



ANNUAL SECURITY REPORT 2019-2021

SECURITY
IN THE SAN DIEGO COMMUNITY



Safe & Sound

CITY COLLEGE
MESA COLLEGE
MIRAMAR COLLEGE



Contents

PART 1: CAMPUS SAFETY AND THE CLERY ACT	2
The San Diego Community College District.....	2
Preparation of the Annual Security Report.....	2
The San Diego Community College District Police Department.....	3
SDCCD Non-Discrimination Policy	3
PART 2: POLICIES AND PROCEDURES RELATED TO CRIME REPORTING AND EMERGENCY RESPONSE	4
Sex Offender Registration	5
Timely Warning Notices.....	5
Emergency Notifications.....	6
Specific Emergency Procedures.....	8
Evacuation Procedures	8
PART 3: POLICIES AND PROCEDURES RELATED TO DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING.....	10
Prohibition of Dating Violence, Domestic Violence, Sexual Assault and Stalking.....	10
Consent.....	11
Policies and Procedures for Reporting and Responding to Incidents.....	13
Resources Available to Victims of Dating Violence, Domestic Violence, Sexual Assault, and Stalking	15
Supportive Measures.....	17
Comprehensive Response	18
PART 4: SAFETY INITIATIVES, CRIME PREVENTION EFFORTS, AND TRAININGS	21
Campus Facilities	21
Education and Prevention Programs	21
Education and Prevention with Special Application to Dating Violence, Domestic Violence, Sexual Assault, and Stalking	22
Bystander Intervention.....	23
Alcohol and Illegal Drugs.....	25
PART 5: CRIME STATISTICS	27
PART 6: REFERENCE	42
Additional Definitions	42
Daily Crime Log.....	52

PART 1: CAMPUS SAFETY AND THE CLERY ACT

Campus Safe and Sound is the San Diego Community College District's Annual Security Report, published in compliance with the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" that requires U.S. colleges and universities that participate in federal student financial aid programs to disclose information about crime on and around their campuses.

Each participating institution's Annual Security Report must do the following:

- Disclose the institution's campus security policies and three years' worth of specified crime and arrest statistics;
- Be made available to students, faculty and staff, and applicants for employment;
- Provide information regarding certain of the institution's policies and procedures that are related to the Clery Act or the Violence Against Women Act;
- Provide information regarding the institution's emergency procedures;
- Assure campus sexual assault victims of their rights.

The U.S. Department of Education centrally collects and disseminates the statistics reported in the Annual Security Report at: <https://ope.ed.gov/campussafety/#/>. Schools that fail to comply can be penalized by the U.S. Department of Education.

Additionally, this publication is available at: <http://www.sdccd.edu/docs/police//currentsafearoundsound.pdf>.

As a result of the COVID-19 global pandemic, in March 2020 the San Diego Community College District moved to remote instruction and operations. The District continues to operate under a state of emergency, and in the 2021-22 academic year, began to slowly phase in in-person instruction and onsite operations. Some elements of the annual security report compliance: student conduct violations, crime statistics, emergency communications, and systems testing will reflect these conditions.

The San Diego Community College District

The San Diego Community College District (the "District") consists of four institutions: San Diego City College, San Diego Mesa College, San Diego Miramar College, and the San Diego College of Continuing Education. The District's policies and procedures pertaining to campus safety apply to each institution. In this Annual Security Report, unless otherwise specified, information presented can be understood to apply to City College, Mesa College, and Miramar College. The San Diego College of Continuing Education does not participate in federal student financial aid programs and therefore data from this institution is not included in this Annual Security Report. The District does not have any residential facilities. District organizations do not maintain any off-campus facilities.

Preparation of the Annual Security Report

The District Office of Educational Services and the San Diego Community College District Police Department ("College Police") work together to generate, compile and report crime, arrest, and student disciplinary information contained in the Annual Security Report. District employees, including District faculty, managers and supervisors, and any individuals who hold significant responsibilities for students and campus activities, also provide reportable crime incident information that is included in this report.

Relevant crime data from all regional law enforcement agencies are collected through the Automated Regional Justice Information System and are included in the report. The College Police Records Supervisor, in consultation with District Educational Services and the Student Affairs Offices on each campus, prepares a summary of the crime statistics for each institution. This information is provided to the Title IX Coordinator, who works with other District administrators to prepare the Annual Security Report, including the crime statistics, required policy statements, and other information. College Police and District Educational Services coordinate to review all data to ensure accuracy and to avoid

duplication.

**The San Diego Community College District
Police Department**

The San Diego Community College District Police Department (“College Police”) operates under the general direction of the Vice Chancellor, Operations, Enterprise Services, and Facilities, and is overseen operationally by Chief of Police Joseph Ramos. College Police operates 24-hours-a-day, and may be contacted at:

Police Headquarters/Administrative Office and Investigations
1536 Frazee Road
San Diego, CA 92108
(619) 388-6411

Communications and Dispatch Center
(619) 388-6405

City College Police Substation
Career Technologies Center
1081 16th Street, #V-100
San Diego, CA 92101
(619) 388-3461

Mesa College Police Substation
7250 Mesa College Drive, #Q100
San Diego, CA 92111
(619) 388-2749

Miramar College Police Substation
10440 Black Mountain Road, Room #T100
San Diego, CA 92126
(619) 388-7353

College Police officers are sworn peace officers in accordance with the California Education Code and the California Penal Code. Officers receive the same training and have the same authority as all peace officers in San Diego County and the State of California.

The College Police Department ensures that reasonable protection is provided to members of the District community while they are at locations owned or controlled by the District by using methods that fit within and contribute to the educational philosophy of the District. College Police provides a full range of public safety services including taking and responding

to all crime reports, investigations, medical and fire emergency response, and traffic control. The College Police Department also enforces laws regulating underage drinking and the use of controlled substances.

While the College Police have statewide jurisdiction, the primary patrol jurisdiction is to operate on property owned or controlled by or adjacent to the District. A Memorandum of Understanding with the San Diego Police Department (SDPD) detailing the manner and circumstances in which information will be shared between the agencies and define certain circumstances under which SDPD will provide assistance with incidents that require specialized resources.

SDCCD Non-Discrimination Policy

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities. The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, sex, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because a person is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. Find the complete [San Diego Community College District Nondiscrimination Policy](#).

PART 2: POLICIES AND PROCEDURES RELATED TO CRIME REPORTING AND EMERGENCY RESPONSE

It is the policy of the San Diego Community College District (SDCCD) Board of Trustees to protect the college community and to protect the property of the District. The District encourages all members of the District community to report potential criminal activity to College Police. Such reporting allows College Police to facilitate District safety, including by ensuring that the crime reports are evaluated for whether they should result in the issuance of a Timely Warning Notice and are included in the Annual Security Report.

For immediate reporting of a crime to College Police or any other incident please contact our 24-hour College Police Communications Center at 619-388-6405, press 1 for emergencies. Additionally, criminal action and any other incidents may also be reported via email to the SDCCD Police Department at police@sdccd.edu. This email is not monitored 24/7.

Note: From campus building phones, press the college police button for immediate assistance.

A member of the District community may always report a crime or other emergency situation to law enforcement by dialing 911.

Important phone numbers:

City College Police	619-388-3461
Mesa College Police	619-388-2749
Miramar College Police	619-388-7353
San Diego Police Department	619-531-2000

While a member of the District community can report a crime without identifying themselves via telephone or web, the District must take action on reported crimes and cannot guarantee the confidentiality of the individual(s) reporting a crime. The District will protect the identity of persons to the extent permitted by law, and will not release any information to any party that does not have a need and a right to know the information. Additionally, the College Police Department will mark the report as confidential and will, when able, redact any personal

identifying information from the police report and other documents.

Crimes can also be reported anonymously via the San Diego County Crime Stoppers website at sdcrimestoppers.com.

Confidential reporting is when an identifiable reporting party asks to remain confidential.

Individuals designated as mental health counselors and whose job responsibilities include providing psychological counseling to members of the District community may respect a reporting party's wish for confidentiality when the counselor receives the report while functioning within the scope of their job description and licensure. These individuals constitute professional counselors within the meaning of the Clery Act. District policy encourages such individuals through periodic training voluntarily to, when appropriate, report crimes without providing personally identifiable information so that they may be included in the annual disclosure of crime statistics. It is important to note that academic counselors and Disability Support Programs and Services (DSPS) counselors are not designated mental health counselors that may respect a reporting party's wish for confidentiality.

The District employs Professional Counselors within its Mental Health Services departments. A Professional Counselor is an employee of a District whose official responsibilities include providing psychological counseling to members of the District's community and who is functioning within the scope of his/her/their license or certification. The District does not employ any pastoral counselors within the meaning of the Clery Act. Pastoral counselors are those individuals who are associated with a religious order or denomination, are recognized by that religious order or denomination as someone who provides confidential counseling, and who is functioning within the scope of that recognition as a pastoral counselor. The District is not required to issue Timely Warning notifications with respect to crimes reported to Professional or Pastoral Counselors.

