

CSU

San Marcos

CRIME AWARENESS
AND
CAMPUS SECURITY
(CLERY REPORT)
(2008–2009)



CSU Police Department
San Marcos

(October 1, 2009)

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1.0 INTRODUCTION

The Federal Student Right-to-Know, Crime Awareness and Campus Security Act now cited as the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act," herein identified as the "Clery Report" requires institutions of higher learning to prepare, publish, and distribute a report concerning campus crime statistics and security policies on an annual basis through appropriate publications, mailings or computer network to all current students and employees, and all prospective students and prospective employees upon request. This report contains the annual report concerning specific campus crime and arrest statistics as well as information about campus policies and practices intended to promote crime awareness, campus safety and security.

This report complies with the provisions as codified: 1) United States Code Title 20, Chapter 28 Section 1092(f) as amended in 1992 and 1998, 2) United States Code of Federal Regulations, Title 34, Chapter VI, Part 668, Section 668.46, and 3) California Education Code, Sections 67380-67385. Copies of this report may be obtained from the University Police Department, Student Affairs Office or by visiting the University Police Department Webpage located at: www.csusm.edu/police/Clery.htm

For the convenience of the reader, a complete copy of United States Code Title 20, Chapter 28 Section 1092(f) as amended in 1992 and 1998 is at the end of this report—Attachment II.

2.0 UNIVERSITY POLICE DEPARTMENT (*Policies Concerning Law Enforcement*)

Operating 24/7, the University Police Department is located at 441 La Moree Road, San Marcos. Police officers are vested by the California State University Trustees with the authority and responsibility to enforce all applicable local and state laws with a special emphasis on the enforcement of laws involving weapons, alcohol, drugs and narcotics on University property and those areas contiguous to the San Marcos campus. University police officers have the authority and duty to conduct criminal investigations, arrest violators and suppress campus crime.

Police services for off-campus property that is immediately adjacent to the San Marcos campus are provided by the San Diego County Sheriff's Department.

(See Agreement in section 2.6 below)

The University Police Department is computer linked to county, state and federal criminal justice agencies for access to criminal records, information on wanted persons, as well as stolen property and stolen vehicle information.

2.1 **Police Authority**

University police officers are duly sworn peace officers under California Penal Code Section 830.2(c). The sixteen (16) sworn police officer's whose jurisdiction extends statewide, are armed and possess the same authority under the law as do municipal or county peace officers. The department subscribes to the standards of the California Commission on Peace Officer Standards Training (POST). Officers receive the same basic training as municipal and county peace officers, plus additional training to meet the unique needs of a campus community environment. In 2007, University Police began a program of continuous improvement in the area of preparation for an active shooter incident. In 2008, officers participated in training exercises designed to facilitate a rapid and effective police response to this type of incident.

The University Police Department is the primary agency for reporting and investigating criminal activity occurring on the CSUSM campus. Officers patrol the main campus 24 hours each day, 365 days a year. The police department provides immediate response to all police, fire and medical emergencies. Accidents involving automobiles and bicycles are also investigated by the police department. Where criminal prosecution is sought, cases are regularly forwarded to the San Diego County District Attorney's North County Office for filing.

2.2 **Police Department Mission Statement**

- To protect our campus community above all else
- To practice community policing through maximum involvement with our campus community
- To control and prevent crime proactively and innovatively
- To provide excellent customer service that is responsive and professional at all times
- To provide welcoming environment through innovative parking solutions
- To save lives and protect property through emergency management

2.3 **Patrol Division**

Patrol is the largest division in the police department. A patrol officer's duties include protecting life and property, prevention of crime and keeping the peace. Patrol officers provide a wide variety of safety related services to the CSUSM community in addition to investigating crimes, enforcing criminal and traffic laws. When a crime is reported, a patrol officer will take the initial crime report which outlines the circumstances of the incident. When possible and as needed, the patrol officer will collect evidence, arrest offender(s) and later, testify in court.

