to report the crime; they struggle with this aspect. We encourage the victim to use the local support systems available to them, our partner agencies such as Monadnock Center for Violence Prevention and local resources. If the victim decides they want to report the crime to the local law enforcement agency, we assist as needed.

Our protocols on drug use and sexual assault were created in direct consultation with the Rindge Chief of Police. In addition, we are dealing with alcohol related offenses as the Chief has prescribed.

The University developed and has available a number of informational brochures and statistical data for our students, faculty and staff. These include:

- Responsible Conduct Through Education – Division of Student Affairs, Department of Judicial Affairs
- Sexual Assault Resources - Franklin Pierce University Outreach Education Center & Women's Crisis Center
- Department of Campus Safety 2009 Campus Crime and Fire Report – this publication is produced in compliance with the Jeanne Clery Disclosure of Campus Security, Policy and Campus Crime Statistics Act

In addition the Judicial Affairs Department keeps track of incidents that occur on an annual basis. Let me highlight some key statistics:

- 31% decrease in number of violations from Fall 08 to Fall 09
- 26% decrease in number of alcohol cases from Fall 08 to Fall 09
- 32% decrease in the number of fire alarms from Fall 08 to Fall 09

Our University continually encourages students to become familiar with the laws that impact them while on our campus. They include the following:

- Family Education Rights and Privacy Act of 1974 (FERPA) – regulates the student records and disclosure of those records.
- Jeanne Clery Act – is a federal law that requires the University to inform its community of crime on campus for the past three years.

Finally I would like to summarize the events related to the December 2008 break-ins. This seems to be the cause of much frustration on the part of Police Chief Sielicki. The break-ins occurred during the December 2008 ice storm. At the time the University was closed, students were sent home or found housing to accommodate their needs. Power was not restored to the campus until December 19; at which time administrative offices re-opened.

Let me offer this brief summary and timeline of events related to the break-ins.

- On December 17, around 3:00 p.m., Campus Safety discovered there was damage to seven dormitory rooms in Mount Washington, New Hampshire and Granite Halls.
- Campus Safety contacted the University's Facilities and Resident Life Department staff, who accompanied the campus safety officer to the impacted rooms. At this time, photos were taken by Campus Safety, documenting the damage. The same photos, Chief Sielicki distributed to the sub-committee members on January 28, 2010.
- Since the campus was closed, it was unclear as to what if anything was missing from the rooms.
- On December 17 the impacted rooms were secured by changing all exterior door locks. This prevented anyone from entering throughout authorization.

- December 17, resident life staff notified students of the situation. Students were asked to return to campus as soon as possible.
- On December 18, Campus Safety notified the Rindge Police Department of the situation and status
- On December 19, a Campus Safety Officer found possible point of entry to the dormitories and notified the Rindge Police Department. It became clear to Campus Safety this was a break-in.
- On December 19, students began to return to campus to check for damage and losses. Campus Safety referred all the students to the Rindge Police Department.

The University has not and will not hide serious violations of the law from the proper authorities. We urge that the bill be voted "Inexpedient to Legislate", as it will not add to the relationship between the University and the Town and may in fact make existing and developing MOU's moot.

Lastly, on an annual basis, New Hampshire's Higher Education industry contributes more than \$5 billion to the State economy (according to the New Hampshire College and University Council, 2009 data). All New Hampshire colleges and universities are competing with their counterparts throughout New England. The effects of this bill will make it more difficult to recruit students and their families to New Hampshire colleges and universities, as families will not want their children to be exposed to police action for minor crimes. The result may be that they choose to attend colleges and universities outside of New Hampshire. The economic impact this bill could have on colleges and universities throughout the state, is unknown, but legislating every campus crime from jaywalking to a stolen laptop will inflate crime statistics and erode our competitive advantage.

Thank you and other members of the sub-committee for your hard work on this bill.

Complete Document

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Posted on Sat, Nov. 15, 2008

Hate crimes up on campuses, group says

By Susan Snyder

Inquirer Staff Writer

La Salle University has disciplined a fraternity and suspended several students over an off-campus fight last weekend in which several black students said they were assaulted and subjected to racial slurs that drew on the presidential election.

