



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

September 8, 2016

DC ID: GEN-16-17

Subject: Campus Policing

Summary: Guidance on Campus Policing, Clery Act Disclosures, and Related Civil Rights Obligations

Dear Colleague:

From Minnesota, to Baton Rouge, to Dallas, to Cincinnati, these past years have been marked by a series of heartbreaking and deeply disturbing events that raise profound questions about community and police relations, racial justice, and officer and public safety¹ – questions that we as a nation have struggled with for decades. As college and university leaders, you know that campuses are microcosms of our broader society, and thus these community challenges are not removed from the campus environment, but instead reverberate there. I know you take seriously your responsibility to ensure campuses are safe communities, supporting and protecting all students. Further, campuses can provide a safe and open place for dialogue on the issues of the day, including discussions of law enforcement, which require adequate attention to campus policing as well.

As you welcome students, faculty, and staff back to campus for a new academic year, I write to call your attention to these issues, to highlight the legal responsibilities you have to address such issues on campus, and to share resources that can help you do so, particularly the Final Report of the President's Task Force on 21st Century Policing (Task Force Report). I also call on you as leaders of institutions of higher education to commit to adopting and implementing applicable Task Force recommendations in your own campus policing context by using the recommendations as a template for self-assessment and organizational change. Such efforts can ensure public safety and public trust while creating safe environments for students and preventing discrimination and the excessive use of force.

Currently, there are more than 800 campus police departments around the country, along with additional private security firms that are contracted to perform law enforcement functions on campuses.² Local law enforcement agencies operate on or around campuses as well. These campus law enforcement agencies (as well as their private and local analogs) must address the same complex set of challenges faced by municipal law enforcement agencies around the country, while also operating in a unique campus context under a specific set of university responsibilities and legal considerations. While communities across the country must tackle these issues, campuses in particular must ensure that all students feel safe, supported, and able to learn and thrive – a responsibility that falls to all members of the university community, including but not limited to campus police and security staff.

Like their municipal counterparts, it is essential for campus police departments to engage in comprehensive professional development and training and to meaningfully engage the community and build community relationships and trust. Thus, the comprehensive recommendations from the Task Force Report are applicable to 21st century policing not just in communities, but also on campuses. The President tapped a variety of community and law enforcement leaders to establish this Task Force in late 2014 and charged them with engaging in a robust public engagement process and soliciting testimony and recommendations from a diverse array of community, civil rights and faith leaders, students, law enforcement officers, researchers, and others in order to identify best practices and develop a consensus set of recommendations for how policing practices can promote effective crime reduction and build public trust.³ The Task Force recommendations cover a wide range of topics, including changing the culture of policing, embracing community policing concepts, ensuring fair and impartial policing, focusing on officer wellness and safety, implementing new technologies, and building community capital. I encourage you and the law enforcement professionals on your campuses to make use of this valuable resource, while also considering the specific complexities of the campus setting.

Indeed, we recognize that in many ways campus law enforcement agencies operate in a unique campus context with specific legal considerations. Such considerations apply to institutions that participate in federal student financial assistance programs, although the types of law enforcement arrangements may vary across those campuses, both public and private. For example, in the campus policing context, community engagement efforts should include students, diverse members of the campus community, faculty, staff, and administrators, as well as community advocacy groups with expertise on issues relevant to the campus context such as sexual assault and domestic violence. Additionally, as you know, all postsecondary institutions participating in the student financial assistance programs are required by law under the Clery Act to take a number of actions to improve campus safety, including providing a statement of current policies concerning campus law enforcement, and the enforcement authority and jurisdiction of security personnel.⁴ The Department's recently updated Handbook for Campus Safety and Security Reporting is a resource to support institutions' compliance with the requirements of the Clery Act.

In addition to these reporting requirements, the federal civil rights obligations that apply to all educational institutions and other entities receiving federal funds also apply to those institutions' campus police departments. Thus, in conducting campus policing activities, campus leaders and campus police departments must comply with nondiscrimination statutes, including Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin; Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex; and the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination on the basis of disability.

We look to the campus policing community both as agents for public safety and advocates for student success. As you prepare to begin the new academic year, it is important that you focus on the effectiveness of safety enforcement and policing on your campus, as well as analyze and take action on opportunities for improvement.

I hope that these resources and information help contribute to your goal of ensuring safety on campus for all students and community members. Thank you for all you do every day to support America's students.

Sincerely,

/s/

John B. King, Jr.

¹ The President's remarks discussing these events and issues are available here: <https://www.whitehouse.gov/the-press-office/2016/07/12/remarks-president-memorial-service-fallen-dallas-police-officers>.

² See Brian A. Reaves, *Campus Law Enforcement 2011-12* (Bureau of Justice Statistics, January 2015), archived at <http://www.bjs.gov/content/pub/pdf/cle1112.pdf>. The U.S. Department of Justice Bureau of Justice Statistics provides data, surveys, and several publications related to campus policing at <http://www.bjs.gov/index.cfm?ty=tp&tid=76>.

³ Information about the Task Force and its activities is available at: <http://cops.usdoj.gov/policingtaskforce>.

⁴ The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) is in section 485(f) of the Higher Education Act of 1965 (HEA). The law is designed to improve campus safety in a number of ways, including through providing transparent information to students, families, and the public about campus security and campus policing.