2.4 **Communications Center**

The Communications Center is staffed 24-hours each day to respond to requests from the University community and to assist officers in the field. In order to help best serve the campus community, the Communications Center asks that you dial 9-1-1 when there is an immediate risk to life or property.

Examples include:

- Medical emergencies
- In-progress or just-occurred crimes
- Crime involving weapons
- Domestic violence
- Vehicle accidents
- Hazardous spills
- Fire or Smoke

Important Note: If you dial 9-1-1 from a cellular telephone, your call is automatically routed to the California Highway Patrol. You must advise the CHP dispatcher of your location and the type of emergency so that your call can be re-routed to the proper police agency. If you call 9-1-1 by mistake DO NOT HANG UP! Tell the dispatcher that you called by mistake and that you do not have an emergency.

If a person does not speak English you will be connected with an interpreter who can translate many different languages while the dispatcher remains on the telephone with you and the translator. If a

person is using a Telecommunications Device for the Deaf (TDD) a dispatcher will answer and help the caller by using our TDD equipment which is conveniently located in the Communications Center.

2.5 Community Service Officer (CSO)

The police department employs approximately (14) CSUSM Student Community Service Officers (CSOs) who assist the police department in keeping the campus a safe place to live, study and work. CSOs can be identified by their identification card, which includes their photograph, name and badge number. They wear a distinctive grey uniform shirt with black pants. Shoulder patches display the University Police Department star with a "Community Service Officer" rocker. In addition to providing escort services from dusk until 11:00pm, Monday through Saturday, CSOs also provide general campus patrol, parking enforcement, traffic control, building security, building lock/unlocks, crime prevention, and they assist with special events. While CSOs provide the majority of all community escorts, if an escort is requested after dark and a CSO is unavailable, a police officer will be dispatched to assist. Escort services can be obtained by dialing extension 4567 from any campus telephone or by dialing (760) 750-4567 from any cell or campus pay phone.

2.6 Inter-agency Police Services Assistance Agreement

Pursuant to California Education Code Section 67381, the University Police Department has the responsibility to investigate all violent and non-violent crimes occurring on University property. Due to the sophisticated investigative resources required to properly investigate certain crimes, the University Police Department by agreement has arranged, in certain circumstances, for assistance from the San Diego County Sheriff's Department.

Agreement

Pursuant to California Educational Code Section 67381, known as the Kristin Smart Campus Safety Act of 1998, the Cal State San Marcos University Police Department and the San Diego County Sheriff's Department have entered into the following agreement that affixes operational responsibility for the investigation of Part I violent crimes occurring on University property or ancillary properties that are leased, owned, controlled or operated by the University within the city limits of San Marcos.

Geographic Locations

Campus property is the geographical area bounded by South Twin Oaks Valley Road to the west, Barham Drive to the north, and La Moree Road to the east. The southern boundary is not clearly identified by a geographical feature such as a road; therefore, the attached map diagrams the southern boundary of the University campus. Ancillary properties include:

*435 E. Carmel Drive (CSU San Marcos Foundation)
120 Craven Road (Student Health & Counseling Services)*

Operational Responsibility

The Cal State San Marcos University Police Department shall be the primary reporting and investigating law enforcement agency for all crimes investigated on University property and properties that are leased, owned, controlled or operated by the University inside the city limits of San Marcos with the exception of willful homicides and officer involved shootings which shall be investigated by the San Diego County Sheriff's Department. The San Diego County Sheriff's Department shall be the lead investigative agency when a criminal investigation requires the use of specialized equipment/tools, resources and/or expertise that in the opinion of the Chief of Police or designee is beyond the capability of the Cal State San Marcos Police Department to investigate. However, as a professional courtesy, the Sheriff's Department shall keep the University Police Department informed as to the progress of said investigation. Both agencies shall continue to provide assistance or mutual aid as necessary when requested.