> The Phi Gamma Delta fraternity, also known as Fiji, has lost its privileges pending the outcome of the investigation, and 12 to 15 students are expected to face disciplinary charges, school officials said. University officials declined to say whether the students were members of the fraternity.

> Meanwhile, students at St. Joseph's University were planning a candlelight vigil and other events to strike back against racially charged graffiti found in a campus classroom on Oct. 29.

> At Lehigh University, the Black Student Union and others called for curriculum changes and the hiring of a chief diversity officer following reports of racial taunts being made toward black students after the election.

> The actions come as two national groups report a surge of similar acts on campuses and elsewhere around the country, all in the wake of Barack Obama's election as president.

> "There have been hundreds and hundreds of these incidents around the country, everything from Barack Obama effigies hung from nooses, to racist comments posted on various Web sites to really threatening e-mails," said Mark Potok, director of the Southern Poverty Law Center, which monitors hate crimes. "What this represents is a real backlash by a certain subset of the white population."

> His Montgomery, Ala.-based organization said high levels of nonwhite immigration, the surge in minority populations, a worsening economy and joblessness all are contributing to the unrest.

> "Add to all that the election of a black man to the White House. What we're seeing is kind of a perfect storm," he said.

> The NAACP also said it has been receiving reports of threats, firings and intimidating acts.

Salle incidents, said regional director Barry Morrison.

> Some experts emphasized that the incidents on campuses represent the views of only a small "fringe" group.

> "I've not noticed a spike or increase in racial incidents on campuses during or since the election," said Roger Clegg, president of the Center for Equal Opportunity, a Falls Church, Va., based conservative civil rights group.

> He cautioned that the graffiti could be a hoax.

> Still, animosity can be expected to continue to flare during Obama's presidency, some expect.

> "There will always be a vicious and angry minority who will be willing to use violence and racial slurs," said Harris-Lacewell. "Barack Obama will represent a focal point for that."

>

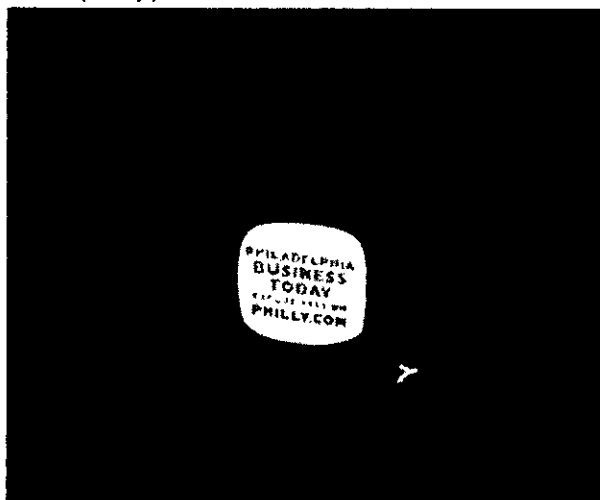
Contact staff writer Susan Snyder at 215-854-4693 or ssnyder@phillynews.com

Find this article at:

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Check the box to include the list of links referenced in the article.

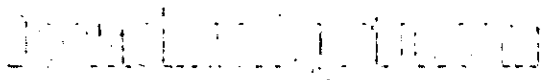
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Investigators: Flaws in how U of I handled case

Updated 8:09 pm

JOHN NAUGHTON • JNAUGHTON@DMREG.COM • SEPTEMBER 18, 2008

Comments (18) Recommend (4) Print this page E-mail this article Share Type Size A A A

Coraville — An independent investigator's report found the University of Iowa failed to adequately protect the alleged victim of a sexual assault by athletes and detailed substantial flaws with the school's behavior, an attorney told the Iowa Board of Regents this afternoon.

"The university's response was simply not adequate," said James Sears Bryant, who led a legal team from the Stolar Partnership, a firm based in St. Louis and Dallas, that was charged with investigating the university's reaction to an incident involving two former football players in October, 2007.



