

CAMPUS CRIME

Second Edition

CAMPUS CRIME

Legal, Social, and Policy Perspectives

Edited by

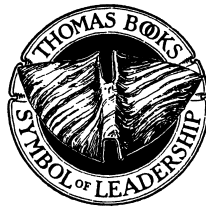
BONNIE S. FISHER

*Division of Criminal Justice
University of Cincinnati*

and

JOHN J. SLOAN, III

*Department of Justice Sciences
University of Alabama-Birmingham*



CHARLES C THOMAS • PUBLISHER, LTD.
Springfield • Illinois • U.S.A.

Published and Distributed Throughout the World by

CHARLES C THOMAS • PUBLISHER, LTD.
2600 South First Street
Springfield, Illinois 62794-9265

This book is protected by copyright. No part of
it may be reproduced in any manner without written
permission from the publisher. All rights reserved.

©2007 by CHARLES C THOMAS • PUBLISHER, LTD.

ISBN-13: 978-0-398-007736-5
ISBN-10: 0-398-07736-3
ISBN-13: 978-0-398-07737-2 (pbk.)
ISBN-10: 0-398-07737-1 (pbk.)

Library of Congress Catalog Card Number: 2006048899

*With THOMAS BOOKS careful attention is given to all details of manufacturing
and design. It is the Publisher's desire to present books that are satisfactory as to their
physical qualities and artistic possibilities and appropriate for their particular use.
THOMAS BOOKS will be true to those laws of quality that assure a good name
and good will.*

*Printed in the United States of America
MM-R-3*

Library of Congress Cataloging in Publication Data

Campus crime : legal, social, and policy perspectives / edited by Bonnie S.
Fisher and John J. Sloan III. — 2nd ed.
p. cm.

Includes bibliographical references and index.

ISBN-13: 978-0-398-07736-5

ISBN-10: 0-398-07736-3

ISBN-13: 978-0-398-07737-2 (pbk.)

ISBN-10: 0-398-07737-1 (pbk.)

1. College students—Crimes against—United States. 2. Universities and col-
leges—Security measures—United States. 3. Campus police—Legal status, laws,
etc.—United States. I. Fisher, Bonnie, 1969– II. Sloan, John J.

HV6250.4 S78F57 2007
364.973--dc22

2006048899

ABOUT THE CONTRIBUTORS

Catherine Bath is the Executive Director of Security On Campus, Inc. (SOC), the only national nonprofit organization devoted exclusively to assisting the victims of violence on college campuses, and to improving campus security. Cofounded by Connie and Howard Clery in 1987, SOC has been the driving force behind the federal *Clery Act* and nearly thirty other state and federal laws addressing campus crime reporting and victims' rights. Catherine became an advocate for change in postsecondary institutions' campus alcohol policies after the death of her son at Duke University in November of 1999 of aspiration pneumonia, a condition he contracted after a night of heavy drinking. Her advocacy focuses on educational efforts to reduce college students' alcohol and other drug consumption, and to encourage healthy lifestyle choices. An accomplished artist, Ms. Bath studied painting at the University of Illinois in Champaign-Urbana.

Joanne Belknap is a Professor of Sociology and Women's Studies at the University of Colorado at Boulder. She received her doctorate in criminal justice from Michigan State University in 1986. The third edition of her book, *The Invisible Woman: Gender, Crime and Justice* (2007), is an overview of research on women and girls as victims and offenders, and women as workers in the criminal legal system. Dr. Belknap has published extensively on female offenders and female victims. She is a past recipient of the "Inconvenient Woman of the Year" Award from the Division on Women & Crime of the American Society of Criminology and has also received numerous teaching and service awards.

Kristie R. Blevins is an Assistant Professor of Criminal Justice at the University of North Carolina at Charlotte. She received her Ph.D. in Criminal Justice from the University of Cincinnati. Dr. Blevins is coeditor of, and a contributor to, *Taking Stock: The Status of Criminological Theory* (2006). Her research interests include correctional rehabilitation, victimization, and the occupational reactions and attitudes of employees in the criminal justice system. She is currently involved in field research exploring the attributes, drug habits, and motivations of solicitors of prostitutes in a southern metropolitan area.