Sex Offender Registration

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vacation, volunteers services or is a student.

Faculty, staff and students of the San Diego Community College District may obtain information on certain registered sex offenders who are students, employees or volunteers at a specific college or facility within the District by calling College Police at 619-388-6411 to schedule an appointment.

In California, convicted sex offenders must register with the San Diego Police Department by calling (619) 531-1543.

You can search online for sex offenders in the city of San Diego by using the interactive map at meganslaw.ca.gov and in the county at www.arjis.org or visit the San Diego Police Department, 1400 "E" Street, San Diego, CA 92101, between 8:00 a.m. and 5:00 p.m. Monday through Thursday. The National Sex Offender Public Registry is available through the U.S. Department of Justice at www.nsopr.gov.

Timely Warning Notices

The District will issue Timely Warning Notices whenever a Clery Crime is committed on District property or on adjoining public property and the District believes that there may be a serious or continuing threat to students and employees.

The intent of Timely Warning Notices is to aid in the prevention of similar crimes and to enable members of the District community to take steps to protect themselves.

The on-duty dispatcher will, as soon as pertinent information is available and/or at the request of the incident supervisor, draft an email containing the proposed Timely Warning Notice and

forward it to those District and College leaders responsible for disseminating electronic and non-electronic communications. Based upon the nature and severity of the emergency, communication for awareness may be sent to the Chancellor, the Executive Vice Chancellor, Financial and Business Services; Vice Chancellor of Operations, Enterprise Services, and Facilities; Director of IT; Title IX Coordinator; the respective Campus President and the respective Campus Public Information Officer.

The text of the message will not contain confidential information, such as a victim's name, but will contain the information appropriate to assist members of the District community in preventing similar crimes. A Timely Warning will not be transmitted if it is deemed that the notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The Timely Warning Notice will only be distributed to members of the District community associated with locations or institutions at which it is deemed there is a serious or continuing threat to students and employees. Warnings will be delivered in multiple modes including, but not limited to, email, text messaging, social media, and/or web alerts, as appropriate.

Dissemination of the Timely Warning will be centralized to the extent possible, given the technologies and modalities being used to facilitate communications.

Responsibilities for disseminating electronic and non-electronic communications directed toward specific segments of the SDCCD community are apportioned as follows:

- Vice Chancellor of People, Culture, and Technology Services (formerly Human Resources) or designee - communication involving employees
- Vice Chancellor of Educational Services or designee - communication involving students
- Director of Communication and Public Relations or designee - general Public/Media, Website, Social Media

Updates to the District community about any particular case resulting in a crime alert will be distributed, as appropriate.

Emergency Notifications

SDCCD is committed to a safe educational and work environment for all students and staff, as well as the community. Timely communication in the event of an emergency is a priority. In the event of a serious incident that poses an immediate threat to the SDCCD community, the District will issue an emergency notification. An emergency is an immediate threat to the health and safety of students or employees. The District has various systems in place for communicating information quickly.

The District's emergency communication response plan involves the following communication components, any, or all of which may be used in response to a given emergency:

- Telephone calls to home, office, and/or cellular telephones or mobile devices
- Text messaging to cellular telephones and mobile devices
- Email to all students and employees
- Telephone paging to employee workstations
- Messaging posting on District and College websites and social media sites
- Canvas classroom announcements
- Press releases

To facilitate receipt of such emergency notifications, the District encourages all incoming and returning students and employees to provide cell phone numbers to communicate with them in the event of a college or district-wide emergency.

In case of a college or district-wide emergency or college campus closure, students, faculty, staff, and the community can check the District website for up-to-date information at sdccd.edu.

The District has an Emergency Response Plan which outlines institutional responses to serious incidents impacting the campus. Key administrators have been identified in the plan along with an outline for evacuation,

performance expectations, and continuity of operations. College Police officers and supervisors have received training regarding their roles in the emergency response plan. On an annual basis, the District provides information about the institution's Emergency Response Plan.

As a result of the COVID-19 global pandemic, in March, 2020 the San Diego Community College District moved to remote instruction and operations. The District continues to operate under a state of emergency, and in the 2021-22 academic year, began to slowly phase in in-person instruction and onsite operations. As a result, the District established a COVID-19 Taskforce including key administrators.

If it is determined by a Responsible College Official that there is an immediate threat to the health and/or safety of members of the College community, without delay, and taking into account the safety of the community, may unilaterally determine the messaging of the Emergency Notification and initiate the notification system, unless issuing a notification will, in their professional judgment, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Responsible College Officials

- Chancellor or designee(s): Non-criminal emergencies with Districtwide implications
- Chief of Police or designee(s): Crimes or non-criminal emergencies
- Campus President or designee(s): Non-criminal emergencies involving their College

When the Chancellor or designee, or the Campus President or designee, receive notice of an emergency or dangerous situation, they will notify the College Police or 911 for immediate response.

When the College Police Communication Center (Dispatch) receives notice of an emergency or dangerous situation, dispatch will notify appropriate emergency response agencies if the

emergency or dangerous situation has not already been reported.

Emergency Response Communications

Responsibility for disseminating emergency communications, including non-electronic communications, directed toward specific segments of the District community will be apportioned as follows:

- Vice Chancellor of People, Culture, and Technology Services (formerly Human Resources) or designee – communication involving employees
- Vice Chancellor of Educational Services or designee – communication involving students
- Director of Communication and Public Relations or designee – general Public/Media, Website, Social Media
- Director of Information Technology – initiate the mechanics of the emergency communication system protocols in all scenarios

Following an emergency, the Chancellor and/or President may convene members of the ERT and review the process and situational response for continuous improvement.

Following an emergency, the Chancellor and/or President may convene members of the Emergency Response Team (ERT) to ensure they are informed of the situation and to further activate additional and longer-term actions that may be necessary to facilitate the health and safety of the Community.

The ERT includes college officials who are notified when an emergency notification is issued. The ERT consists of the Executive Vice Chancellor, Financial and Business Services, the Vice Chancellors for People, Culture, and Technology Resources (formerly Human Resources), Educational Services, and Operations, Enterprise Services, and Facilities, along with the Director of Communication and Public Relations, the Director of Information Technology, and College Presidents, if

districtwide. In the event of an emergency localized on a given campus, the ERT will include the relevant campus President and Vice Presidents and/or their designees.

Follow-up notifications, including an ALL CLEAR message may be issued, where appropriate.

The Chancellor and/or President may also convene members of the ERT and review the process and situational response to facilitate continuous improvement.

The College conducts numerous emergency response exercises on campus each year, such as table-top exercises and tests of its emergency notification system, the Blackboard Connect System (immediate notification). These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. These tests are announced and/or unannounced.

The District will conduct a test of its emergency communication components every academic year. The results of the annual test will be reviewed and monitored by the Chancellor's Cabinet and published in the District Annual Safety Report.

For purposes of the 2021 reporting year, the District considers the dissemination of Covid-19 information to the employee and student community its test of the emergency communication process. The following Chancellor's Messages were distributed:

- [COVID-19 update – 2/10/2021](#)
- [COVID-19 update – 2/26/2021](#)
- [Coronavirus update – 3/16/2021](#)
- [Coronavirus update – 4/8/2021](#)
- [Coronavirus update – 5/18/2021](#)
- [Coronavirus update – 8/10/2021](#)
- [Coronavirus update – 9/2/2021](#)
- [Coronavirus update – 9/16/2021](#)
- [COVID-19 update – 9/24/2021](#)
- [Coronavirus update – 10/7/2021](#)

Specific Emergency Procedures

Shelter in Place

Under certain circumstances, College Police may advise members of the District community to shelter in place. Sheltering in place provides protection from external hazards, minimizes the chance of injury, and/or provides the time necessary to allow for a safe evacuation. This should be done by selecting a small, interior room if possible, with no or as few windows as possible. When authorities issue directives to shelter-in-place, do not walk outdoors and take refuge indoors immediately.

A shelter-in-place order may be issued in response to:

- An active shooter
- Severe weather
- Hazardous materials
- Civil unrest
- A hostage situation
- Or any situation where it is best for you to stay where you are to avoid any outside threat.

If this occurs:

- Remain CALM.
- Faculty should recommend to students and others not to leave and/or go outside.
- Select a small interior room with no or few windows as possible and close and lock all windows, exterior doors, and any other openings that lead to the outside.
- Stay away from all windows, doors.
- Facilities Management personnel should shut down all building ventilation fans and air conditioners, when and if appropriate.
- If you are told there is danger of explosion, close the window shades, blinds, or curtains.
- Select interior room(s) above the ground floor, with the fewest windows or air vents.
- Room(s) should have adequate space for everyone to be able to sit down

comfortably.

- Avoid overcrowding by selecting several rooms when necessary.

For severe weather and civil unrest:

- Stay inside and move away from windows.
- Close and lock all exterior doors and offices.
- For extreme weather, relocate to lower levels in the building.
- For external chemical, biological or radiological incidents.
 - Stay inside and move to an inner corridor or office.
 - Facilities Management personnel may shut down all building ventilation fans and air conditioners, when necessary and appropriate.
 - Since many chemical agents are heavier than air, and tend to hold close to the ground, move to higher levels of the building if possible, to reduce the transfer of contaminated air from outside to inside.
- Remain alert for instructions and updates as they become available from the emergency personnel and College administrators.

Evacuation Procedures

Including in Case of Fire

At the sound of a fire alarm or if you are instructed to evacuate, proceed to the nearest exit and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify College Police at 619-388-6405.

- Remain Calm.
- Do NOT use elevators, use the stairs.
- Assist the physically impaired. If they are unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform College Police or

the responding Fire Department of the individual's location.

- Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
- Make sure all personnel are out of the building.
- Do not re-enter the building until instructed to do so.

PART 3: POLICIES AND PROCEDURES RELATED TO DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

Prohibition of Dating Violence, Domestic Violence, Sexual Assault and Stalking

The San Diego Community College District prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as they are defined under the Clery Act:

Domestic Violence: the term “domestic violence” means

- 1) Felony or misdemeanor crime of violence committed-
 - (i) By a current or former spouse or intimate partner of the victim;
 - (ii) By a person with whom the victim shares a child in common;
 - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - (v) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- 2) The term “crime of violence” means: an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(18 USC § 16)

Dating Violence: the term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and

- 1) The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition-
 - (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Stalking: the term “stalking” means

- 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to-
 - (i) Fear for the person’s safety or the safety of others; or
 - (ii) Suffer substantial emotional distress.
- 2) For the purposes of this definition-
 - (i) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by an action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
 - (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - (iii) Reasonable persons mean a reasonable person under similar circumstances and with similar identities to the victim.

Sexual Assault: is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape: is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling: is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory rape: is defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.

The District also prohibits these crimes as defined in the California Penal Code. Please see the References section of this Annual Security Report for California Penal Code definitions.

Consent

The District defines consent for the purpose of administrative proceedings in conformity with California law, which requires California institutions to comply with the following definition:

“Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of

protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:

- (a) The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused; or
- (b) The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

- (A) The complainant was asleep or unconscious;
- (B) The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity; or
- (C) The complainant was unable to communicate due to a mental or physical condition.” (Education Code Section 67386)

In criminal proceedings, consent is defined under California criminal law as “positive cooperation in act or attitude pursuant to an

exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.” (CA Penal Code Section 261.6)

A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 287, or 289, or former Section 288a.

Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.

Under state law, criminal liability may attach when:

- (A) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:
- (1) Where a person is incapable, because of a mental disorder, or developmental disability, or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.
 - (2) Where it is accomplished against a person’s will by means of force, violence, duress, menace or fear of immediate and unlawful bodily injury on the person or another;
 - (3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused;

- (4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets any one of the following conditions:
 - a. Was unconscious or asleep.
 - b. Was not aware, knowing, perceiving, or cognizant that the act occurred,
 - c. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.
 - d. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
- (5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief;
- (6) Where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
 - (7) Where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the

perpetrator is a public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(B) As used in this section, “duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(C) As used in this section, “menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another.

(CA Penal Code Sections 261, 262, 286, 287, or 289, or former Section 288a)

Policies and Procedures for Reporting and Responding to Incidents

Reporting an Incident Generally

Members of the District community can report an incident of dating violence, domestic violence, sexual assault, or stalking to law enforcement, to the District, to both, or to neither. A report does not need to be made by the victim of an incident but may be made by a third party.

If you decline to contact College Police directly, the District recommends contacting a Student Services Administrator, including the Dean of Student Affairs or Vice President of Student Services at each institution, Human Resources Administrator, or the Title IX Coordinator for assistance.

Contact information for each of these parties is provided below. While the District encourages members of the District Community to report criminal activity, victims of crime are not required to do so.

Important phone numbers:

City College Student Services	619-388-3475
Mesa College Student Services	619-388-2699
Miramar College Student Services	619-388-7810
Title IX Coordinator	619-388-6660

In the event of a sexual assault, if a victim wishes to make a report to law enforcement or to the District, the victim may wish to do so as soon as possible in order to aid in the preservation of physical evidence of the assault. If the offense occurred in the prior 96 hours, for the preservation of evidence that may assist in proving that the alleged criminal offense occurred, a victim of sexual assault may not wish to bathe, douche, smoke, change clothing or clean the bed/ linen/area where the offense took place. The victim may also aid in the collection of evidence by not disposing of any damaged clothing or other items. While a victim may ultimately choose not to make a report of a sexual assault, the individual may wish to consider nevertheless preserving evidence as described. In California, evidence may be collected even if a victim does not wish to make a report to law enforcement.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve documentary evidence by saving text messages, instant messages, social networking pages, or other communications, and keep pictures, logs or other copies of documents, if they have any that might be useful to law enforcement or to the District during administrative proceedings.

Reporting to Law Enforcement

An individual may make a report directly to campus police by calling 619-388-6405. The District Police will immediately initiate a criminal investigation into on-campus sexual assaults, provided the victim wishes to pursue a criminal investigation.

As stipulated in the California Constitution, Article I, Sec 28(b), also known as the Victims’ Bill of Rights (“Marsy’s Law”), a victim of a sexual assault, and all crime victims in general, have safeguards that provide the victim to be reasonably protected from the defendant and persons acting on behalf of the defendant, and to prevent the disclosure of confidential information

or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law. Crime victims may obtain additional information regarding Marsy's Law and local Victim Witness Assistance Center information by contacting the Attorney General's Victim Services Unit at 1-877-433-9069.

College Police will contact the San Diego Police Department if highly specialized resources are needed to complete a criminal investigation.

The San Diego Police Department may be reached:

SDPD Headquarters

1401 Broadway, San Diego, CA 92101
Phone: (619) 531-2000

Central Division

2501 Imperial Avenue, San Diego, CA 92102
Phone: (619) 744-9500
TTY: (619) 234-2477

Eastern Division

9225 Aero Drive, San Diego, CA 92123
Phone: (858) 495-7900
TTY: (858) 495-7995

Mid-city Division

4310 Landis Street, San Diego, CA 92105
Phone: (619)516-3000

Northern Division

4275 Eastgate Mall, San Diego, CA 92037
Phone: (858) 552-1700
TTY: (858) 552-1799

Northeastern Division

13396 Salmon River Road, San Diego, CA 92129
Phone: (858) 538-8000
TTY: (858) 538-8093

Northwestern Division

12592 El Camino Real, San Diego, CA 92130
Phone: (858) 523-7000

Southern Division

1120 27th Street, San Diego, CA 92154
Phone: (619) 424-0400

TTY: (619) 424-0492

Southeastern Division

7222 Skyline Drive, San Diego, CA 92114
Phone: (619) 527-3500
TTY: (619) 527-3592

Western Division

5215 Gaines Street, San Diego, CA 92110
Phone: (619) 692-4800
TTY: (619) 692-4978

Reporting to the District

An individual may also make a report to the District. It is recommended that an individual report an incident directly to the Title IX Office or one of the Title IX Deputies, but all district faculty, managers and supervisors, police, and employees who have regular contact with students must notify the Title IX Office of any reports they receive of dating violence, domestic violence, sexual assault, or stalking.

The Title IX Coordinator and Title IX Deputies can be reached:

Title IX Coordinator

District Office 619-388-6660

Title IX Deputies

City College 619-388-3498

Mesa College 619-388-2699

Miramar College 619-388-7313

Continuing Education 619-388-4850

District Office 619-388-6880

District personnel, including the Title IX Coordinator, Counselors, and Health Services personnel can and will assist you to contact law enforcement if you desire to do so. Although the District strongly encourages all members of its community to report incidents of dating violence, domestic violence, sexual assault, and stalking to law enforcement, it is the victim's choice whether to make such a report and victims have the right to decline involvement with the police.

Resources Available to Victims of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

In cases of dating violence, domestic violence, sexual assault, and stalking, College Police or District personnel receiving a report will provide the victim with written information regarding their rights and options, along with information regarding resources available to them and, as appropriate, will provide them with assistance in accessing those resources, either through the Title IX Coordinator or directly.

