**Texas A&M University-Kingsville**

**UNIVERSITY POLICE DEPARTMENT**

**CAMPUS SECURITY AUTHORITY (CSA) 2020**

# CRIME STATISTIC REPORT FORM

**Please forward this completed form to: Felipe Garza, Director of Public Safety/Chief of Police, MSC 126, felipe.garza@tamuk.edu**

According to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1092(f)), Texas A&M University-Kingsville is required to collect and annually publish statistics concerning the occurrence of selected crimes on campus property (including residential facilities), non-campus property, and public property, reported or known to University Police, local police or any individuals identified by the University as "Campus Security Authorities” (CSA). Campus Security Authorities are defined as, “An official of an institution who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline, and campus judicial procedures.” The information collected from these forms is used to prepare a compilation of statistical crime information for inclusion in the campus' Annual Security Report. University Police will use this form to determine the category of the crime or incident and the location under which the incident should be reported according to the requirements of the Clery Act. Data collected on this form is to be used to promote crime awareness and enhance campus safety.

Texas A&M University-Kingsville strives to ensure that complainant and witnesses to crime are aware of their right to report criminal acts to the police, and to report University policy violations to the appropriate office. However, if a reporting person requests anonymity, this request must be honored to the extent permitted by law. Accordingly, no information should be included on this form that would personally identify the complainant without his/her consent.

For Clery purposes, the student status of the complainant or the respondent is not a relevant fact as to whether or not this report form is to be completed. If a violation of one of the 21 listed offenses occurs on Texas A&M University-Kingsville Clery geography, documentation is required, regardless of whether it is believed another report had been previously filed. In order for the university to satisfy the statistical reporting requirements of the Clery Act, all CSAs are required to complete this form or on-line on the UPD website using the Report a Crime link (<https://www.tamuk.edu/dean/dean_files/cleryreport.pdf>) when specified crimes/incidents (listed below) are reported to them or at the end of the year advising no crimes were reported to them. In addition, a person reporting an incident to a CSA shall also be encouraged to report the crime to the Texas A&M University-Kingsville Police Department and/or Director of Compliance or Title IX Coordinator offices.

**Procedures** If you are one of university’s CSAs and you receive a report, or otherwise become aware of the occurrence of one of the selected crimes listed below, please do the following:

1. “Good-faith” confidential, second hand or anonymous reports shall be accepted.

2. Encourage the crime complainant (s) and/or witness(es) to report the incident to University Police (361-593-2611)

3. If the incident indicates the possibility of an imminent community threat, inform UPD without delay.

4. If the incident reported is a sexual assault or other violent crime:

a. Inform the complainant (s) and/or witness(es) of the support services available

b. Actively support the complainant (s) and/or witness(es) in accessing these services.

5. Complete the Crime & Incident Report form and handle as a “confidential” document.

6. Submit the form (pages 1-2) in a confidential envelope and deliver it to: UPD 855 N. University Boulevard (Lewis Hall), MSC126 Kingsville, Texas 78363

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| If no crimes were reported to you in **2020**, please check the box below, print your name and initial. This form is being used to document that you have received this reporting form and that no crimes were reported to you for the previous reporting cycle.  Reporting Person (CSA)(print name): Department:  Position:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Phone Number:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    *By placing an* ***X*** *on this line, you are confirming that no crimes, as described below, were reported to you during the requested calendar year, 2020.* **Signature here:** |

Complete this box if a crime was reported to you and **you have not previously reported the incident**, if more than one crime was reported to you, fill out one of these forms for each crime reported.

Reporting Person (print name): □ complainant □ witness □ accused □ other

Relationship to Victim: Address: Phone Number:

Was a Police Report Filed? □ Yes □ No □ Unknown Specify Law Enforcement Agency: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date:\_\_\_\_\_\_\_\_\_\_\_\_

Report Case # (if known): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date Incident Occurred:

Classification (see definitions below): Offenses

□ Murder/Non-negligent manslaughter □ Manslaughter by Negligence □ Aggravated Assault □ Robbery

Sex Offense: □ Rape (forcible rape, sodomy, sexual assault with object) □ Fondling □ Incest □ Statutory Rape

□ Burglary □Motor Vehicle Theft □ Arson

□ Drug Abuse Violation □ Liquor Law Violation □ Weapons Law Violation: Carrying, possessing Type of Weapon

Offenses – Violence Against Women Act (VAWA) □ Domestic Violence □ Dating Violence □ Stalking

Location of Incident (building name or address):

Brief description of the incident/crime:

**IF THE DANGER IS STILL ONGOING OR IMMINENT-CALL THE UNIVERSITY POLICE IMMEDIATELY**

**TEXAS A&M UNIVERSITY KINGSVILLE POLICE 361-593-2611**

Texas A&M University-Kingsville is also required to report statistics for bias related **Hate Crimes** by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, manslaughter by negligence, robbery, aggravated assault, burglary, motor vehicle theft, arson, sex offenses (see above) and larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property (see below).

□ Larceny-theft □ Simple Assault □ Intimidation □ Destruction/Damage/Vandalism of Property

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Was this crime/incident motivated by bias? | | □ Unknown | □ Yes | □ No |
| If yes, identify the category of prejudice: | □ Race □ Religion □ Sexual Orientation □ National Origin  □Ethnicity □ Gender □Disability □ Gender Identity | | |

***Murder/Non-Negligent Manslaughter*:** the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

***Manslaughter by Negligence***: the killing of another person through gross negligence.

***Robbery****:* the taking or attempting to take anything from value of the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

***Aggravated Assault****:* an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

***Burglary****:* The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

***Motor Vehicle Theft****:* The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding)

***Arson***: The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

***Domestic Violence:*** The term ‘‘domestic violence’’ includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction. *Texas Family Code, Sec. 71.004. FAMILY VIOLENCE. "Family violence" means: (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself; (2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or (3) dating violence, as that term is defined by Section 71.0021. Sec. 71.005. HOUSEHOLD. "Household" means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other. Sec. 71.006. MEMBER OF A HOUSEHOLD. "Member of a household" includes a person who previously lived in a household.*

***Dating Violence***: The term ‘‘dating violence’’ means violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:(i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship. *Texas Family Code, Sec. 71.0021. DATING VIOLENCE. (a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that: (1) is committed against a victim: (A) with whom the actor has or has had a dating relationship; or (B) because of the victim's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and (2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim in fear of imminent physical harm, bodily injury, assault, or sexual assault. (b) For purposes of this title, "dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of: (1) the length of the relationship; (2) the nature of the relationship; and (3) the frequency and type of interaction between the persons involved in the relationship. (c) A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship" under Subsection (b).*

**Stalking:** The term ‘‘stalking’’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. Sec. 42.072. STALKING. (a) A person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at another person, knowingly engages in conduct that: *Texas Penal Code: (1) constitutes an offense under Section 42.07, or that the actor knows or reasonably should know the other person will regard as threatening: (A) bodily injury or death for the other person; (B) bodily injury or death for a member of the other person's family or household or for an individual with whom the other person has a dating relationship; or (C) that an offense will be committed against the other person's property; (2) causes the other person, a member of the other person's family or household, or an individual with whom the other person has a dating relationship to be placed in fear of bodily injury or death or in fear that an offense will be committed against the other person's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and (3) would cause a reasonable person to: (A) fear bodily injury or death for himself or herself; (B) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship; (C) fear that an offense will be committed against the person's property; or (D) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended. (b) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor has previously been convicted of an offense under this section or of an offense under any of the following laws that contains elements that are substantially similar to the elements of an offense under this section: (1) the laws of another state; (2) the laws of a federally recognized Indian tribe; (3) the laws of a territory of the United States; or (4) federal law. (c) For purposes of this section, a trier of fact may find that different types of conduct described by Subsection (a), if engaged in on more than one occasion, constitute conduct that is engaged in pursuant to the same scheme or course of conduct. (d) In this section: (1) "Dating relationship," "family," "household," and "member of a household" have the meanings assigned by Chapter 71, Family Code. (2) "Property" includes a pet, companion animal, or assistance animal, as defined by Section 121.002, Human Resources Code.*

***Weapons Law Violations****:* The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

***Drug Abuse Violations****:* Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

***Liquor Law Violations****:* The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

*NOTE: The above listed crime definitions from the Uniform Crime Reporting Handbook*

### Sex Offenses- Forcible

***Forcible Rape*:** The carnal knowledge of a person, forcibly and/or against the person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

***Forcible Sodomy*:** Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

***Sexual Assault With An Object:*** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

***Forcible Fondling:*** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

### Sex Offenses- Non-forcible

***Incest*:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

***Statutory Rape:*** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

*NOTE: The above listed Sex Offenses Definitions From the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program*

# HATE CRIMES

Texas A&M University-Kingsville is also required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and larceny, vandalism, intimidation, and simple assault (see definitions below).

***Larceny***: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

***Vandalism****:* To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

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

***Simple Assault***: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim

suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc... the assault is then also classified as a hate/bias crime.