2.7 Emergency Operations Center (EOC)

The campus Emergency Operations Center (EOC) provides a central control point to assess and manage disasters or large scale emergencies. During a declared campus emergency, the EOC, or the most appropriate command site will be activated and staffed to the extent required. Designated and trained emergency management personnel will report to the EOC and the response will be directed and controlled through this command center. These designated managers will set priorities, manage resources, prepare a campus response and coordinate all campus operations. The campus EOC is equipped with phones, radios, computers, mobile generators, emergency supplies, and essential information that emergency personnel may need in managing any disaster. Bringing the Department of Emergency Preparedness into the University Police Department in August 2007 was very helpful in making active shooter preparedness a more comprehensive program, involving police, communications, the Emergency Notification System, electronic lockdown of campus, and internal and external public address systems.

3.0 REPORTING CRIMINAL ACTIVITY (*Policies for Reporting Crimes and Emergencies*)

For safety sake, community members are strongly encouraged to immediately report criminal activity, hate bias motivated incidents and any/all suspicious person(s) to the University Police Department. The University Police Department has primary jurisdiction and responsibility for investigating crimes and providing police protection and emergency services to the CSUSM community.

3.1 Reporting Emergencies

Police, fire or medical emergencies can be reported by:

- 1) dialing (760) 750-4567 from any telephone
- 2) dialing **911** from any campus telephone
- 3) dialing **911** from a pay phone will be answered by the San Diego County Sheriff's Department

When calling the San Diego County Sheriff's Department or CHP, the caller should advise the dispatcher that he/she is calling from the Cal State San Marcos campus.

- 4) dialing **911** from a cell phone will be answered by the California Highway Patrol
- 5) using any one of the more than (163) building emergency telephones
- 6) using the emergency intercom system found in most building elevators
- 7) using one of the (45) Blue Light Emergency call-boxes strategically located around campus and parking lots
- 8) off-campus calls for emergency assistance should be directed to the local law enforcement agency.

Remember to always be ready to provide:

- **Name, telephone number and location**
- **Describe the incident clearly and accurately**
- **Do not hang-up! Allow the dispatcher to end the call**

Special Note: *"California law (11160 of the California Penal Code) requires prompt, mandatory reporting to the local law enforcement agency by health care practitioners (such as those at the Student Health Services) when they provide medical services to a person they know or are reasonably suspected of suffering from wounds inflicted by a firearm or is a result of an assault or other abusive conduct."*

3.2 Reporting Non-emergencies

Non-emergencies can be reported to the University Police Department by dialing (760) 750-4567

3.3 Anonymous/Confidential Reporting

In certain instances, a crime victim may be reluctant to file a report fearing the “process” and/or loss of his/her anonymity. In such circumstances, crime victims are still encouraged to make a confidential report to one of the designated Campus Security Authorities. At minimum, crime victims will receive important counseling and referral information. Confidential reports are important because they provide valuable information that can enhance the safety of the community-at-large and such reports will (at least) provide a more accurate portrait of actual campus crime. (Remember, help is available, all you need to do is ask)

3.4 University Crime Stoppers Program

This is the first partnership of its kind established with a university in San Diego County aimed at reducing crime on campus. University Crime Stoppers is a program that provides students with an avenue to anonymously report crime. Students can call the University Crime Stoppers tip line number, 888-580-TIPS, toll-free, 24-hours a day, 7-days a week. Tips can also be made online at www.sdcrimestoppers.com or by text to CRIMES (274637) text “TIPS 409” at the beginning of the message. Tips reported to University Crime Stoppers are turned over to the University Police Department for investigation. Students can receive a monetary reward, of up to \$1,000, for a tip that leads to an arrest or disciplinary action.