Some of those resources include:

- On-campus:
 - Campus health services
 - Campus mental health counseling
 - College Police safety escort services, available 24 hours a day
 - Mutual no contact directives
 - When appropriate as a precautionary measure, supportive measure, or non-disciplinary remedy, the District may issue a written directive instructing a student or employee to refrain from communicating with another student or employee or be subject to disciplinary action
 - A student or employee may request a mutual no contact directive from the Title IX Coordinator at any time, and the Title IX Coordinator shall discuss the availability with victims when circumstances indicate such an order may be appropriate; the Title IX Coordinator shall make the final determination on whether an order shall be issued
 - The Title IX Coordinator will discuss with the protected party employees whom it is appropriate to notify of the mutual no contact directive and who will be primarily responsible for assisting with enforcement of the order
 - In appropriate circumstances, the Title IX Coordinator will facilitate

arrangements necessary to separate individuals subject to mutual no contact directives

- Other assistance arranged through the Title IX Coordinator
- Off-campus:
 - Medical attention through San Diego County Sexual Assault Response Team (SART) facilities, available through intake coordination with law enforcement officials; facilities include:
 - **Pomerado Hospital**
15615 Pomerado Road
Poway, CA 92064
(858) 613-4000
 - **Rady Children's Hospital Chadwick Center**
(858) 966-4011
chadwickcenter.org
 - **Palomar Health Forensic Health Services**
Sexual Abuse Response Team
Child Abuse Program
(760) 739-2150
palomarhealth.org/forensic-health-services/sart

Advocacy or other Victims Assistance Organizations

Victims are provided with written materials referring them to several San Diego County organizations providing counseling or comprehensive victim advocacy services. Two such organizations are listed immediately below:

- **San Diego Family Justice Center**
(619) 533-6000
- **Center for Community Solutions**
(888) 385-4657
- Orders of Protection
 - An order of protection is a legal order prohibiting a party, such as the aggressor in a dating violence, domestic violence, sexual assault, or stalking situation, from having

contact with a victim; an order of protection may also prohibit the party from appearing at a given location, such as the victim's residence, work, or school. Examples of orders of protection are Emergency Protective Orders ("EPOs"), Temporary Restraining Orders ("TROs"), and permanent Restraining Orders ("ROs").

- The District complies with California law in recognizing orders of protection and will assist a protected party in enforcing an order of protection of which it is aware.
- College Police, under certain circumstances, may issue a temporary Emergency Protective Order when responding to a domestic violence, dating violence, sexual assault, or stalking situation, but neither College Police nor the District may issue a permanent Restraining Order.
- College Police or the Title IX Coordinator will provide a victim with information to enable them to obtain an order of protection through the Superior Court of California, County of San Diego.

Additional Advocacy or Victims' Assistance Organizations

Local Resources

- San Diego Access & 24-Hour Crisis Line
 - (888) 724-7240
 - www.up2sd.org/hotline/
 - www.up2sd.org/resources
- YWCA Domestic Violence Services 24-Hour Crisis Support
 - (619) 234-3164
 - www.ywcсандiego.org/
- Salvation Army Door of Hope
 - (858) 279-1100
 - www.doorofhope.salvationarmy.org

- Rachel's Women's Center
 - (619) 696-0873
 - Becky's House Domestic Violence Shelter
 - (619) 239-0355
 - Women's Resource Center
 - (760) 757-3500 (24-Hour Hotline)
 - www.wrcsd.org/
 - The San Diego LGBT Center
 - (619) 692-2077
 - Father Joe's Villages
 - (619) 446-3537
 - South Bay Community Services 24-Hour Hotline
 - (800) 640-2933
 - Victim Legal Services, San Diego District Attorney Office
 - (619) 531-4041
 - www.sdcca.org/helping/victims/victim-services
 - YWCA Legal Advocacy Program
 - (619) 239-0355
 - Legal Aid Society of San Diego
 - (877) 534-2524
 - <https://www.lasdsd.org/>
 - San Diego Volunteer Lawyer Program
 - (619) 235-5656
 - [Www,sdvlp.org/](http://www.sdvlp.org/)
 - Family Health Centers of San Diego
 - (619) 515-2300
 - www.fhcsd.org/
 - Public Health Services
 - (858) 694-3900
- Emergency Resources**
- Women's only Shelters Domestic Violence Hotline
 - (800) 799-SAFE (7233)
 - Text LOVEIS to 22522

- www.thehotline.org/
- Rape, Abuse and Incest National Network (RAINN)
 - (800) 656-HOPE (4673)
 - www.rainn.org/
- Men and Women’s Shelters: Domestic Violence Hotline
 - (800) 799-SAFE (7233)
- Love is Respect Hotline
 - (866) 331-9474
 - Text “loveis” to 22522
 - www.loveisrespect.org
- Anti-Violence Hotline for LGBTQ+
 - (212) 714-1124
 - www.avp.org
- LGBT National Youth Talkline
 - (800) 246-7743
 - www.lgbthotline.org/talkline
- Take Back the Night Foundation Legal Assistance
 - 567-SHATTER (7428837)
 - www.takebackthenight.org

Government Resources

- U.S. Citizenship and Immigration Services
 - 1-800-375-5283
 - www.uscis.gov/
- U.S. Citizenship and Immigration Services Military Help Line
 - 1-877-247-4645
 - www.uscis.gov/military/military-help-line
- U.S. Department of Justice
 - justice.gov/ovw/sexual-assault
- U.S. Department of Education, Office for Civil Rights
 - <https://www2.ed.gov/about/offices/list/ocr/index.html>

* **Please note:** Neither the San Diego

Community College District nor the San Diego Superior Court is affiliated with the above programs, nor do they endorse, evaluate, supervise, or monitor the programs. Each program is independently responsible for compliance with applicable state or federal laws.

Options Available to Victims of Dating Violence, Domestic Violence, Sexual Assault, and Stalking and the District’s Response to Incidents of which it has Notice

As noted, the District absolutely prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as defined by the Clery Act and by the California Penal Code. The District strongly encourages victims to report all such incidents to the District and to law enforcement but respects a victim’s decision to decline to do so. If the District has notice of any such incident, the District will fulfill its obligation to take action to end, prevent, and remedy incidents of sex- or gender-based discrimination.

The District has notice of an incident when Officials with Authority are aware of the incident. District Officials with Authority, meaning Presidents, Vice Presidents of Student Services, Vice Presidents of Instruction, Vice Presidents of Administration, Deans of Student Affairs, DSPS Coordinators, 504 Coordinators, Site Compliance Officers, and District Diversity Officers for each institution, and the Director of Legal Services and Equal Employment Opportunity (EEO), are required to report allegations of sexual harassment to the Title IX Office promptly. All other employees are considered responsible employees. Responsible employees, meaning College Police personnel, District faculty, managers and supervisors, or personnel who regularly interact with students, must report allegations to the Title IX Office or to an Official with Authority. The Title IX Coordinator will coordinate the District’s response to all such incidents.

Supportive Measures

The District will always provide Complainants with written referrals to resources as described above. A Complainant always has the choice whether or not to make use of these resources.

The Title IX Coordinator will also work with the Complainant and appropriate members of the administration to offer the Complainant reasonable and appropriate supportive measures and/or accommodations, examples of which might include, but are not limited to:

- Academic accommodations, such as extra time on assignments, exceptions to attendance policies, online submission of assignments, or tutoring;
- Late drops or withdrawals from courses;
- Transfer of courses;
 - Note that the District will not presume when arranging potential course transfers that it is appropriate to transfer a potential Complainant rather than the alleged Respondent;
- Special parking arrangements;
- Accommodations related to financial aid;
- Alternative work arrangements;
- Mutual no contact directives; or
- Escorts by College Police officers.

Factors the Title IX Coordinator will consider in determining what accommodations are appropriate include the need expressed by the Complainant, the severity or pervasiveness of the allegation, possible continuing effects on the Complainant, and the burden on the District and/or the responding party associated with implementing the arrangements. The Title IX Coordinator will arrange these accommodations while preserving the Complainant's confidentiality to the utmost extent possible. The Title IX Coordinator will not disclose to individuals executing the arranged supportive measures/accommodations the nature of the incident leading to the accommodations unless it is necessary for that implementation. The Title IX Coordinator will disclose the identity of the individual requesting the accommodation to the minimum number of District personnel necessary to effect the accommodation, and such personnel must maintain strict confidentiality. The Title IX Coordinator will inform the victim that such a disclosure may be

required to effect the accommodation prior to making the disclosure.

Record-keeping related to reports of dating violence, domestic violence, sexual assault, and stalking is maintained in the District's online Maxient system, with access restricted to members of the Title IX Compliance Office. When preparing required reporting documents, such as the Annual Security Report, the Title IX Coordinator shall cooperate with College Police and generate reports of incidents without information likely to disclose the identity of any victim, such that College Police can correctly calculate the required information while avoiding duplication. The District does not publish the name of crime victims nor house identifiable information regarding victims in the campus police department's Daily Crime Log or online.

Comprehensive Response

In response to all notifications of possible sex- or gender-based misconduct, including dating violence, domestic violence, sexual assault, or stalking, the Title IX Coordinator will commence a prompt, thorough, fair, and impartial inquiry into the matter. It is anticipated this initial inquiry may take up to two weeks. While the Title IX Coordinator will attempt to abide by the wishes of the Complainant to the extent possible, the Title IX Coordinator will take the responsive action necessary to end any potential discrimination, prevent its recurrence, and remedy its effects. Generally a violent incident, including most incidents of dating violence, domestic violence, and sexual assault will require the District to proceed with a prompt, thorough, and impartial investigation meeting the elements of due process required to take disciplinary action if the allegations are substantiated.