Max L. Bromley is an Associate Professor of Criminal Justice and Director of the Masters Program in Criminal Justice Administration in the Department of Criminology at the University of South Florida. Previously, he was Associate Director of Public Safety at the University of South Florida and worked in the criminal justice field for almost twenty-five years. He received his B.S. and M.S. in Criminology from Florida State University, and a Doctorate in Higher Education with an emphasis in Criminal Justice from Nova University. Dr. Bromley is the author of *Department Self-Study: A Guide for Campus Law Enforcement Administrators*, which has been used at over 1,000 institutions of higher education in the U.S. He is also coauthor of *Crime and Justice in America* (6th Ed.) (2004), *Hospital and College Security Liability* (1987), and *College Crime Prevention and Personal Safety Awareness* (1990). His work has appeared in *Policing*, *Police Quarterly*, *Criminal Justice Policy Review*, and *Journal of Contemporary Criminal Justice*. His research interests involve police administration, police organizational change, and specialized police agencies.

S. Daniel Carter is the Senior Vice President of Security On Campus, Inc. (SOC) the only national nonprofit organization devoted exclusively to assisting the victims of violence on college campuses and to improving campus security. Cofounded by Connie and Howard Clery in 1987, the organization has been the driving force behind the federal *Clery Act* and nearly thirty other state and federal laws addressing campus crime reporting and victims' rights. Carter has been working on improving victims' rights and campus safety for more than fifteen years, beginning his work while a student

at the University of Tennessee from which he graduated in 1994 with a B.A. in Political Science. He has worked on every amendment to the Clery Act since 1992, including the *Campus Sexual Assault Victims Bill of Rights*, and serves as SOC's lead Crime Victim Advocate.

Francis T. Cullen is Distinguished Research Professor of Criminal Justice and Sociology at the University of Cincinnati. His recent work includes *Combating Corporate Crime: Local Prosecutors at Work* (1998), *Criminological Theory: Context and Consequences* (2007), and *Criminological Theory: Past to Present—Essential Readings* (2006). His research focuses on the impact of social support on crime, the measurement of sexual victimization, public opinion about crime control, and rehabilitation as a correctional policy. He is a Past President of both the American Society of Criminology and the Academy of Criminal Justice Sciences.

Leah E. Daigle is an Assistant Professor of Justice Studies in the Department of Political Science at Georgia Southern University. She received her Ph.D. in Criminal Justice from the University of Cincinnati. Her research interests include the development of offending over time, and gender differences in the antecedents to, and consequences of, criminal victimization and participation in offending across the life-course. Her most recent research has examined innovative responses to college women who have suffered sexual assault victimization, including self-protective action and acknowledgment. Dr. Daigle's work has appeared in *Justice Quarterly*, the *Journal of Interpersonal Violence*, and *Criminal Justice and Behavior*.

George W. Dowdall is Professor of Sociology at Saint Joseph's University. His books include *The Eclipse of the State Mental Hospital* (1996) and *Adventures in Criminal Justice Research* (2004). His research has focused on college student binge drinking, including one paper commissioned by the National Institute of Alcohol Abuse and Alcoholism Task Force on College Drinking. A graduate of Holy Cross, he received the Ph.D. in Sociology from Brown University and was an NIMH Postdoctoral Fellow at the UCLA School of Public Health. He has been a faculty member at Indiana

University, Buffalo State, and Saint Joseph's, and held visiting appointments at UCLA, Penn, Brown, and Harvard. In 2000, he was the American Sociological Association's Congressional Fellow. Dr. Dowdall also serves on the Board of Directors of Security on Campus, Inc.

Edna Erez is a Professor and Head of the Department of Criminal Justice at the University of Illinois at Chicago. She holds a law degree (LL.B.) from the Hebrew University of Jerusalem and Ph.D. in Sociology from the University of Pennsylvania. She is the current Coeditor of *International Review of Victimology* and an Associate Editor of *Violence and Victims*; she is also a past editor of *Justice Quarterly*, the official publication of the Academy of Criminal Justice Sciences. Professor Erez has published extensively on victims and women in the criminal justice system, and violence against women, including immigrant women. Among her current projects is a study of women involved in terrorism.

Bonnie S. Fisher is a Professor of Criminal Justice in the Division of Criminal Justice at the University of Cincinnati, and a senior research fellow at the Criminal Justice Research Center. She has been Principle Investigator on four national-level grants funded by the U.S. Department of Justice to examine issues concerning the victimization of college students, the sexual victimization and stalking of college women, violence against college women, and responses by colleges and universities to a report of a sexual assault. Her research interests include the correlates of victimization, fear of victimization, and attitudes toward criminal justice policy. Her most recent work has examined the extent and nature of repeat sexual victimization among college women and the efficacy of the protective action-completion nexus for sexual victimization.

Dennis E. Gregory is an Associate Professor of Higher Education at Old Dominion University and serves as Program Director for the Higher Education Graduate Programs. He has served in student affairs positions at schools in the Southeast between 1974 and 2000 and is a past President of the Association for Student Judicial Affairs. He has also served in a variety of professional leadership posi-

tions, including currently serving as Associate Editor of the *NASPA Journal* and on the Board of Directors of the Council for the Advancement of Standards in Higher Education (CAS). Dr. Gregory has presented over 100 programs, speeches, teleconferences, seminars and keynote addresses on student affairs and legal topics throughout the United State. He has authored or coauthored over fifty articles, book chapters, monographs and other publications, including *The Administration of Fraternal Organizations on North American Campuses: A Pattern for the New Millennium* (2003).

Timothy C. Hart is an Assistant Professor in the Department of Criminal Justice at the University of Nevada–Las Vegas (UNLV) and Director of the State of Nevada’s Center for the Analysis of Crime Statistics. He received the Ph.D. in Criminology from the University of South Florida in 2006. His research interests include survey research, applied statistics, geographic information systems, and victimization. Prior to joining the UNLV faculty, Dr. Hart was a Statistician for the Bureau of Justice Statistics, a Program Analyst for the Drug Enforcement Administration and a Research Analyst for the Hillsborough County (FL) Sheriff’s Department.

Steven M. Janosik is an Associate Professor and Senior Policy Analyst in the Department of Educational Leadership and Policy Studies at Virginia Tech. He received the B.S. in Business Administration from Virginia Tech, an M.A. in Counseling and Student Personnel Services from the University of Georgia, and the Ed. D. in Educational Administration from Virginia Tech. Dr. Janosik has more than twenty years experience in college administration, and is the author or coauthor of two books, eleven book chapters, and fifty-four journal articles on such topics as campus crime, college administration, and higher education law. He has received the “Outstanding Research Award” from the American College Personnel Association’s Commission III, the “D. Parker Young Award” for outstanding scholarship and research in the areas of higher education law and judicial affairs from the Association for Student Judicial Affairs, and the “Outstanding Contribution to Student Affairs Through Teaching Award” from National Association of Student Personnel Administrators, Region III.

Heather M. Karjane is Gender Issues Coordinator at the Massachusetts Administrative Office of the Trial Court. Dr. Karjane has specialized in the fields of violence towards women, violence prevention, traumatic stress, and survivorship for over twenty years. She has served as an advisor to the U.S. Air Force, the U.S. Department of Defense, the Children's Safety Network, the National Suicide Prevention Resource Center, and the Media Education Foundation. Her research has been funded by the National Institute of Justice and the Centers for Disease Control and Prevention. She is a founding member of the Greenbook National Demonstration Initiative and has been a member of the Massachusetts Governor's Commission on Sexual and Domestic Violence since 2002. Dr. Karjane holds a Ph.D. from the University of Massachusetts at Amherst, an M.A. from Simmons College, and a B.A. from Rutgers University.

Mark M. Lanier is an Associate Professor of Criminal Justice in the Department of Criminal Justice and Legal Studies at the University of Central Florida. He earned an interdisciplinary social science doctoral degree from Michigan State University in 1993 and formerly taught at Eastern Michigan University. Dr. Lanier has published numerous articles in a variety of interdisciplinary journals, including those in public health, criminal justice, criminology, law, and psychology. His funded research has examined youth and HIV/AIDS, and community-oriented policing (COP). In 1997, the College of Health and Public Affairs at the University of Central Florida named him one of its "Distinguished Researchers of the Year." He is coauthor (with Stuart Henry) of *Essential Criminology* (1998; 2004) and the *Essential Criminology Reader* (2006), and is coeditor (with Stuart Henry) of *What Is Crime?* (2001). In 2006, he was recognized as the Educator of the Year by the Southern Criminal Justice Association.

Samuel C. McQuade, III, Ph.D. currently serves as the Professional Studies Graduate Program Coordinator at the Rochester Institute of Technology. He is a former Air National Guard security officer, deputy sheriff and police officer, police organizational change consultant, National Institute of Justice Program Manager for the U.S. Department

of Justice, and Study Director for the Committee on Law and Justice at the National Research Council of the National Academics of Sciences. Professor McQuade holds a Doctoral Degree in Public Policy from George Mason University and a Masters Degree in Public Administration from the University of Washington. He teaches and conducts research at RIT in areas inclusive of computer crime, security technology administration, and career options in Technology-oriented societies. Dr. McQuade also oversees a professional concentration of graduate courses pertaining to Security Technology, which are now offered through RIT's Professional Studies Masters of Science Degree. His new textbook titled, *Understanding and Managing Cybercrime*, was published by Allyn & Bacon/Pearson Education in 2006.

Elizabeth Ehrhardt Mustaine is an Associate Professor of Sociology at the University of Central Florida. She earned the Ph.D. in Sociology from the Ohio State University. Her research centers on issues of criminal victimization risks, domestic violence and stalking, and sex offender registration. Dr. Mustaine is active in both community organizations and numerous academic associations.

Matthew B. Robinson is an Associate Professor of Criminal Justice at Appalachian State University. He earned the Ph.D. in Criminology from Florida State University. He is author of *Justice Blind?: Ideals and Realities of American Criminal Justice* (2005), *Why Crime? An Integrated Systems Theory of Antisocial Behavior* (2004), and coauthor of *Spatial Aspects of Crime: Theory and Practice* (2004). His forthcoming books include *Lies, Damned Lies, and Statistics: A Critical Analysis of Claims Made by the Office of National Drug Control Policy* (2007) and *Death Nation: The Experts Explain American Capital Punishment* (2007). He is a Past President of the Southern Criminal Justice Association. His main areas of interest include criminological theory, crime prevention, the death penalty, the war on drugs, and injustices occurring in the legal system.

Sunghoon Roh is an Assistant Professor of Criminal Justice at Appalachian State University. He is a former Commander and Chief Officer assigned to the Crime Prevention Division, Criminal Investigation Unit and Combat Police Force Unit in

Busan, South Korea. He has published several articles and book chapters in the areas of community policing, spatial aspects of crime, and theories of crime. His main areas of interest include policing, race and crime, and crime mapping.

Shannon A. Santana is an Assistant Professor of Criminal Justice at Florida International University. She received the Ph.D. in Criminal Justice from the University of Cincinnati. She conducted the content analysis of data collected for the National Campus Sexual Assault Policy Study. Her work has appeared in the *Justice System Journal* and the *Security Journal*. She has also coauthored book chapters that have appeared in *Violence at Work: Causes, Patterns, and Prevention*, *Restorative Justice on the College Campus: Promoting Student Growth and Responsibility*, and *Reawakening the Spirit of Campus Community, and Changing Attitudes to Punishment: Public Opinion, Crime and Justice*. Her research interests include violence against women, the effectiveness of self-protective behaviors in violent victimizations, workplace violence, and rehabilitation.

Linda K. Shafer earned her Ph.D. in Political Science from the University of Oregon. A former academic, Dr. Shafer now lives and works on the West Coast. She works for the judicial branch of state government but remains involved in various victims' and women's rights causes.

Jessica Shoemaker is a candidate for the M.S. in Criminal Justice at the University of Alabama at Birmingham, where she earned her B.S. with Honors in Criminal Justice in 2005. Her thesis research examines the correlation between an inmate's readiness to change and his participation in faith-based correctional programs. Her research interests include faith-based inmate rehabilitation and the effect of extra-legal variables on sentence outcomes.

John J. Sloan, III is an Associate Professor of Criminal Justice and Chairman of the Department of Justice Sciences at the University of Alabama at Birmingham. He earned the Ph.D. in Sociology from Purdue University. His work has appeared in such journals as *Criminology and Public Policy*, *Justice Quarterly*, *Social Forces*, and *Criminology*. For over a decade, he has collaborated with Bonnie Fisher and others on

numerous projects that examined victimization patterns, fear of victimization, and security issues on college and university campuses in the U.S.

Megan Stewart is a doctoral student in the Division of Criminal Justice at the University of Cincinnati. She holds a B.A. in Psychology from Miami University of Ohio and an M.S. in Criminal Justice from the University of Cincinnati. Prior to pursuing her Ph.D., she worked for the University of Cincinnati Police Department, and was a hotline counselor and rape crisis advocate for the Community Counseling and Crisis Center in Oxford, Ohio. Her current research interests include crime prevention, repeat victimization, sexual victimization, stalking, fear of crime, environmental criminology, and psychopathology.

Richard Tewksbury is a Professor of Justice Administration at the University of Louisville and Research Director for the National Prison Rape Elimination Commission. He holds a Ph.D. in Sociology from the Ohio State University. He is author/editor of eleven books and more than 150 scholarly articles and chapters. In 2006, he received the American Correctional Association's "Peter P. Lejin's Correctional Research Award," and in 2005, was named the Southern Criminal Justice Association's "Educator of the Year." He actively works with a number of local, state, and federal criminal justice and social service agencies. Dr. Tewksbury's research focuses on issues of risks of criminal victimization, sexual violence, men's sexuality, and sex offender registration.

*For T.A.H.S., T.S.M., and my family with thanks
for the support and the understanding.*

J.J.S.

*To Nick, Olivia, and Camille with many thanks
for their endless encouragement and patience.*

B.S.F.

PREFACE

This volume is the second edition of *Campus Crime: Legal, Social and Policy Perspectives*. The demand for a second edition is evidence that interest in the legal, social, and policy contexts of campus crime has not waned since publication of the first edition in 1995. Congress and state legislators have maintained continued interest in campus crime and security through passage of, and amendments to, laws addressing these issues. Researchers from a variety of disciplines have published numerous studies that examined a wide range of campus crime and security topics from the extent and nature of student victimization to compliance by postsecondary institutions to federal and state legislation. Law enforcement professionals have made progress reforming the organizational structure and tactical practices of campus police departments. Despite these continued actions, concerns about campus crime and security persist among students and their parents, administrators, faculty, staff, and student advocacy groups.

Among our purposes in assembling a second edition of *Campus Crime: Legal, Social and Policy Perspectives* is to share with readers the advancements that have been made to better understand campus crime, especially student victimization, and effectively address security issues. For the sake of continuity with the first edition, we maintain the three section divisions found there: The Legal Context of Campus Crime, The Social Context of Campus Crime, and The Security Context of Campus Crime. Within each section, contributors address what we believe, given our knowledge and expertise, constitute the most pressing crime and security issues that continue to face post-secondary administrators and their students, faculty, and staff.

Some chapters included in this second edition address “long-standing” topics such as the sexual victimization of college women and the role of campus police departments in securing the campus. The remaining chapters address “new” topics emerging since publication of the first edition. First, over 15 years have passed since passage of the first ever federal-level campus crime legislation, now known as the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (20 U.S.C. 1092[f]). Its requirements have generated numerous critical discussions and empirical analyses that

raise questions about the legislation's effectiveness and on campus crime impact. Second, researchers have completed and published the results of at least five national-level and numerous smaller scale victimization studies since 1995. Together, they have filled gaps (some of which we identified in the Postscript of the first edition) in researchers' understanding of the extent, nature, and spatial aspects of student victimization. Beyond estimating victimization rates, these studies offer insight concerning how students' routine activities and lifestyles, including alcohol use and abuse, contribute to their victimization risk. Third, since 1995, legislatures have criminalized two "new" behaviors, stalking and "high-tech" abuses such as computer hacking and identity theft, which pose unique victimization risks and perpetration opportunities for students, and create security and policing challenge for campus administrators far different from "traditional" types of violence and property theft. Finally, implementation of community-oriented policing on many campuses has ushered in a new era of campus policing and which gives rise both to new practices and challenges.