3.5 Staff and Faculty Disciplinary Referrals

In addition to the student administrative disciplinary referrals for alcohol, weapons, drugs and narcotics violations reported in **Table 13.11**, all institutions of higher learning are also required to report all similar administrative disciplinary referrals involving staff and faculty of the institution. Starting in October 2006, the CSUSM Annual Clery Report includes all employee referrals. See **Table 13.12 and 13.13**

3.6 Campus Security Authorities

Although we encourage the reporting of campus criminal activity directly to the University Police Department, in some instances members of the campus community may choose to file a report with one of the other Campus Security Authorities. Using the convenient and accessible “Clery Incident Report” form, all Campus Security Authorities can at minimum collect required statistical Clery data. This two page form (see attachment III) is available from the University Police Department Webpage at: www.csusm.edu/police/ under the link for “Forms” down loadable in PDF format. Any reportable crime made to a Campus Security Authority can be immediately transmitted to the University Police Department via email, fax machine or campus mail. For Clery reporting purposes at CSUSM, Campus Security Authorities have been designated as advisors to student organizations, athletic team coaches, Coordinator of Campus Recreation, Dean of Students, Student Activity Directors, Student Program Directors and any CSUSM employee who is either:

- a. A member of the university police department.
- b. Any individual who has responsibility for campus security but who is not a member of the campus police department or the campus security department (e.g. parking enforcement staff, campus safety escort staff, special event venue security).
- c. Any individual specified in the University’s statement of campus security policy as an individual to which students and employees should report criminal offenses.
- d. An individual of the University who has significant responsibility for student and campus activities. (e.g. student housing, student discipline, athletic directors/coaches and campus student judicial officials)

Note: Counselors with the CSUSM Student Health and Counseling Services are not considered “Campus Security Authorities,” [668.46(4) Code of Federal Regulations] and therefore, not required to report statistics concerning incidents of sexual assault.

3.7

Annual “Clery Notice”

The CSUSM “Clery Notice” is distributed (directly) via Internet email to all current students and current employees in October each year. In addition, the “Clery Notice” can be found at the University Police Department webpage: www.csusm.edu/police/Clery.htm as well as inside the Student Catalog of Classes.

“NOTICE OF THE ANNUAL CLERY CAMPUS SECURITY REPORT”

In accordance with the guidelines established by the California State University, Chancellor’s Office, and pursuant to federal law, identified as the “*Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998*,” all currently enrolled students, campus employees and all prospective students and prospective employees are entitled to request and receive a copy of the CSUSM Annual Campus Security Report.

The report contains crime statistics about certain specified crimes/incidents that have been reported to Campus Security Authorities over the past three years and which have either occurred on-campus, in off-campus buildings/property owned or controlled by the University, public property contiguous to the San Marcos campus and the CSUSM Southwest Riverside and Temecula branch campuses.

The report also contains policies and practices pertaining to campus security, crime reporting, alcohol and drugs, victims’ assistance programs, student discipline, campus resources, community safety alerts, crime prevention, access to campus facilities/properties as well as personal safety tips. The report encourages the reporting of all crime occurrences and it provides information on how and to whom to report crimes.

Copies of this report may be obtained in person from the University Police Department or on-line at the Police Department’s website located at: www.csusm.edu/police/Clery.htm

Annual Clery Security reports for the other campuses of the California State University system are also available on-line at: www.calstate.edu/clery/

3.8

Missing Persons

It is the policy of the university Police Department to accept all reports of missing persons without delay. However, the reporting party should be a spouse, family member, close friend, or roommate. Priority shall be given to investigating reports of missing person whose disappearance is considered suspicious or when the person is considered at risk or foul play is suspected.

A missing student often has 1) a temporary on-campus residence, 2) a permanent family residence in another jurisdiction, yet, 3) he/she was last seen in a third jurisdiction. In order to ensure proper case follow-up and a quick resolution, jurisdictional responsibilities and investigative agreements need to be quickly reached between all the potential reporting jurisdictions.

Every case of a missing person poses unique investigative challenges that will dictate who, if any (spouse, roommates, family members, guardians, friends) will be contacted, interviewed and in what order. In cases that involve a missing adult student, the officer shall consider notification of the person’s parent(s) or guardian. However, cases involving a missing juvenile student, the parent(s) or guardian of the student shall be notified, as soon as it is practical to do so.

When the person’s disappearance is deemed to be suspicious, foul play is suspected, and/or the person may be “at-risk,” consideration shall be given to asking the San Diego County Sheriff’s Department for assistance, as described in the Interagency Assistance Agreement noted in section 2.5 above.