The Title IX Coordinator, along with any individual assisting the Title IX Coordinator in implementing the District's response to a notification of dating violence, domestic violence, sexual assault, or stalking, including the Title IX Investigative Analyst and Title IX Deputies, receives annual training relating to those topics and how to protect the safety of victims and promote accountability.

A report of sexual harassment to the Title IX Coordinator does not necessarily lead to a full investigation. However, the Title IX Coordinator will make an assessment to determine if there is a safety risk to the campus when the District receives notifications of possible dating violence, domestic violence, sexual assault, and stalking. After receiving a report of sexual harassment, the Title IX Coordinator will contact the appropriate parties to explain rights under Title IX and will discuss supportive measures with the parties. When an individual or the Title IX Coordinator files a formal complaint, the District's Title IX Investigative Analyst will commence an investigation into the matter to determine whether the accused individual has violated Administrative Procedure 3434: Interim Prohibition of Sexual Harassment under Title IX; Interim Procedure for Responding to Harassment based on Sex under Title IX. The Title IX Investigative Analyst will conduct this investigation and preserve the Complainant's confidentiality to the utmost extent possible, while also adhering to the District's legal mandate to end the discrimination.

Throughout the process, both parties may be accompanied to any meeting or proceeding by an advisor of their choice.

At a minimum, the investigation will involve interviewing and collecting information from the Complainant and any witnesses they identify and interviewing and collecting information from any other witness the Title IX Investigative Analyst deems appropriate. Prior to interviewing the responding party, the Title IX Investigative Analyst will provide the responding party with notice that the party is under investigation, including specific information regarding the alleged conduct constituting the alleged violation and applicable District Policy alleged to have been violated. The Title IX Investigative Analyst will interview the responding party and collect information from any other witness identified by the responding party, though the District does not deem character witnesses relevant to Title IX proceedings. Any witnesses who are not employees of the District may decline to participate in the investigative process, though the responding party may be found responsible

for the alleged violation even though they chose not to participate. However, if a Title IX case is referred to Human Resources for further investigation, a witness who is an employee of the District may be required to participate in an independent Human Resources investigative process.

Prior to the Title IX Investigative Analyst preparing an investigative report, the District will send in electronic or hard copy, if any, the evidence subject to inspection and review by each party and the party's advisor. The parties will have an opportunity to review the evidence and offer responsive comment and information.

The Title IX Investigative Analyst must consider this written response prior to completing the investigative report. The Title IX Investigative Analyst creates an Investigative Report that includes a finding as to whether the allegations occurred using a preponderance of the evidence standard. It is anticipated that the District will complete the investigation and its determination regarding responsibility or the informal resolution process within 60-90 business days, but may take less in more straightforward matters. When appropriate, the title IX Coordinator may determine that good cause exists to extend the 60-90 business day period to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the parties, to account for District breaks or vacations, or due to the complexity of the investigation.

After completing an investigation, the District will hold a live hearing to provide both parties an opportunity to respond to the evidence gathered before a Decision-Maker. The District will permit each party's Advisor to engage in cross-examination. The party's Advisor must conduct cross-examination directly, orally, and in real time.

The Decision-Maker will make a determination of responsibility or non-responsibility and will issue a written determination regarding responsibility, no later than 20 business days after the date the hearing ends. When making a determination regarding responsibility, a

Decision-Maker will objectively evaluate all relevant evidence.

The District must have completed the grievance procedures (investigation, hearing, and any appeal if applicable) before imposing disciplinary sanctions or any other actions. In the case of student respondents, such disciplinary action is determined and imposed by the Decision-Maker, and may include disciplinary probation, mandatory training, restriction from specific District activities, suspension of up to five years, or expulsion. In cases of recommended expulsion, California law requires that the respondent be provided with an opportunity to appear before the District Chancellor, who is the only party authorized to execute the expulsion. In such cases, the complainant will also be provided with an opportunity to appear before the Chancellor.

Following the imposition of disciplinary action, or in the event of a finding of non-responsibility, both parties will be provided with written notification of the District's determination. Both parties then have an opportunity to initiate a written appeal to the Title IX Coordinator. The Vice Chancellor of Educational Services will serve as the Decision-Maker on appeals. Grounds for appeal include bias, improper procedure, and new evidence not reasonable available previously. Following the appeal, the Vice Chancellor of Educational Services will issue written notification to both parties of the outcomes of the appeal.

In the case of employee respondents, disciplinary action is determined and imposed by the applicable supervisor under the provisions of the collective bargaining agreement, and which may include, but are not limited to, a written counseling memorandum, written reprimand, required training, transfer, demotion, or termination. Appeal rights are limited to those provided under the collective bargaining agreement.

The District will, upon written request, disclose to the Complainant or the Respondent, the report on the results of any administrative investigation and disciplinary proceeding conducted.

PART 4: SAFETY INITIATIVES, CRIME PREVENTION EFFORTS, AND TRAININGS

Campus Facilities

The San Diego Community College District is a public institution and therefore is generally open to the public. However, as a result of the COVID-19 global pandemic, in March 2020 the San Diego Community College District moved to remote instruction and operations. The District continues to operate under a state of emergency, and in the 2021-22 academic year, began to slowly phase in in-person instruction and onsite operations. As a result, throughout 2021 access to many facilities were limited or restricted.

Many campus rooms and areas are protected by intrusion alarms. Before entering such areas, the College Police dispatch should be notified at 619- 388-6405.

It is the responsibility of those who use rooms, offices and other areas to lock access doors, turn off lights and close windows. Facilities Services staff and College Police staff will check many of the areas of the campus during off hours, but the primary responsibility for security lies with the user.

Keys are provided to individual staff members on a need-to- enter basis as determined by the appropriate supervisor. Lost keys must be reported immediately to one's supervisor and to the College Police. Keys must never be loaned to other staff members or students. College Police personnel will confiscate any keys which have not been specifically issued to a particular individual. Duplication and unlawful possession of District keys is a misdemeanor.

No District property may be removed from the campus without written permission from the department chairperson or area supervisor. Unauthorized removal of District property from the campus is a violation of the law and may be prosecuted by the District.

The Facilities Management Department is responsible for maintenance of campus safety features such as lighting and call boxes.

Education and Prevention Programs

General Education and Prevention

It is the philosophy of the District that safety and security is everyone's responsibility. Students, faculty, staff and visitors are partners in creating an atmosphere that is safe and conducive for learning.

As a result of the COVID-19 global pandemic, in March, 2020 the San Diego Community College District moved to remote instruction and operations. The District continues to operate under a state of emergency, and in the 2021-22 academic year, began to slowly phase in in-person instruction and onsite operations. As a result, many of the District's education and prevention programs were not conducted due to safety protocols, or were delivered virtually.

It is the goal of the District to inform students and staff in a timely manner of any criminal activity or security problem that may pose a reasonable threat to their safety. Such information will be distributed to students through this brochure, newsletters, posted notices, student publications and the District web site. District institutions provide periodic training to faculty leaders regarding primary incident response.

All District institutions participate in the See Something, Say Something campaign, using signage and events to promote primary prevention and ongoing awareness regarding indicators of possible safety concerns and the need for individuals to report such concerns to College Police or District Administration.

Faculty and staff are informed through in-house memos, bulletins, newsletters and email. Finally, all effective crime prevention programs include people watching out for one another. All staff and students are asked to be alert, security conscious and involved. Please call College Police at 619-388-6405 whenever you see suspicious behavior.

The SDCCD Police Department posts crime prevention alerts, campus crime alerts, safety alerts and safety bulletins on its [website](#).

The District does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Education and Prevention with Special Application to Dating Violence, Domestic Violence, Sexual Assault, and Stalking

The District engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome and consider environmental risk and protective factors as they occur on the individual, relationship institutional community, and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming **students** and new **employees** and ongoing awareness and prevention campaigns for students and employees.

Keenan SafeColleges Online Training – Primary and Ongoing Prevention

The District uses the Keenan SafeColleges online training platform to provide training on online dating violence, domestic violence, sexual assault, and stalking to all District **students** and **employees**.

The District uses Keenan SafeColleges online training as a *primary* prevention program by encouraging all incoming **students** to complete

the SafeColleges online training, and further by requiring groups of students identified as critical to complete the training, including: student athletes; student-workers; student government leaders; and students engaged in travel on behalf of the District.

District **employees** are required to complete the employee version of the trainings as part of employee on-boarding as a *primary* prevention effort.

The District also uses SafeColleges as an *ongoing* prevention program by encouraging returning **students** to complete SafeColleges online training, even if they have already done so previously. The District further requires the student-groups identified above to complete SafeColleges online training, even if they have already done so.

Rape Aggression Defense (R.A.D.)