Board of Reg
Bryant of the
investigation

Two former U of I football players, Abe Satterfield and Cedric Everson, have been charged with sex abuse in connection with the alleged assault at Hillcrest Residence Hall on Oct. 14. Cedric Everson, 19, and Abe Satterfield, 20, are accused of sexually assaulting a female student-athlete in an unoccupied dorm room. They have pleaded not guilty and are scheduled for trial Nov. 3.

Stolar P:

[Click here to](#)

Among the findings in today's report, which discovered flaws in the university's administration proceeding, was the alleged victim was harassed by student-athletes at the school that included physical threats and shouts.

The following
policies and |

Although the investigators found significant problems there was no evidence

(1) A compre
with sexual a
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of an attempted cover-up, Bryant said.

The university needs to address the problems with the process, Bryant said.

Among the other criticisms: University officials did not turn over documents to the Board of Regents during the investigation following the event, the school did not provide adequate counseling support for the student when the victim was interviewed by university officials, and university administrators in some cases failed to act together because of territorial disputes.

The alleged victim was subject to intimidation and retaliation by student-athletes, especially in common areas such as the Hillcrest Hall Dining Area and an athlete study area.

The regents hired Stolar Partnership to investigate how the U of I handled the alleged assault after it was revealed the university did not turn over key documents during a previous probe.

Stolar attorneys said the inquiry would take six weeks and cost up to \$250,000. Regents are barring the U of I from paying for the probe with tax or tuition money.

The Regents accepted the report Thursday and will address it at its next meeting Sept. 25 at Drury Inn and Suites in West Des Moines.

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NEWS

From the Office of the New York State Comptroller
Thomas P. DiNapoli

CONTACT: Press Office
(518) 474-4015

FOR RELEASE: Immediately
October 22, 2008

DiNapoli: SUNY Colleges Inconsistently Reporting Crime Statistics

Two-thirds of State University of New York (SUNY) colleges reported campus crime statistics to the federal Department of Education (DoE) that conflicted, in some cases substantially, with the colleges' internal records, according to an audit released today by State Comptroller Thomas P. DiNapoli. DiNapoli's auditors also found some of the colleges failed to report serious crimes such as sexual offenses, burglaries and drug offenses.

"Safety has to come first on college campuses," DiNapoli said. "Parents and students have a right to know, and colleges have a responsibility to report. Accuracy is the key, and some SUNY schools have been inaccurately reporting serious crimes on campus. Not telling the full story on crime won't make crime disappear.

"What we found is disturbing and must be addressed. Students should have a clear and accurate picture of what's happening on their campus so they can protect themselves and their property."

SUNY generally agreed with the audit's findings and indicated that they had initiated a system-wide training to improve reporting. SUNY's full response is included in the audit.

Under the federal Clery Act, both colleges and universities are required to release an annual security report (ASR) detailing crime statistics for the three most recent calendar years and disclosing safety policies and procedures. Schools must make the ASR available to students and employees by October 1, as well as report crime statistics to DoE, which publishes the statistics online at www.opo.ed.gov.

DiNapoli's auditors examined the crime statistics reported by SUNY's 29 colleges (see attachment for a complete list) from January 1, 2006 to December 31, 2006 and compared the school data to what was actually reported to DoE. Auditors found inconsistencies in 19 of the 28 schools' (Empire State College did not prepare an annual report) reports to DoE. Inconsistencies were also found in the annual security reports provided to students and staff. While some discrepancies were relatively minor, others were significant, including those involving sexual offenses, burglaries and drug violations.

At nine of the 19 schools, auditors found that more than 20 crimes/violations differed from what was reported to DoE. Three campuses, Oneonta, Delhi and Cobleskill, had more than 40 crimes/violations that were inconsistent with what was reported to DoE. In addition, only two campuses, Upstate Medical Center and Cortland, reported all the required security policies and procedures while Maritime, Stony Brook and Albany lacked at least 10 or more of the required policies and procedures.

Auditors also visited four SUNY schools, including University at Buffalo, Delhi, New Paltz and Stony Brook, to review the records kept by officials to track crime statistics. Auditors found the following problems:

- Stony Brook underreported nearly 50 percent of crimes occurring on campus in 2006. In total, 56 of 117 incidents were not reported to DoE, including 33 burglaries which were routinely classified by campus police as larcenies. The Clery Act does not require larcenies to be reported. Other crimes not reported included forcible sexual offenses, possession of drugs and vehicle thefts.

