

Nicholas Rizzio
[REDACTED]

October 9th, 2023

U.S. Department of Education
400 Maryland Ave SW
Washington, DC 20202

Re: Clery Act Violations by The Pennsylvania State University – Daily Crime and Fire Log

To whom it may concern,

This is a complaint regarding repeated and ongoing violations of the Clery Act by The Pennsylvania State University. I am an undergraduate student at Penn State University and I am making this complaint based on my personal knowledge and observations. I submit this letter in full awareness of the penalties of 18 U.S.C. § 1001.

Penn State University has repeatedly refused to provide historical access to Daily Crime Log and Daily Fire Log records, in violation of their obligations pursuant to 20 U.S.C. § 1092(f) and 34 CFR 668.46(f)(5). I am aware of at least three instances of this type of violation, but I believe that there may be more.

Known Violations

[REDACTED]
On [REDACTED], [REDACTED] requested by email historical access to Daily Crime Log and Daily Fire Log records. On [REDACTED], University Police and Public Safety Records Specialist [REDACTED] wrote, “[w]e cannot provide any further information besides what is available to the public on the 60-day crime log.”

Thursday, September 7th, 2023 – [REDACTED]

On September 7th, 2023, Penn State University graduate student [REDACTED] requested by email historical access to Daily Crime Log and Daily Fire Log records from the period of May 1st, 2023, to September 7th, 2023.

On September 8th, 2023, University Police and Public Safety Records Unit wrote, “[t]he crime logs are available for 60 days prior to the current date. Those are the only logs available to the public.”

Monday, September 11th, 2023 – Nicholas Rizzio

On September 11th, 2023, I wrote a certified letter to the Clery Compliance Coordinator requesting historical access to Daily Crime Log and Daily Fire Log records from the period of August 1st, 2019, to September 11th, 2023. I sent the letter to 30 Eisenhower Parking Deck, University Park, PA 16802, which is listed as the official address of the Clery Act Coordinator for the university.¹

On September 13th, 2023, the certified letter was received, and the return receipt was signed by the university. As of October 9th, 2023, I have not received any response from the university whatsoever regarding my request.

I have attached, where available, a copy of the relevant correspondence and other information that may be useful to you in your investigation. If you have any questions about this letter, please contact me at [REDACTED].

Sincerely,

Nicholas Rizzio

¹ The address is visible here: https://www.absecom.psu.edu/CAMPUS_SECURITY/security-incident-form.cfm

Appendix

[REDACTED]

[REDACTED]

[REDACTED]

Index of Attachments

- I. [REDACTED]
- II. Email exchange between [REDACTED] and University Police, dated September 7th, 2023
- III. Certified letter sent by Nicholas Rizzio to Compliance Coordinator, dated September 11th, 2023
 - a. Certified Mail Receipt
 - b. Certified Mail Return Receipt

Rizzio, Nicholas [REDACTED]

From: [REDACTED]
Sent: Saturday, October 7, 2023 5:47 PM
To: Rizzio, Nicholas Rajeev
Subject: Fw: Crime Log Data Request
Attachments: [REDACTED]

Hi Anon,

Here is that email from the PSU police that you wanted.

[REDACTED]
Thanks,
[REDACTED]

From: UPPS-Records <UPPS-Records@psu.edu>
Sent: Friday, September 8, 2023 8:36 AM
To: [REDACTED]
Subject: RE: Crime Log Data Request

Good morning,

The crime logs are available for 60 days prior to the current date. Those are the only logs available to the public.

Thank you,

Penn State University Police Records
University Police and Public Safety
The Pennsylvania State University
179 University Support Building I | University Park, PA 16802
814-865-1865 | upps-records@psu.edu | police.psu.edu



From: [REDACTED]
Sent: Thursday, September 7, 2023 4:31 PM
To: UPPS-Records <UPPS-Records@psu.edu>
Subject: Crime Log Data Request

Good Afternoon,

I'm a graduate student at Penn State, and I was interested in some of the crime log data from over the summer that's publicly available. I noticed that the log stops at around early July. Are you able to provide data from May 1st, 2023 to now?

Thank you,



Nicholas Rizzio
[REDACTED]

September 11th, 2023

Compliance Coordinator
University Police and Public Safety
The Pennsylvania State University
30 Eisenhower Parking Deck
University Park, PA 16802

Re: Request for Historical Daily Crime Log Records

Dear UPPS Clery Compliance Coordinator,

This is a request for public inspection under the Clery Act pursuant to 20 U.S.C. § 1092(f) and 34 CFR 668.46(f)(5) and University Policy AD74. I request a copy of the Daily Crime Log and Daily Fire Log from the period **August 1st, 2019, through September 11th, 2023.**

I would prefer to receive a copy of the records via email in PDF, XLSX, or JSON format. If the responsive records exceed the maximum file size in Outlook, please share them with me via OneDrive. Please send the responsive records to my university email address at [REDACTED].

Although the deadline for the response to this request is set by regulation at two business days, I am willing to provide an extension of up to 25 days due to the volume of records. Please respond to this request by close of business on October 6th, 2023.

Thank you for your prompt attention to this request.

Sincerely,

Nicholas Rizzio

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

University Park, PA 16802

Certified Mail Fee

\$4.35

\$

Extra Services & Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage

\$0.66

\$

Total Postage and Fees

\$5.01

\$

Sent To

Compliance Coordinator, University Police

Street and Apt. No., or PO Box No.

30 Eisenhower Parking Deck

City, State, ZIP+4®

University Park PA 16802

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

0804
13

Postmark
Here

09/11/2023

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Compliance Coordinator
Penn State University Police
30 Eisenhower Parking Deck
University Park PA 16802



9590 9402 6765 1074 0759 25

2. Article Number (Transfer from service label)

7020 3160 0002 0754 9925

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☒ Agent

☐ Addressee

B. Received by (Printed Name)

Brad Menckesy

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery