



Florida International University
Police Department



Timely Warning

NUMBER	EFFECTIVE DATE	REVISED DATE	SOP 25.02
SOP 25.02	07/13/2020	07/08/2020	

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I. PURPOSE:

The Florida International University Police Department (FIUPD) Timely Warning directive is intended to promptly alert potentially dangerous situations on or near the University Campus so that appropriate precautions can be taken in a timely manner.

II. DISCUSSION:

All Title IV institutions, without exception, are subject to the timely warning regulation. Timely Warnings are not limited to violent crimes or crimes against persons. Timely Warnings can be issued for threats to persons or to property, or other potentially dangerous situations that may have a negative impact on the University community. It is possible to send a Timely Warning for a rash of crimes against property that merit a warning because they present a continuing threat to the University community. Incidents involving the possession of “date rape” drugs may also trigger the need for a Timely Warning. Although Clery does not define “timely”, the intent of a warning is to enable people to protect themselves from potential dangers. This means that a Timely Warning should be issued as soon as the pertinent information is available.

III. DEFINITIONS:

A. Clery Act Crimes:

Murder, and non-negligent Manslaughter, Negligent Manslaughter, Sex Offenses (Forcible and Non-Forcible), Robbery, Aggravated Assault, Burglary (excluding thefts from automobiles), Motor Vehicle Theft, Arson, Weapons Arrest, Drug Arrests, Liquor Arrests and Hate Crimes as defined by the Federal Bureau of Investigation's Uniform Crime Reporting Handbook.

B. Pastoral Counselor:

A person, who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

C. Professional Counselor:

A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

IV. POLICY:

In accordance with the Clery Act, FIUPD will keep the University community informed by providing a Timely Warning of crimes or potentially dangerous situations occurring on or near campus that represent a serious or continued threat to the community as specified in the Clery Act – 20 USC 1092.

V. PROCEDURE:

A. Making the Decision to Issue a Timely Warning:

1. A Timely Warning must be issued for any Clery Act Crime that occurs on or near campus and poses a serious or continuing threat to the students or employees;
2. Timely warnings are not limited to violent crimes or crimes against persons. Timely warnings can be issued for threats to persons or to property.
3. A Timely Warning may be issued regarding other incidents as deemed necessary by the FIUPD;
4. The Chief of Police or designee is responsible for making the decision whether a Timely Warning will be issued;
5. Exemptions from issuing a Timely Warning:
 - a) Crimes reported to a Pastoral or Professional Counselor.

B. Determining Whether a Continuing Threat Exists:

1. Whether a reported crime or incident constitutes a continuing threat must be decided on a case-by-case basis in light of all the facts surrounding a case, including factors such as nature of the crime or incident, the continuing danger to the community, the possible risk of compromising law enforcement efforts.

C. Timely Warning Notice Content:

1. The Timely Warning must contain sufficient information about the nature of the threat to allow members of the community to take appropriate action to protect themselves. The Timely Warning should include all information that would promote safety and that would aid in the prevention of similar crimes or incidents.
2. A Timely Warning may typically include, but is not limited to the following, unless issuing any of the information would risk compromising law enforcement efforts:
 - a) Date and time of the incident;
 - b) A brief description of the incident;
 - c) Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips);
 - d) Suspect description(s) when deemed appropriate and if there is sufficient detail (see below);
 - e) The FIUPD contact information;
 - f) Other information as deemed appropriate by the Chief of Police or designee. The description of subjects in a case will only be included in a timely warning if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.

D. Timing of the Timely Warning:

Although, Clery does not define “timely”, because the intent of a warning is to enable people to protect themselves, this means that a warning should be issued as soon as the pertinent information is available.

E. Distribution of the Timely Warning:

1. Although the format for the warning has not been mandated, the warning must be reasonably likely to reach the entire University community. Therefore, Timely Warnings must be issued in a manner that gets the word out quickly community wide. They may be emailed, posted around campus, provided as text messages, or may be distributed including but not limited to:
 - a) Activation of the campus siren system;

- b) Posting on the FIUPD's and/or FIU's website
 - c) FIUPD's and/or FIU's social media sites;
 - d) Press release;
 - e) Voice message over various public address systems.
2. Once the notification is made to the community, a follow-up email may be sent. If there are no exigent circumstances, and the Timely Warning will be sent via email, the FIUPD will draft the proposed Timely Warning language and forward it to External Relations and the Vice President for Student Affairs for their review. In cases of crimes of a sexual nature, the Title IX Coordinator will be included in the distribution. External Relations will review and revise the content as needed and the FIUPD Public Information Officer (PIO) will transmit the Timely Warning to the University community. Updates to the University community about any particular case resulting in a Timely Warning may also be distributed by email or posted on the FIUPD or FIU's main website.