Auditors also examined daily police crime logs and found that these logs did not accurately reflect certain crimes identified by campus police. In nine separate incidents, campus police classified on-campus forcible sexual offenses as investigations but did not indicate the specific nature of these investigations. Only four of the nine forcible sexual offenses were actually reported to DoE.

- University at Buffalo did not report a total of 20 incidents to DoE, including 17 drug offenses. It also underreported 75 disciplinary actions, violations of law that did not result in arrests, including 43 drug, 27 liquor and five weapon incidents. Auditors found that the school's daily crime logs did not accurately list the nature of some crimes due to a computer program problem that misclassified crimes. Officials say they are actively working to fix the problem.
- At Delhi, two of the three incidents that were not reported to DoE were for drug violations. Auditors found 12 crimes, including two sexual assaults and two weapons charges, were not accurately recorded in the school's crime logs. Delhi also incorrectly reported crime statistics by academic year rather than calendar year as required.

DiNapoli's auditors concluded that officials at SUNY's 29 schools did not adequately understand the reporting requirements of the Clery Act. Officials at the four colleges visited told auditors that they had not received any formal training on the reporting requirements in years.

Given the serious deficiencies identified, auditors recommended that the University police or auditor follow up on the findings of the audit. Auditors also recommended that SUNY:

- Adopt practices to ensure colleges are complying with Clery Act and periodically confirm the accuracy of each college's reporting;
- Reiterate the need for SUNY college police departments to prepare incident reports to document crimes in a clear and comprehensive manner;
- Provide guidance on preparing ASRs and maintaining crime logs; and
- Provide comprehensive training to officials on complying with Clery Act requirements.

[Click here for a copy of the audit.](#)

[Click here for a list of the schools audited.](#)

###

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The New York Times

CHAP 3

October 21, 1990

Campuses Fighting Back as Crimes Increase

By ANDI RIERDEN

COLLEGES' promotional brochures overflow with photographs of students strolling across lawns, peering through microscopes and studying for exams. The images depict a life far removed from everyday reality. But the gulf between the campus and the outside world appears to be narrowing, as several recent criminal incidents show.

In response, students, parents and crime-prevention specialists have demanded that colleges and universities tighten security and inform the public about the types and severity of campus crimes. Several states, including Connecticut, have recently passed laws requiring colleges to report crimes and to publish safety policies.

Beginning next September, all colleges and universities in the state will have to report crime statistics to students and employees each year and to prospective students and employees upon request. Records of crimes will be based on the F.B.I.'s uniform crime-reporting system, said the State Department of Higher Education's assistant commissioner for research and policy, Martha C. Highsmith. She added that the department is now training college public-safety officials on how to use the reporting system.

Patrols Increased

College and university officials across the state agreed that standardized reporting of crime statistics will help raise awareness about campus safety. They also said that they are already spending more time than ever on fighting crime.

"We realize that we are no longer a privileged sanctuary," said William A. Massett, executive director of the University of Connecticut's Division of Public Safety in Storrs, which employs 38 police officers. Like its counterparts on other campuses, Mr. Massett's division has stepped up security measures by increasing patrols and offering crime-prevention seminars and student escort services. Other measures include the installation of emergency phones and more lighting around campuses and better locks on buildings.

Because there are no comprehensive statewide statistics, it is unclear whether crime is increasing on campuses in Connecticut. Among the 52 college and university campuses in the state, only the eight that maintain their own police departments are required by law to report their crime statistics to the State Department of Public Safety. They are the University of Connecticut at Storrs and Avery Point, the UConn Health Center in Farmington, Southern Connecticut State University in New Haven, Central Connecticut State University in New Britain, Eastern Connecticut State University in Willimantic,

Western Connecticut State University in Danbury and Yale University in New Haven.