The Rape Aggression Defense (R.A.D.) System is a comprehensive *primary* prevention course that begins with awareness, prevention, risk reduction and avoidance, progressing on to the basics of hands-on defense training. It is dedicated to teaching women defensive concepts and techniques against various types of assault using easy, effective and proven self-defense/martial arts tactics. R.A.D. provides effective options by teaching women to take an active role in their own self-defense. In October 2000, San Diego Community College Police Department began offering the R.A.D. Program. All female **students, faculty, staff** and guests are encouraged to sign up for this training. SDCCD PD holds six R.A.D. classes per academic year, one class per semester, per institution. For additional information and classes please visit the [San Diego Community College District Police Department website](#).

NOTE: Due to COVID-19 restrictions, no R.A.D. classes were conducted for the 2021-2022 academic year.

Bystander Intervention

Training and Campus Grant Program

In 2018, the District began participation in the U.S. Department of Justice's Campus Grant program to combat issues of sexual assault, intimate partner violence, and stalking. The District partnered with local non-profit, the Center for Community Solutions San Diego, to provide, under a single umbrella, not only advocacy services to its students and employees, but primary and ongoing prevention programming to students and employees.

Beginning in 2018, the District piloted a bystander intervention training program, coupled with direct instruction in the dynamics of sexual assault, intimate partner violence, and stalking, targeted at students enrolled in District Personal Growth courses. The intent of this training was to provide primary prevention. The U.S. Department of Justice's Campus Grant program came to a close on October 31, 2021, however the District continues to promote bystander intervention education and will continue its partnership with the Center for Community Solutions.

Ongoing prevention programs, such as films, health fairs, awareness events (e.g., the clothesline project) that take place at the various District Colleges have also been consolidated within the District's participation in the grant program.

Options to Safely be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. We want to promote a culture of community accountability where bystanders are actively engaged in the

prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some options for bystander interventions. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, and try to have sexual contact with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Risk Reduction – Safety Strategies

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment (adapted from the Rape, Abuse, & Incest National Network)

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with

packages or bags as this can make you appear more vulnerable.

- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the event, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact local law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so

they can give you the correct tests (you will need a urine test and possibly others).

- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Alcohol and Illegal Drugs

The District's Student Code of Conduct, part of District Policy 5500, prohibits the use, possession, or distribution of narcotics or other controlled substances, including alcohol, while on the college premises or at college- sponsored events. A student may be suspended or expelled for violation of this policy. In enforcing this prohibition the District and College Police will cooperate to also enforce all federal and state underage drinking and drug laws.

Drug Abuse and Alcohol Prevention Program (DAAPP)

The District is committed to providing a drug free environment and has adopted and implemented program and policies to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. The District also prohibits the use of tobacco products and electronic delivery devices on campus or at college/district sponsored events.

As required under the Drug-Free Schools and Communities Act of 1989, the District has adopted and made available to students a drug and alcohol abuse education program. In significant part, the program entails the use of already existent campus resources, such as mental health counseling, veterans counseling, health fairs, or Health Services, in conjunction with an online drug and alcohol abuse training program and enforcement of the District enforcement of its prohibition of the use, possession, or prohibition of alcohol or drugs. To view the program content in its entirety, please visit sdccd.edu/daapp/.

The institutions also prohibit the use of tobacco products and electronic delivery devices on campus or at college/district sponsored events. Any type of drug use, including alcohol, is dangerous and potentially life threatening. Drugs and alcohol adversely affect the body, mind and behavior. The effects vary from person to person and from usage to usage. Even low doses of drugs and alcohol can impair judgment and coordination. If you use drugs or alcohol, you risk overdose, accidents, dependence, ill health, as well as legal, financial and personal problems. The federal laws against drugs are

divided into two categories: possession and distribution. The penalties are severe depending upon the type of drug, quantity of the drug, and any prior offenses. Possession will earn up to one year in prison and a \$5,000 fine. Distribution will earn up to life in prison and an \$8 million fine. State laws vary and may be more severe.

District Board Policy 5500 – Student Rights, Responsibilities, Campus Safety and Administrative Due Process *Student Code of Conduct* - states that use, possession, distribution, manufacture, cultivation, or sale of any controlled substances including marijuana, narcotics or other hallucinogenic drugs or substances is prohibited while on the college premises or at college- sponsored events. A student may be suspended or expelled for violation of this policy.

Community Treatment, Rehabilitation, or Reentry Programs

- Alcoholics' Anonymous Information
 - 24-Hour Phone line: (619) 265-8762
 - www.aasandiego.org/
- Narcotics Anonymous information
 - English: (619) 584-1007
 - Toll Free: (800) 479-0062
 - Español: (619) 546-0774
 - www.sandiegona.org/

The District also provides assistance to employees through the Benefits Office or through the Employee Assistance Program (EAP).

- SDCCD employee benefits
 - (619) 388-6587

To access help for EAP services call 888-625-4809 or visit liveandworkwell.com.

Tobacco/Smoking

Pursuant to District Board Policy 0505 – Smoke and Tobacco-Free District Property, smoking or the use of any tobacco product is prohibited on all properties owned or controlled by the District. Through enforcement of this provision the District ensures that it complies with relevant sections of the California Government Code and

San Diego Municipal Code regulating smoking in a public place or place of employment. All students, employees and visitors on District property are subject to Board Policy 0505 regulations, which will be strictly enforced at all times.

Student Health Services at each college offer Cessation Program Referrals to educate the college community about the risks of tobacco and the availability of Smoking Control Programs. Visit or call the Student Health Services at the colleges for additional information:

Student Health Services

City College: 619-388-3450

Mesa College: 619-388-2774

Miramar College: 619-388-7881

Additional information is available in the College Police Office. Review SDCCD [Board Policy 0505 and Administrative Procedure 0505.2](#)

PART 5: CRIME STATISTICS

Crime statistics tables for City College, Mesa College and Miramar College are on the following pages. San Diego College of Continuing Education is no longer participating in the Higher Education Act's (HEA) Title IV student financial aid assistance program and is therefore not required to classify campus crime statistics and security information.

The tables distinguish crimes committed on campus from those on public property. Public property is defined as the reasonably contiguous geographic area around the Colleges or around a building the District controls and uses for educational purposes (e.g. thoroughfares, streets, parks, restaurants and public parking facilities). SDCCCD does not have any residential facilities, non-campus student organizations or housing facilities. For Clery purposes only, crimes in the following categories, as defined by the uniform crime reporting handbook are included in the crime statistics. Complete UCR definitions are included in the resources section of this report.

- Murder and non-negligent manslaughter
- Forcible sex offenses
- Non-forcible sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

- Dating Violence
- Domestic Violence
- Stalking
- Larceny-theft*
- Simple assault*
- Intimidation*
- Destruction/damage/vandalism of property*

**(These classifications are only included in Clery statistics if they are hate crimes).*

- Liquor Law Arrest
- Drug Law Arrest
- Weapons Law Arrest
- Liquor Law Violations – Referred for Disciplinary Action
- Drug Law Arrest – Referred for Disciplinary Action
- Weapons Law Arrest - Referred for Disciplinary Action

NOTE: As a result of the COVID-19 global pandemic, in March 2020 the San Diego Community College District moved to remote instruction and operations. The District continues to operate under a state of emergency, and in the 2021-22 academic year, began to slowly phase in in-person instruction and onsite operations. As a result of the districtwide closure, the number of reported incidents for 2021 crime statistics data may have been impacted.

2021 City College Campus Crime Statistics

Criminal Offense (Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Criminal Homicide, Murder & Non-negligent Manslaughter	2021	0	0	0	0	0

Criminal Homicide, Negligent Manslaughter	2021	0	0	0	0	0
Rape	2021	0	0	0	0	0
Fondling	2021	1	0	0	0	1
Incest	2021	0	0	0	0	0
Statutory	2021	0	0	0	0	0
Robbery	2021	0	0	0	0	0
Aggravated Assault	2021	0	0	1	0	1
Burglary	2021	4	0	0	0	4
Motor Vehicle Theft	2021	0	0	11	0	11
Arson	2021	1	0	0	0	1

Arrest and Disciplinary Referrals-						
Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Liquor Law Arrests	2021	2	0	2	0	4
Drug Law Arrests	2021	31	0	10	0	41
Weapons Law Arrests	2021	5	0	2	0	7
Liquor Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0

Violence Against Women Act- Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Domestic Violence	2021	0	0	0	0	0
Dating Violence	2021	0	0	0	0	0
Stalking	2021	0	0	0	0	0

ZERO HATE CRIMES WERE REPORTED IN 2021 FOR CITY COLLEGE.