3.9 Police Daily Log

The University Police Department maintains a daily activity log which is a record of all crimes reported to the police department which have occurred on campus property. The log reflects the time and date the crime was reported to the police department, the location and nature of the reported incident along with a case disposition.

The police department may withhold information from the daily log if the release of such information would jeopardize the safety of an individual or an ongoing criminal investigation.

4.0 Off-campus Criminal Activity from locations of Recognized Student Organizations (Policies for Monitoring Crimes by Students at Off-Campus Sites)

The University Police Department does not track or monitor law enforcement proceedings against students for offenses that occur off campus other than by collecting the required statistics on crimes that occur at specified off-campus locations as required by the Clery Act.

5.0 CRIME PREVENTION (Programs designed to Inform about Crime Prevention Programs and Security Practices)

Crime is a serious problem for which there are no easy answers or solutions. The University campus is not immune to crime; therefore, the prevention of crime is a top priority. All members of the CSUSM community are encouraged to take responsibility for his/her own safety, and when possible assist others with their safety needs. While the University Police Department may offer advice and assistance regarding campus safety, each individual has the primary responsibility for his/her own safety.

The police department supports a proactive crime prevention effort that works with members of the campus community to create a safe campus environment. Crime prevention/awareness programs begin with freshman orientation presentations. Topics of discussion include the Student Code of Conduct, academic dishonesty, civility, sexual harassment, sexual exploitation, substance abuse, alcohol and hate violence. Throughout the year, the University Police Department gives presentations and workshops regarding personal safety, self-defense, office safety, rape prevention, vehicle and residential security.

The University Police Department's effort to educate the campus community about incidents of crime, the importance of reporting crimes, (especially sex related crimes) and the prevention of crime is a "work-in-progress." The offices of the University Police Department, Student Affairs, University Village Apartments and the Dean of Students, are all active participants in this never ending effort. From freshman orientation to the graduation commencement years later, students are subjected to a continuous array of programs, designed to create a safer campus environment, examples include: Sexual Assault Awareness Week, Alcohol Safety Awareness Week, Hate Crimes Forum, Self-Defense Instruction, office/building security surveys, workplace violence prevention presentations, anti-theft presentations, and the CSO Escort Services just to name a few.

5.1 Campus Safety/Education

The University Police Department Crime Prevention Officer works closely with the Dean of Students, the CSUSM Women's Center and other key campus departments to provide security and safety programs/presentations and workshops throughout the year. In addition, these campus units produce and publish brochures and pamphlets relating to crime prevention and personal safety. The following are just a few examples of the programs available each year to the campus community:

Safety and Security Education Program presentations/collaborations by the University Police Department:

- CSUSM Freshman Orientation Training
- CSUSM/University Village Apartments Advising
- CSUSM Parent Orientations
- CSUSM Preview Day
- CSUSM Commuter Student Information Fair
- Alcohol & Drug Awareness Week
- PRICE Program (Preventing Rape By Intoxication Through Community Education)
- CSUSM Transfer Admit Day
- Prevention of Workplace Violence Programs
- Office Security Surveys and Personal Safety Presentations
- Self-Defense RAD Classes (Rape Aggression Defense)
- Operation ID
- “502 Blues”
- Fire/Evacuation Drills

Environmental Health and Safety

Office/laboratory Safety Surveys
Hazardous Material Handling
Annual Residential Life Fire Drills
Disaster Preparedness Drills

Women’s Center

Year long schedule of events

Student Health & Counseling Services

Year long schedule of events

5.2 University Village Apartment Residents

Campus residents are reminded that crime can happen anywhere, at anytime, to anyone and that the CSUSM campus is not a crime free zone. Residents must take very seriously their own personal safety. Since the campus is open 24 hours each day and visitation to campus housing facilities is mostly unrestricted, campus residents are advised to:

- Keep room and apartment doors locked at all times
- Ask strangers to wait in the common areas, restrict access to private areas
- Keep valuables out of sight
- Do not leave personal property in common areas
- Suspicious activity should be immediately reported to the University Police Department

5.3 Escort Services

Escorts from Community Service Officers (CSOs) are available to community members from about the time it gets dark each night until approximately 11:00p.m. If you need an escort, please call: **(760) 750-4567** from any telephone, **4567** from any campus telephone, or any one of the blue emergency telephones located around campus.