Statistics from these campuses show that burglary, larceny and motor-vehicle theft, which are classified as property crimes, far outnumber violent crimes, like murder, rape, robbery or aggravated assault. Of the total of 2,385 crimes reported in 1989, for example, 98 percent were classified as property crimes, an increase of 1 percentage point from 1988.

Officials at other colleges said that property damage and theft from dining halls, residences, classrooms, libraries and automobiles remain the major crime problems. They say the rise in such incidents is due partly to the impact of drug and alcohol abuse and the overall rise in crime in the general population. According to the Center for the Study and Prevention of Campus Violence in Towson, Md., about 80 percent of campus crimes are committed by students against students.

Crime experts also say that campus crime rates are often influenced by the surrounding communities. Officials said a rise in reported burglaries, larcenies and car thefts at Yale last year could be attributed to New Haven's growing drug problem. In response, the university increased its police force in the past 18 months to 54 officers from 50. The University of Bridgeport stepped up its safety efforts in 1988 after the student-body president, Rhonda Baxter, was shot and wounded on campus by two youths who were not students there. In addition to spending \$900,000 on lighting, dormitory security and crime-prevention programs, the university has installed a police post, staffed by a city officer, in an administration building, said Dr.

age group and yearly turnover of students, it's a constant effort to get that message across."

Officials at the University of Hartford and other colleges have also tightened rules on the use of alcohol by restricting drinking to residence halls occupied entirely by seniors.

"The word is out that you can't have any illegal party without it being raided and without having your keg confiscated," said one University of Hartford senior. "It used to be that you could walk around some parts of campus with a beer in your hand."

'That's a Big Relief'

Students at several colleges said they are using more caution by not walking alone at night and by making certain that they lock their dormitory and car doors. They also said they generally felt more secure on campus as a result of crime-prevention programs.

"The police and security guards have been very visible," said Kathy Kemper, a University of Bridgeport senior. "And that's a big relief."

Other students, like Guy-Michael Granby, the managing editor of the University of Hartford's student newspaper, The Informer, said that students may be aware that crime exists, but "they still have this 'it can't happen to me' attitude."

Though college officials agree that mandatory crime reporting and crime-prevention programs are positive steps, such measures alone cannot guarantee safety. The executive director of the Center for the Study and Prevention of Campus Violence, Jan Sherill, said:

"The best deterrent to crime on campus is to build a community that is intolerant of abuse, one that says to students that it's not O.K. to get drunk every night, or steal, or assault someone or get mad and pound holes in walls. Only when students, faculty and administrators make an active effort to create a safe community can we make a difference in the level of crime on campuses."

Photo; Gordon Smith, an 18-year veteran of UConn's security force, is the first patrolman to be assigned a foot patrol at the Storrs campus. Beginning next September, all colleges and universities in the state will have to report crime statistics (pg. 1) (Ron Waters for The New York Times); Officer Joseph A. Hernandez, one of the police officers stationed on the University of Bridgeport campus, with students (pg. 8) (John Coleman for The New York Times)

Key Findings

December 01, 2009

Kathryn Russell said it happened in her on-campus apartment. For Megan Wright, the venue was a residence hall. According to a report funded by the Department of Justice, roughly one in five women who attend college will become the victim of a rape or an attempted rape by the time she graduates. But official data from the schools themselves doesn't begin to reflect the scope of the problem. And student victims face a depressing litany of barriers that often either assure their silence or leave them feeling victimized a second time, according to a nine-month investigation by the Center for Public Integrity.

Many victims don't report at all, because they blame themselves, or don't identify what happened as sexual assault; one national study found that more than 95 percent of students who are sexually victimized do not report to police or campus officials. Local criminal justice authorities regularly shy away from such cases, because they are "he said, she said" disputes sometimes clouded by drugs or alcohol. That frequently leaves students to deal with campus judiciary processes so shrouded in secrecy that they can remain mysterious even to their participants. [Read More](#)

An introductory guide for student journalists interested in investigating how individual schools deal with sexual assault allegations. **GO»**

Three laws have had a dramatic effect on the way sexual assault claims are adjudicated on America's campuses. **GO»**

CULTURE OF SECRECY

Sexual Assault on Campus Shrouded in Secrecy

By Kristen Lombardi | December 01, 2009

A nine-month investigation by the Center for Public Integrity has found that a thick blanket of secrecy envelops cases involving allegations of sexual assault on campus. Many victims don't report at all, and those who do come forward can encounter secret disciplinary proceedings, closed-mouthed school administrations, and off-the-record negotiations. At times, school policies and practices can lead students to drop complaints, or submit to gag orders — a practice deemed illegal. [Read More](#)

INTERVIEWS

1 2



[Audio Slide Show](#)

Kathryn Russell explains the secrecy that enveloped her campus judicial proceedings.