Section I of the book examines the legal context of campus crime by presenting five chapters focusing on the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (*Clery*). From a legal standpoint, *Clery* and its state-level counterparts have created important obligations for post-secondary institutions, including annually reporting campus crime statistics and publicly reporting institutional processes designed to enhance campus security and provide assistance to campus crime victims. The chapters acquaint the reader with: (1) the genesis and evolution of *Clery*, (2) the current state of research concerning public awareness of *Clery* and its impact, (3) results and implications of the only national-level evaluation of the sexual assault reporting requirements of *Clery*, the National Campus Sexual Assault Policy Study, (4) inherent limitations of *Clery*'s goals and their effect on the "true" extent of gendered violence on campus and resulting ineffective institutional responses, and (5) a national-level comparative analysis of state-based *Clery*-style legislation.

Part II examines the social context of campus crime. The six chapters in this section present both descriptions of, and explanations for, the extent and nature of college student victimization, addressing a range of salient topics that are of interest to researchers and administrators. Four of the chapters address issues such as whether student victimization rates differ from non-students', the utility of routine activities and lifestyle theories for explaining college student victimization patterns, the role of alcohol use and abuse in understanding college student victimization, and the spatial distribution on campus of frequently occurring offenses, such as alcohol and drug violations, and vandalism. The remaining two chapters focus on crimes typically committed primarily against women. One chapter offers a comprehensive

overview of the growing body of research into sexual harassment, rape, and intimate partner abuse of college women. The second chapter discusses the extent, nature, and impact of stalking behaviors committed against and by college students.

Section III of the book focuses on security issues on campus. Two chapters focus on the organization and practices of campus police by examining the evolution of campus policing over the past four decades and the administrative and operational models of campus police, including the recent implementation of community-oriented policing and the application of community-based strategies on campuses. The third chapter examines the rise of high-tech abuses and crimes on campus and offers suggestions for how postsecondary institutions can address these new forms of illegal behavior.

Although we added new topics to and updated others for the second edition, we remain committed to providing a timely compilation of topics to an audience of students, parents, academicians, practitioners, and college administrators. In compiling these chapters, our goal was to bring together works designed to provide readers a current picture and critical analysis of issues concerning the legal, social, and policy contexts of campus crime and security. We believe the collected works of this volume offer insightful discussions and raise relevant questions. The authors also provide plausible responses to addressing campus crime and security, a social problem that continues to affect students, their parents, and postsecondary institutions on a daily basis.

BONNIE S. FISHER
JOHN J. SLOAN, III

ACKNOWLEDGMENTS

We again thank our editor, Michael Payne Thomas, for his guidance and patience with us in putting together this second edition. We also are grateful to our contributors, both returning and new, for producing high-quality chapters and adhering to our deadlines with a sense of humor. Their enthusiasm for this volume and dedicated efforts give us hope that future research can better inform the development and implementation of effective proactive and prevention responses to campus crime.

John thanks Tavis for her support of this project, and Dr. Tennant S. McWilliams, Dean of the School of Social and Behavioral Sciences at UAB, for release time from administrative duties that allowed him to complete this project. Finally, he thanks his parents, John and Christine, and his siblings, Timothy and Kathleen, for their support over the years.

Bonnie thanks Nick for encouraging her to follow her passion for engaging in college student victimization research. She thanks her daughters, Olivia and Camille, for helping her understand how the world works from a girl's perspective and for making her laugh and think critically every day. She thanks her colleagues for their guidance and support throughout the years, especially her coauthors, Frank Cullen and Leah Daigle. Many thanks also to her students who provided her ideas and insights into *why* and *how* student victimization occurs.

John and Bonnie are already looking forward to working on a third edition of the book, although next time, we won't let ten years pass between editions! Mark your calendars for 2011—we've already marked ours!