SDCCD DOES NOT HAVE RESIDENTIAL FACILITIES

2021 Mesa College Campus Crime Statistics

Criminal Offense (Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Criminal Homicide, Murder & Non-negligent Manslaughter	2021	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2021	0	0	0	0	0
Rape	2021	0	0	0	0	0
Fondling	2021	0	0	0	0	0
Incest	2021	0	0	0	0	0
Statutory Rape	2021	0	0	0	0	0
Robbery	2021	0	0	0	0	0
Aggravated Assault	2021	0	0	2	0	2
Burglary	2021	0	0	0	0	0
Motor Vehicle Theft	2021	0	0	1	0	1
Arson	2021	0	0	0	0	0

Arrest and Disciplinary Referrals- Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Liquor Law Arrests	2021	1	0	1	0	2
Drug Law Arrests	2021	2	0	2	0	4
Weapons Law Arrests	2021	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0

Violence Against Women Act- Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Domestic Violence	2021	1	0	2	0	3
Dating Violence	2021	0	0	0	0	0
Stalking	2021	0	0	0	0	0

ZERO HATE CRIMES WERE REPORTED IN 2021 FOR MESA COLLEGE

SDCCD DOES NOT HAVE RESIDENTIAL FACILITIES

2021 Miramar College Campus Crime Statistics

Criminal Offense (Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Criminal Homicide, Murder & Non-negligent Manslaughter	2021	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2021	0	0	0	0	0
Rape	2021	0	0	0	0	0
Fondling	2021	0	0	0	0	0
Incest	2021	0	0	0	0	0
Statutory Rape	2021	0	0	0	0	0
Robbery	2021	1	0	0	0	1
Aggravated Assault	2021	1	0	0	0	1
Burglary	2021	0	0	0	0	0
Motor Vehicle Theft	2021	1	0	2	0	3
Arson	2021	0	0	0	0	0

Arrest and Disciplinary Referrals- Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Liquor Law Arrests	2021	3	0	0	0	3
Drug Law Arrests	2021	1	0	1	0	2
Weapons Law Arrests	2021	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0

Drug Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0

Violence Against Women Act- Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Domestic Violence	2021	1	0	0	0	1
Dating Violence	2021	0	0	0	0	0
Stalking	2021	0	0	0	0	0

ZERO HATE CRIMES WERE REPORTED IN 2021 FOR MIRAMAR COLLEGE.

SDCCD DOES NOT HAVE RESIDENTIAL FACILITIES

2020 City College Campus Crime Statistics

Criminal Offense (Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Criminal Homicide, Murder & Non-negligent Manslaughter	2020	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2020	0	0	0	0	0
Rape	2020	0	0	0	0	0
Fondling	2020	0	0	0	0	0
Incest	2020	0	0	0	0	0
Statutory Rape	2020	0	0	0	0	0
Robbery	2020	1	0	0	0	1

Aggravated Assault	2020	1	0	0	0	1
Burglary	2020	8	0	0	0	8
Motor Vehicle Theft	2020	1	0	0	0	1
Arson	2020	1	0	0	0	1

Arrest and Disciplinary Referrals-						
Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Liquor Law Arrests	2020	7	0	0	0	7
Drug Law Arrests	2020	40	0	9	0	49
Weapons Law Arrests	2020	15	0	0	0	15
Liquor Law Violations Referred for Disciplinary Action	2020	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2020	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2020	0	0	0	0	0

Violence Against Women Act- Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Domestic Violence	2020	0	0	1	0	1
Dating Violence	2020	0	0	0	0	0
Stalking	2020	0	0	0	0	0

ZERO HATE CRIMES WERE REPORTED IN 2020 FOR CITY COLLEGE

SDCCD DOES NOT HAVE RESIDENTIAL FACILITIES

2020 Mesa College Campus Crime Statistics

Criminal Offense (Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Criminal Homicide, Murder & Non-negligent Manslaughter	2020	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2020	0	0	0	0	0
Rape	2020	0	0	0	0	0
Fondling	2020	0	0	0	0	0
Incest	2020	0	0	0	0	0
Statutory Rape	2020	0	0	0	0	0
Robbery	2020	0	0	0	0	0
Aggravated Assault	2020	0	0	0	0	0
Burglary	2020	1	0	0	0	1
Motor Vehicle Theft	2020	0	0	0	0	0
Arson	2020	1	0	0	0	1

Arrest and Disciplinary Referrals- Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Liquor Law Arrests	2020	1	0	0	0	1
Drug Law Arrests	2020	0	0	2	0	2
Weapons Law Arrests	2020	1	0	0	0	1
Liquor Law Violations Referred for Disciplinary Action	2020	0	0	0	0	0

Drug Law Violations Referred for Disciplinary Action	2020	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2020	0	0	0	0	0

Violence Against Women Act- Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Domestic Violence	2020	1	0	0	0	1
Dating Violence	2020	0	0	0	0	0
Stalking	2020	1	0	0	0	1

ZERO HATE CRIMES WERE REPORTED IN 2020 FOR MESA COLLEGE

SDCCD DOES NOT HAVE RESIDENTIAL FACILITIES

2020 Miramar College Campus Crime Statistics

Criminal Offense (Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Criminal Homicide, Murder & Non-negligent Manslaughter	2020	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2020	0	0	0	0	0
Rape	2020	0	0	0	0	0
Fondling	2020	0	0	0	0	0
Incest	2020	0	0	0	0	0
Statutory Rape	2020	0	0	0	0	0
Robbery	2020	0	0	0	0	0
Aggravated Assault	2020	0	0	0	0	0
Burglary	2020	4	0	0	0	4

Motor Vehicle Theft	2020	0	0	1	0	1
Arson	2020	0	0	0	0	0

Arrest and Disciplinary Referrals-						
Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Liquor Law Arrests	2020	0	0	0	0	0
Drug Law Arrests	2020	3	0	0	0	3
Weapons Law Arrests	2020	3	0	0	0	3
Liquor Law Violations Referred for Disciplinary Action	2020	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2020	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2020	0	0	0	0	0

Violence Against Women Act- Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Domestic Violence	2020	0	0	0	0	0
Dating Violence	2020	0	0	0	0	0
Stalking	2020	0	0	0	0	0

ONE HATE CRIME WAS REPORTED IN 2020 FOR MIRAMAR COLLEGE, CLASSIFIED AS A SIMPLE ASSAULT AND CHARACTERIZED BY SEXUAL ORIENTATION THAT OCCURRED ON CAMPUS.

SDCCD DOES NOT HAVE RESIDENTIAL FACILITIES

2019 City College Campus Crime Statistics

Criminal Offense (Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Criminal Homicide, Murder & Non-negligent Manslaughter	2019	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2019	0	0	0	0	0
Rape	2019	0	0	0	0	0
Fondling	2019	0	0	0	0	0
Incest	2019	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0
Robbery	2019	1	0	0	0	1
Aggravated Assault	2019	0	0	0	0	0
Burglary	2019	8	0	0	0	8
Motor Vehicle Theft	2019	1	0	1	0	2
Arson	2019	0	0	0	0	0

Arrest and Disciplinary Referrals- Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Liquor Law Arrests	2019	6	1	0	0	7
Drug Law Arrests	2019	36	0	21	0	57
Weapons Law Arrests	2019	11	1	2	0	14
Liquor Law Violations Referred for Disciplinary Action	2019	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2019	0	0	0	0	0

Weapons Law Violations Referred for Disciplinary Action	2019	0	0	0	0	0
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Violence Against Women Act- Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Domestic Violence	2019	3	1	0	0	4
Dating Violence	2019	0	0	0	0	0
Stalking	2019	0	2	0	0	2

ZEROHATE CRIMES WERE REPORTED IN 2019 FOR CITY COLLEGE

SDCCD DOES NOT HAVE RESIDENTIAL FACILITIES

2019 Mesa College Campus Crime Statistic

Criminal Offense (Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Criminal Homicide, Murder & Non-negligent Manslaughter	2019	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2019	0	0	0	0	0
Rape	2019	0	0	0	0	0
Fondling	2019	1	0	0	0	1
Incest	2019	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0
Robbery	2019	0	0	0	0	0
Aggravated Assault	2019	0	0	0	0	0
Burglary	2019	0	0	0	0	0
Motor Vehicle Theft	2019	0	0	0	0	0
Arson	2019	0	0	0	0	0

Arrest and Disciplinary Referrals- Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Liquor Law Arrests	2019	0	0	0	0	0
Drug Law Arrests	2019	3	0	0	0	3
Weapons Law Arrests	2019	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2019	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2019	0	0	0	0	0

Weapons Law Violations Referred for Disciplinary Action	2019	0	0	0	0	0
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Violence Against Women Act- Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Domestic Violence	2019	1	0	0	0	1
Dating Violence	2019	0	0	0	0	0
Stalking	2019	4	0	0	0	4

ZERO HATE CRIMES WERE REPORTED IN 2019 FOR MESA COLLEGE

SDCCD DOES NOT HAVE RESIDENTIAL FACILITIES

Criminal Offense (Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Criminal Homicide, Murder & Non-negligent Manslaughter	2019	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2019	0	0	0	0	0
Rape	2019	0	0	0	0	0
Fondling	2019	1	0	0	0	1
Incest	2019	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0
Robbery	2019	0	0	0	0	0
Aggravated Assault	2019	0	0	0	0	0
Burglary	2019	3	0	0	0	3
Motor Vehicle Theft	2019	3	0	1	0	4
Arson	2019	0	0	0	0	0

2019 Miramar College Campus Crime Statistics

Arrest and Disciplinary Referrals- Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Liquor Law Arrests	2019	0	0	0	0	0
Drug Law Arrests	2019	1	0	1	0	2
Weapons Law Arrests	2019	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2019	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2019	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2019	0	0	0	0	0

Violence Against Women Act- Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Domestic Violence	2019	0	0	0	0	0
Dating Violence	2019	0	0	0	0	0
Stalking	2019	0	0	0	0	0

ZERO HATE CRIMES WERE REPORTED IN 2019 FOR MIRAMAR COLLEGE
SDCCD DOES NOT HAVE RESIDENTIAL FACILITIES

PART 6: REFERENCE

Additional Definitions

There are numerous terms used by the San Diego Community College District in our policy and procedures.

