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Duty to Report Suspected Crime

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I. REASON FOR THIS POLICY

As institutional officials, University of South Dakota employees share in the responsibility for maintaining a safe living, learning, and working environment; therefore, employees must report a suspected crime to campus law enforcement.

II. STATEMENT OF POLICY

1. It is imperative that USD employees immediately report suspected crime to campus law enforcement, the University Police Department (UPD). Reports should be made in response to emergency assistance situations such as bearing witness to an occurring crime or to questionable activity on campus; in other words, when reasonable grounds exist to suspect that a criminal, felonious, abusive, or harassing incident (including that which constitutes assault) is observable, thought to be in-progress, or believed to have just occurred.
2. Likewise, prompt reporting to UPD is expected in response to employees being alerted to situations which may have already occurred, but which are understood to be reportable as criminal, felonious, abusive, or harassing.
3. Reports should also be made in response to knowledge of activity for which employees may be uncertain as to whether the activity is criminal or not. Reporting allows for the determination by laws enforcement officials of the appropriate course of action.

- a. After any such report is made to campus law enforcement officials, should the crime be of such magnitude that it may greatly affect any of the individuals involved, safety of the campus, or be potentially detrimental to the institution, then you must also make a report to your immediate supervisor. If legitimate reason exists to not report the information to your immediate supervisor, e.g., s/he has been implicated in the activity; a report up to the next in the chain of command is expected.
- b. Just as persons bringing, investigating and/or resolving complaints of discrimination under South Dakota Board of Regents (SDBOR) Human Rights Complaint Procedures are protected by a non-retaliation statement, individuals reporting crimes and cooperating in their investigation “shall not be subject to harassment, interference, intimidation, or retaliation.”
- c. Confidentiality will be respected to fullest permissible extent but cannot be guaranteed.

III. DEFINITIONS

Immediate/Prompt Reporting: immediately upon observation, notice of, suspicion for in-progress or just having occurred crimes

Institutional Official: faculty, staff and student employees

Proper Authorities: the University Police Department

IV. PROCEDURES

1. When employees either directly observe, or believe a criminal activity to be in-progress or has occurred, they call 911 or from a campus phone dial 9-911 for immediate assistance.
2. Once a crime report is made to an employee, they report it to University Police Department.
Reports to UPD may be made:
 - By telephone—605-677-5342
 - In-person at the Davidson Building
 - Online at <http://www.usd.edu/administration/university-police/report-a-crime>
3. The report may withhold personally identifiable information about the victim, if that is the desire of the victim.

V. RELATED DOCUMENTS, FORMS AND TOOLS

SDCL § 22-11-12 Misprision of Felony is a state law requiring any individual with knowledge of a felony crime to report the information “immediately” and to “proper authorities” (see definitions above, for expectation regarding Duty to Report policy). There is exception granted to “privileged” communication such as that existing between an individual and his/her counselor, clergy, and doctor. The text is available online at

<http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=22-11-12>

SDCL § 26-8A Protection of Children from Abuse and Neglect is a chapter of laws pertaining to the abuse and neglect of children. When circumstances suggest suspicion of the abuse or neglect of a child/minor (observation or report from victim) a report to local law enforcement shall be made directly to UPD where officials will further report to the state’s attorney and to the Department of Social Services. The text is available online at:

<http://legis.state.sd.us/statutes/DisplayStatute.aspx?Statute=26-8A>

SDBOR policy governing Human Rights Complaint Procedures (1:18) Violence in the Workplace and Educational Settings (1:25) and Threat Assessment Procedures.

<https://www.sdbor.edu/policy/documents/1-18.pdf>

<https://www.sdbor.edu/policy/documents/1-25.pdf>

<https://www.sdbor.edu/policy/documents/1-28.pdf>