CONTENTS

| | <i>Page</i> |
|----------------------|-------------|
| <i>Preface</i> | xvii |

Chapter

1. Campus Crime Policy: Legal, Social, and Security Contexts3
Bonnie S. Fisher and John J. Sloan, III

Part I: The Legal Context of Campus Crime

- | | |
|--------------------|----|
| Introduction | 23 |
|--------------------|----|
2. The Evolution and Components of the *Jeanne Clery Act*:
Implications for Higher Education27
S. Daniel Carter and Catherine Bath
 3. Research on the *Clery Act* and Its Impact on Higher Education
Administrative Practice45
Dennis E. Gregory and Steven M. Janosik
 4. Reporting Sexual Assault and the *Clery Act*: Situating Findings
from the National Campus Sexual Assault Policy Study
within College Women’s Experiences65
*Bonnie S. Fisher, Heather M. Karjane, Francis T. Cullen,
Kristie R. Blevins, Shannon A. Santana, and Leah E. Daigle*
 5. Women, Gender, and Safety on Campus: Reporting Is Not
Enough87
Linda K. Shafer

6. State-Level *Clery Act* Initiatives: Symbolic Politics or Substantive Policy?102
John J. Sloan, III and Jessica Shoemaker

Part II: The Social Context of Campus Crime

- Introduction125
7. The Violent Victimization of College Students: Findings from the National Crime Victimization Survey129
Timothy C. Hart
8. The Routine Activities and Criminal Victimization of Students: Lifestyle and Related Factors147
Elizabeth Ehrhardt Mustaine and Richard Tewksbury
9. The Role of Alcohol Abuse in College Student Victimization ..167
George W. Dowdall
10. Violence Against Women on College Campuses: Rape, Intimate Partner Abuse, and Sexual Harassment188
Joanne Belknap and Edna Erez
11. Vulnerabilities and Opportunities 101: The Extent, Nature, and Impact of Stalking Among College Students and Implications for Campus Policy and Programs210
Bonnie S. Fisher and Megan Stewart
12. Crime on Campus: Spatial Aspects of Campus Crime at a Regional Comprehensive University231
Matthew B. Robinson and Sunghoon Roh

Part III: The Security Context of Campus Crime

- Introduction259
13. Community Policing on University Campuses: Tradition, Practices, and Outlook261
John J. Sloan, III and Mark M. Lanier

| | | |
|-----|---|-----|
| 14. | The Evolution of Campus Policing: Different Models for Different Eras | 280 |
| | <i>Max L. Bromley</i> | |
| 15. | High-Tech Abuse and Crime on College and University Campuses: Evolving Forms of Victimization, Offending, and Their Interplay in Higher Education | 304 |
| | <i>Samuel C. McQuade, III</i> | |
| | <i>Postscript</i> | 327 |
| | <i>Index</i> | 331 |

CAMPUS CRIME

Chapter 1

CAMPUS CRIME POLICY: LEGAL, SOCIAL, AND SECURITY CONTEXTS

BONNIE S. FISHER AND JOHN J. SLOAN, III

INTRODUCTION

In 1990, Congress passed and President George H.W. Bush signed into law the *Student Right-to-Know and Campus Security Act of 1990* (20 U.S.C. 1092[f]), renamed in 1998 the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (20 U.S.C. 1092[f]; henceforth the *Clery Act*), in remembrance of Jeanne Clery, who was murdered by a fellow student while she slept in her dorm room at Lehigh University in 1986. Concurrently, colleges and universities began being held liable for “foreseeable” criminal victimizations occurring in dormitories or other on-campus locations, state legislatures began passing their own “*Clery style*” legislation, and postsecondary institutions struggled to professionalize their campus security and law enforcement agencies. Additionally, social science researchers began systematically studying crime and security issues on postsecondary institutions. Their findings revealed sometimes-startling realities about life in “the ivory tower.”

These events form the backdrop of what we call the legal, social, and security contexts of campus crime and are the basis for campus officials to develop, implement, and evaluate policies and programs that address campus crime. Importantly, a change in one of these contexts affects the others, making them inextricably linked. For example, research shows that a sizable portion of college students are crime victims, in particular that college women suffer sexual victimization at high levels (the social context). This was, in part, the rationale for legislation that was passed requiring postsecondary institutions to create both prevention programs, procedures and services for

specifically dealing with these victims (the security context). Another example is research conducted (the social context) that examines postsecondary institutional compliance with state and federal legislation relating to campus crime and security (the legal context). Thus, while one can examine each context separately, it is also important to keep in mind the linkages among them and their relationship to campus crime policy.