Barriers Curb Reporting on Campus Sexual Assault

By Kristin Jones | December 02, 2009

Students reporting sexual assault on campus routinely say they face a host of institutional barriers in pursuing the on-campus remedies meant to keep colleges and universities safe. The result, say experts, is a widespread feeling that justice isn't being served, and may not even be worth pursuing. Crisis counselors described barriers as overt as a dean expressing

INTERVIEWS



[Audio Slide Show](#)

Christine Carter talks about the importance of support from friends as victims cope with alleged sexual assaults.

disbelief, lawyers pointed out failures as subtle as an institution neglecting to provide access to a professional victim's advocate to guide students through an intimidating process. [Read More](#)

Campus Sexual Assault Statistics Don't Add Up

By Kristen Lombardi and Kristin Jones | December 03, 2009

Limitations and loopholes in the federal mandatory campus crime reporting law, known as the Clery Act, are causing systematic problems in documenting the numbers of campus-related sexual assaults, the Center found. The most troubling loopholes involve broadly applied reporting exemptions for counselors supposedly covered by confidentiality protections. Confusion over definitions of sexual offenses, as well as the law's comprehensive reporting provisions, have created additional problems. Available data suggests that, on many campuses, far more sexual offenses are occurring than are reflected in official Clery numbers. [Read More](#)

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Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 1400

BILL TITLE: requiring all colleges and universities to report crimes to the local law enforcement agency.

DATE: February 16, 2010

LOB ROOM: 207

Amendments:

Sponsor: Rep. R. Ladd	OLS Document #:	2010	0727h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.) **AMENDMENT 0727h**

Moved by Rep. R. Ladd

Seconded by Rep. J. O'Neil

Vote: 19-1 (Please attach record of roll call vote.) **HAND VOTE MOTION ADOPTED**

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. R. Ladd

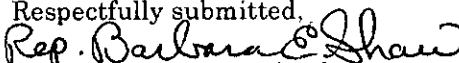
Seconded by Rep. J. O'Neil

Vote: 19-1 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Barbara E. Shaw, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 1400

BILL TITLE: requiring all colleges and universities to report crimes to the local law enforcement agency.

DATE: 1/20/2010

LOB ROOM: 207

Amendments:

Sponsor: Rep. Ladd

OLS Document #: 0727h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

② Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Ladd

Seconded by Rep. O'Neil

Vote: (Please attach record of roll call vote.)

① Motions: amendment ~~OTP~~ OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Ladd

Seconded by Rep. O'Neil

Vote: 19-1 (Please attach record of roll call vote.) (hand vote)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. Barbara E. Shaw
Rep. Barbara E. Shaw, Clerk

minutes report
(Ingbretson)

EDUCATION

Bill #: HB 1400 Title: requiring all colleges and universities to report crimes to the local law enforcement agency.

PH Date: 1 / 14 / 2010 Exec Session Date: 2 / 16 / 2010

Motion: OTP/A Amendment #: 0727h

MEMBER	YEAS	NAYS
Rous, Emma L, Chairman	✓	
Reever, Judith T, V Chairman	✓	
Yeaton, Charles B <i>Rep. Wiley</i>	✓	
Clarke, Claire D	✓	
Shaw, Barbara E, Clerk	✓	
Shaw, Kimberly C	✓	
Day, Judith E	✓	
O'Neil, James M	✓	
Burke, Rachel B	✓	
Harvey, Philip R	✓	
Casey, Kimberley S	✓	
Price, Pamela G	✓	
Ingbretson, Paul		✓
Stiles, Nancy F	✓	
Hutchinson, Karen K	✓	
Boehm, Ralph G	✓	
Laurent, John J	✓	
Ward, Brien L	✓	
Fleck, Joseph W	✓	
Ladd, Rick M	✓	
	19	1