Clery Crime Definitions, Per the Uniform Crime Reporting Handbook

Aggravated Assault

An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. This also includes assault with disease (as in cases when the offender is aware that he/she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.).

Arson

To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.

Burglary

The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

Criminal Homicide

These offenses are separated into two categories: murder and non-negligent manslaughter, and negligent manslaughter.

a) Murder and non-negligent manslaughter: The willful (non-negligent) killing of one human being by another.

b) Manslaughter by negligence: The killing of another person through gross negligence.

Motor Vehicle theft

The theft or attempted theft of a motor vehicle.

Robbery

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and/or causing the victim fear.

Drug Law Violations

(Except Driving Under the Influence) The violation of state and local laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. Drug/Narcotic Violations - The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Drug Equipment Violations—The unlawful manufacture, sale, purchase, possession, or transportation of equipment or devices utilized in preparing and/or using drugs or narcotics.

Liquor law Violations

(Except Driving Under the Influence and Drunkenness) The violation of laws or ordinances prohibiting: the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.

Weapon law Violations

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

Hate crimes

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.

- Race. A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguishes them as a distinct division of humankind (e.g., Asians, blacks or African Americans, whites).
- Gender. A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender

(e.g., male or female).

- Gender identity. A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender non-conforming individuals). Gender non-conforming describes a person who does not conform to the gender-based expectations of society (e.g., a woman dressed in traditionally male clothing or a man wearing makeup.) A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.
- Religion. A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- Sexual orientation. A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- Ethnicity. A preformed negative opinion or attitude toward a group of people whose members identify with each other, through common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.
- National origin. A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs

associated with a national origin group, or because they are married to or associate with people of a certain national origin.

- Disability. A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Larceny/theft

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles, motor vehicle parts and accessories, shoplifting, pocket-picking, or the stealing of any property or article that is not taken by force and violence or by fraud.

Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Terms Related to Clery Geography

On campus

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Public property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Non-campus building or property

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Definitions of Domestic Violence, Sexual Assault, and Stalking Under the California Penal Code

Domestic Violence

13700. As used in this title:

- (a) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.
- (b) "Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as spouses, (5) the continuity of the relationship, and (6) the length of the relationship.
- (c) "Officer" means any officer or employee of a local police department or sheriff's office, and any peace officer of the Department of the California Highway Patrol, the Department of

Parks and Recreation, the University of California Police Department, or the California State University and College Police Departments, as defined in Section 830.2, a peace officer of the Department of General Services of the City of Los Angeles, as defined in subdivision (c) of Section 830.31, a housing authority patrol officer, as defined in subdivision (d) of Section 830.31, a peace officer as defined in subdivisions (a) and (b) of Section 830.32, or a peace officer as defined in subdivision (a) of Section 830.33.

(d) "Victim" means a person who is a victim of domestic violence.

Dating Relationship

243 PC Assault and Battery (10) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations.

Rape/Statutory rape

261.

(a) Rape is an act of sexual intercourse accomplished under any of the following circumstances:

- (1) If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. This paragraph does not preclude the prosecution of a spouse committing the act from being prosecuted under any other paragraph of this subdivision or any other law.
- (2) If it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) If a person is prevented from resisting by an intoxicating or anesthetic substance, or a controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) If a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) If a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) If the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) If the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public

official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) For purposes of this section, the following definitions apply:

(1) "Duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and the victim's relationship to the defendant, are factors to consider in appraising the existence of duress.

(2) "Menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.**261.5. (a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age.**

(b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.

(c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony and

shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

261.6.

(a) In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, "consent" means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

(b) A current or previous dating or marital relationship is not sufficient to constitute consent if consent is at issue in a prosecution under Section 261, 286, 287, or 289, or former Section 262 or 288a.

(c) This section shall not affect the admissibility of evidence or the burden of proof on the issue of consent.

261.7.

In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

262. (a) Rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances:

- (1) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
- (2) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused.
- (3) Where a person is at the time

unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

- (A) Was unconscious or asleep.
- (B) Was not aware, knowing, perceiving, or cognizant that the act occurred.
- (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(5) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(A) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed or acquiesce in an act to which one otherwise would not have submitted. The total

circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

- (B) As used in this section, "menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.

263. The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime.

Sexual Battery

243.4. (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching

served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Civil Rights Department for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with

Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

(2) As used in this subdivision, “touches” means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(f) As used in subdivisions (a), (b), (c), and (d), “touches” means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(g) As used in this section, the following terms have the following meanings:

(1) “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.

(2) “Sexual battery” does not include the crimes defined in Section 261 or 289.

(3) “Seriously disabled” means a person with severe physical or sensory disabilities.

(4) “Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.

(5) “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.

(6) “Minor” means a person under 18 years of age.

(h) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.

(i) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.

(j) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).

Stalking

646.9. (a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison .

(b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.

(c) (1) Every person who, after having been convicted of a felony under Section 273.5, 273.6, or 422, commits a violation of subdivision (a) shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or five years.

(2) Every person who, after having been convicted of a felony under subdivision (a), commits a violation of this section shall be punished by imprisonment in the state prison for two, three, or five years.

(d) In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006. (e) For the purposes of this section, "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

(f) For the purposes of this section, "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

(g) For the purposes of this section, "credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of "credible threat."

(h) For purposes of this section, the term "electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

(i) This section shall not apply to conduct that occurs during labor picketing.

(j) If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.

(k) (1) The sentencing court also shall consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.

(2) This protective order may be issued by the court whether the defendant is sentenced to state prison, county jail, or if imposition of sentence is suspended and the defendant is placed on probation.

(l) For purposes of this section, "immediate family" means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

(m) The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.

285. Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14

years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

Definitions of Sexual Harassment, Dating Violence, Domestic Violence, Sexual Assault, and Stalking Under Title IX of the Education Amendments of 1972 (§ 106.30):

Sexual Harassment

Conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- (3) Sexual assault, dating violence, domestic violence or stalking.
 - a. **Sexual Assault** means an offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation
 - b. **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.

- c. **Domestic violence** means violence committed by a current or former spouse, or intimate partner, who is cohabitating with or has cohabitated with the victim as a spouse of intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of California, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of California.
- d. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

Victims' Bill of Rights 2009: Marsy's Law California Constitution, Article I, Section 28(b)

In order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled to the following rights:

- (1) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.
- (2) To be reasonably protected from the defendant and persons acting on behalf of the defendant.
- (3) To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
- (4) To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose

- confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
- (5) To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
- (6) To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.
- (7) To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
- (8) To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.
- (9) To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.
- (10) To provide information to probation department officer conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
- (11) To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
- (12) To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
- (13) To restitution.
- (A) It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
- (B) Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
- (C) All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.
- (14) To the prompt return of property when no longer needed as evidence.
- (15) To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified upon request, of the parole or other release of the offender.
- (16) To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.
- (17) To be informed of the rights enumerated in paragraphs (1) through (16).

Daily Crime Log

The College Police Department’s Daily Crime Log provides details about crimes that have been reported to the San Diego Community College District Police Department. It is updated on a daily basis and includes the nature/classification, date reported, date occurred, time, general location, and brief description, provided the information is available.

Disposition Definitions are provided below. Hard copies of the Daily Crime Log are available for review in the following offices on each campus during normal business hours:

College police business offices

City CollegeV-100

Mesa College Q-100

Miramar College T-100

Disposition Definitions

- Cleared by Arrest
- Cleared by Arrest (Another Agency)
- Cleared by Exception
- Closed - Other
- Closed – Student Affairs
- Closed – Title IX
- Information Only
- Pending
- Released
- Unfounded

According to Federal Law, an institution may withhold any of the required fields of entry, i.e., the nature, date, time, location and/or disposition if any of the following conditions apply:

- The disclosure is prohibited by law
- If disclosure would jeopardize the confidentiality of the victim
- If disclosure would jeopardize an ongoing criminal investigation or the safety of an individual
- If disclosure would cause a suspect to flee or

evade detection

- If disclosure would result in the destruction of evidence

Thank you for contributing to a safe and secure San Diego Community College District. Requests for a printed copy of Safe and Sound may be directed to TitleIX@sdccd.edu .