In this chapter, we present an overview of the legal, social, and security contexts of campus crime. In doing so, our two goals are: (1) to give readers a broad-based overview of key issues relating to each context, and (2) to show readers important linkages among the contexts.

We organize the chapter as follows. We first present discussion of the legal context of campus crime, which includes both the judicial and legislative arenas. Here, we discuss postsecondary institutional liability for criminal victimizations occurring on campus property, as well as explore important legislative developments focusing on campus crime and security issues. Next, we examine the social context of campus crime, that is, important social scientific studies of campus crime and security. Following this, we examine the security context of campus crime, which includes discussing the development of professional campus police agencies, issues relating to their development, and the increasingly important role that information technology security plays on college campuses. We conclude the chapter by presenting important linkages across the three contexts and suggest that policy—federal, state, or on a single campus—is implicitly or explicitly an overarching theme that also ties together the contexts.

The Legal Context of Campus Crime

Generally, the legal context involves two separate but related branches of government: the judicial and the legislative. In the former arena, precedent-setting court decisions arising from lawsuits filed by students and their parents continue to shape campus crime security policy. Through these cases, courts have held institutions liable for foreseeable victimization against their students occurring on their campuses as a breach of express or implied contract. In the legislative arena, general sentiment during the early 1990s in Congress and state legislatures was that campus administrators and staff, lax in the enforcement of campus security, led to college and university students being at high risk for violent victimization, including murder. Media reports, victims' testimony at Congressional hearings, and campus advocacy groups fueled this perception (see Fisher, Hartman, Cullen, & Turner, 2002; Fisher, Sloan, Cullen, & Lu, 1998). Legislative reaction was to pass new laws or amend existing statutes to require college and universities to annually report and disseminate information about crime on their campuses. Mandates also

included that campuses provide to interested parties, descriptions of security policies, protocols and programs, such as the availability of crime prevention education and victim services, incident reporting, filing criminal complaints, and initiating student disciplinary procedures.

These federal and state laws, as discussed below, created among some observers not only the perception of improved campus safety, but also increased institutional liability for crimes committed on campus. To understand better these issues, we review developments in the judicial and legislative arenas in the following discussion.

The Judicial Arena: Institutional Liability

Campus crime victims and their parents have repeatedly sued postsecondary institutions for damages resulting from injuries incurred during the commission of criminal incident. Smith (1995) described how the late 1970s first saw these lawsuits arising, but that postsecondary institutions did not feel their impact until the early 1980s. By the end of the 1980s, according to Smith (1995), this type of litigation had become more frequent because plaintiffs were winning their lawsuits. By the 1990s, colleges and universities were systematically responding to the threat of these lawsuits and newly passed congressional and state-level reporting mandates relating to campus security by upgrading security procedures and warning the campus community about crimes occurring on campus.

THEORIES OF LIABILITY. For some time, the courts have ruled that a third party (e.g., a college or university) is liable for damages incurred by the victim only under very specific circumstances (Burling, 2003). Within the context of an educational setting, to establish liability, a plaintiff must prove: (1) the postsecondary institution *owed a duty* to the plaintiff, (2) the institution *breached that duty*, (3) the *plaintiff suffered injuries*, and (4) if the *school had not acted (or failed to act) as it did*, the plaintiff would not have been injured. Burling (2003, p. 21) argued that decisions determining when and under what circumstances a postsecondary institution will be legally liable for damages suffered by an on-campus crime victim constitute “a maze of conflicting and inconsistent analysis.” Burling (2003, p. 21) further noted that “What is worse, there is no clear line of cases leading to a coherent analysis.”¹

Burling (2003) suggested that three theories of liability have evolved that define possible relationships and therefore, certain duties owed by a postsecondary institution to its students. The first, known as the “special relationship” theory, is defined within the specific context of the parties’ relationship such that one party (the postsecondary institution) has a duty to act. For a college or university, this relationship exists because students and parents expect the school to have a commitment to its students’ well-being. The second theory