TOTAL VOTE:
Printed: 2/3/2010

Committee Report

REGULAR CALENDAR

March 3, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on EDUCATION to
which was referred HB1400,**

**AN ACT requiring all colleges and universities to report
crimes to the local law enforcement agency. Having
considered the same, report the same with the following
amendment, and the recommendation that the bill
OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick M Ladd

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee: **EDUCATION**
Bill Number: **HB1400**
Title: **requiring all colleges and universities to report crimes to the local law enforcement agency.**
Date: **February 16, 2010**
Consent Calendar: **NO**
Recommendation: **OUGHT TO PASS WITH AMENDMENT**

STATEMENT OF INTENT

Post secondary education institutions and local law enforcement agencies need to work cooperatively in addressing crimes occurring on campus property. This bill with amending language, states that absent a memorandum of understanding, any post-secondary public or non-public institution that has un-sworn law enforcement personnel shall immediately communicate certain campus crimes with local law enforcement. A memorandum of understanding between the institution and local law enforcement shall identify a process for immediately reporting offenses as listed in the National Incident Based Reporting System, Group A. Such agreements shall be in place by January 1, 2011 and colleges and universities are encouraged to annually inform students of this statute. All colleges and universities are urged to work cooperatively with local law enforcement authority in the interests of safety and well being. The bill as amended is also supported by the New Hampshire Association of Chiefs of Police.

Vote 19-0

Rep. Rick M Ladd
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

EDUCATION

HB1400, requiring all colleges and universities to report crimes to the local law enforcement agency.
OUGHT TO PASS WITH AMENDMENT.

Rep. Rick M Ladd for the **Majority** of EDUCATION. Post secondary education institutions and local law enforcement agencies need to work cooperatively in addressing crimes occurring on campus property. This bill with amending language, states that absent a memorandum of understanding, any post-secondary public or non-public institution that has un-sworn law enforcement personnel shall immediately communicate certain campus crimes with local law enforcement. A memorandum of understanding between the institution and local law enforcement shall identify a process for immediately reporting offenses as listed in the National Incident Based Reporting System, Group A. Such agreements shall be in place by January 1, 2011 and colleges and universities are encouraged to annually inform students of this statute. All colleges and universities are urged to work cooperatively with local law enforcement authority in the interests of safety and well being. The bill as amended is also supported by the New Hampshire Association of Chiefs of Police. **Vote 19-0.**

Original: House Clerk
Cc: Committee Bill File

Post secondary education institutions and local law enforcement agencies need to work cooperatively in addressing crimes occurring on campus property. This bill with amending language, states that absent a memorandum of understanding, any post-secondary public or non-public institution that has un-sworn law enforcement personnel shall immediately communicate certain campus crimes with local law enforcement. A memorandum of understanding between the institution and local law enforcement shall identify a process for immediately reporting offenses as listed in the National Incident Based Reporting System, Group A. Such agreements shall be in place by January 1, 2011 and colleges and universities are encouraged to annually inform students of this statute. All colleges and universities are urged to work cooperatively with local law enforcement authority in the interests of safety and well being. The bill as amended is also supported by the New Hampshire Association of Chiefs of Police.

HB 1400 with Amendment

The subcommittee recommends OTP with amendment.

Post secondary education institutions and local law enforcement agencies need to work cooperatively in addressing crimes occurring on campus property. This bill with amending language, states that absent a memorandum of understanding, any post-secondary public or non-public institution that has un-sworn law enforcement personnel shall immediately communicate certain campus crimes with local law enforcement. A memorandum of understanding between the institution and local law enforcement shall identify a process for immediately reporting offenses as listed in the National Incident Based Reporting System, Group A. Such agreements shall be in place by January 1, 2011 and colleges and universities are encouraged to annually inform students of this statute. All colleges and universities are urged to work cooperatively with local law enforcement authority in the interests of safety and well being. The bill as amended is also supported by the NH Association of Chiefs of Police.

Rep. Rick Ladd

E. Rous

COMMITTEE REPORT

COMMITTEE: Education

BILL NUMBER: HB 1400

TITLE: _____

DATE: 2-16-10 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.
0727h

STATEMENT OF INTENT:

see attached

COMMITTEE VOTE: _____

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. _____
For the Committee

REGULAR CALENDAR

March 3, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on EDUCATION to
which was referred HB1400,**

**AN ACT requiring all colleges and universities to report
crimes to the local law enforcement agency. Having
considered the same, and being unable to agree with
the Majority, report with the following Resolution:**

RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Paul Ingbretson

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee: EDUCATION
Bill Number: HB1400
Title: requiring all colleges and universities to report crimes to the local law enforcement agency.
Date: February 16, 2010
Consent Calendar: NO
Recommendation: INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

Colleges and local law enforcement now have the discretion to determine together in “memorandums of understanding” which crimes outside of NIBRS group A offenses must be reported immediately and which not. This is to protect naïve students from themselves in certain less serious areas of crime in which others are not injured or aggrieved and all agree with the need to do so. However, this bill brought forward by law enforcement in two towns tilts the scales away from mutual understanding and gives the law enforcement community the power to force their will on the college by giving them the stick that as long as there is no “memorandum of understanding” – which they, the police, could indefinitely postpone on their own – colleges would be forced to potentially ruin young lives by making them report any and all, even minor issues, to the local police immediately. This is well intended but seriously flawed legislation.

Rep. Paul Ingbretson
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

EDUCATION

HB1400, requiring all colleges and universities to report crimes to the local law enforcement agency.
INEXPEDIENT TO LEGISLATE.

Rep. Paul Ingbretson for the **Minority** of EDUCATION. Colleges and local law enforcement now have the discretion to determine together in "memorandums of understanding" which crimes outside of NIBRS group A offenses must be reported immediately and which not. This is to protect naïve students from themselves in certain less serious areas of crime in which others are not injured or aggrieved and all agree with the need to do so. However, this bill brought forward by law enforcement in two towns tilts the scales away from mutual understanding and gives the law enforcement community the power to force their will on the college by giving them the stick that as long as there is no "memorandum of understanding" – which they, the police, could indefinitely postpone on their own – colleges would be forced to potentially ruin young lives by making them report any and all, even minor issues, to the local police immediately. This is well intended but seriously flawed legislation.

Original: House Clerk
Cc: Committee Bill File

HB 1400MIN P. Ingbretson ITL

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ER

HB1400 as Amended Minority Report

Colleges and local law enforcement now have the discretion to determine together in “memorandums of understanding” which crimes outside of NIBRS group A offenses must be reported immediately and which not. This is to protect naive students from themselves in certain less serious areas of crime in which others are not injured or aggrieved and all agree with the need to do so. However, this bill, brought forward by law enforcement in two towns tilts the scales away from mutual understanding and gives the law enforcement community the power to force their will on the college by giving them the stick that as long as there is no “memorandum of understanding” – which they, the police, could indefinitely postpone on their own – colleges would be forced to potentially ruin young lives by making them report any and all, even minor issues, to the local police immediately. This is well intended but seriously flawed legislation.

Paul Ingretson

MINORITY REPORT

COMMITTEE: Education

BILL NUMBER: HB 1400

TITLE: requiring all college & universities to

DATE: 2-16-10 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. <u>17276</u>

STATEMENT OF INTENT: SEE TYPED SHEET (PL)

Colleges and local law enforcement now have the discretion to determine in "memorandums of understanding" ~~(PL)~~ to determine which crimes outside of NIBRS group A offenses must be reported immediately. This bill would enable local law enforcement to force the college in their town to report ^{and all} crimes immediately simply by dragging their feet on the memorandums of understanding agreement. ~~to the potential~~

The minority believes ~~that~~

COMMITTEE VOTE: 19-1

• Copy to Committee Bill File

RESPECTFULLY SUBMITTED,
Rep. *Paul Sizemore*
For the Minority