5.4 **Mexico Visits**

To some, Mexico offers a cross-cultural exciting opportunity, but for others, a trip to Mexico simply provides the opportunity to legally enter bars and night clubs in order to drink alcohol. What needs to be remembered is that Mexico is a foreign country. Travel in Mexico presents potential risks for those who are unfamiliar with Mexican laws.

While the drinking age in Mexico is 18 years, public drunkenness, open container, urinating/spitting in public is illegal and violators could end up in jail. While in Mexico, avoid getting involved in any public disturbances, loud cursing, throwing bottles, fighting, littering and nudity. Drunk driving is considered a major violation of the law--you will go to jail. Penalties for the possession of drugs and/or narcotics are similar to trafficking—very severe!

If you choose to drive in Mexico, remember things are different; accidents are felonies. The driver of a vehicle involved in an accident who has been determined to be at fault must pay damages before being released from custody.

While sexual assaults can happen on either side of the border, visitors to Mexico need to remember that they are not protected by American laws or United States law enforcement while in Mexico. Young, inexperienced CSUSM students who drink and “party” in Mexico can quickly find themselves in an unsafe situation without help.

5.5 **Cougar Watch**

Cougar Watch is a community based crime prevention program patterned after the successful Neighborhood Watch program used in many cities. University Police members are pleased to present information on crime prevention and safety. The Police Department officers are active participants at orientation programs for new students, employees, and campus events such as “Welcome Week”. Crime prevention information, safety brochures, and information on other topics such as campus safety, self-protection for women, and sexual harassment on campus, personal safety, campus theft and emergency preparedness are available at no cost from the University Police Department. Police Department personnel are available to present programs that can be tailored to individual or group needs. Specially trained personnel are available to students, staff, faculty or other community members. Personal safety, property security, security surveys and information regarding crime statistics are only a few of the programs and services available. To schedule a workshop or presentation for your staff, club, or organization, contact University Police at 760-750-4567, TDD 760-750-3159.

6.0 **Crime Alert Bulletin** (*Timely warnings*)

In order to safeguard the campus community by increased crime awareness and in order to meet our timely warning commitments, campus Community Alert Bulletins, (subject to the availability of accurate information) shall be distributed as soon as possible following the reported incident, but no later than noon on the next business day. The circumstances of any particular situation coupled with a police department’s evaluation of the situation/threat potential will dictate the need, breadth and manner for the issuance of a Crime Alert Bulletin. However, in general, whenever there has been a report of a violent crime or a major property crime on campus and the police department is of the opinion that the safety of the campus community is at-risk, a Crime Alert Bulletin will be issued.

The alert process typically entails a combination of 1) campus electronic mail notifications, 2) physical postings of bulletins in designated campus residential areas by UVA personnel and 3) electronic posting on the University Police Department webpage at: www.csusm.edu/police/ under Alerts/Bulletins.

Campus security authorities who receive reports of crimes are provided guidance on how to distribute “timely warning” crime alerts to the campus community.

6.1 Timely Warnings

When circumstances warrant; Crime Alert Notices are distributed to warn the university community of a crime or incident that poses a possible threat to campus safety. When the nature of the crime warrants public notification, crime bulletins are distributed throughout the campus. Crime warnings may also be distributed to the California State University Chancellor's Office and/or neighboring campuses and law enforcement agencies as appropriate. Crime warnings may also be utilized to notify the community regarding crime trends to encourage the use of additional security precautions. After all facts are obtained, crime warnings are released within 24 hours or as soon as reasonably possible. University Police works in partnership with the university Office of Communications to provide timely notification of incidents impacting campus safety. Once the decision has been made to issue a crime alert bulletin, the following items shall be included, if available:

- Description of the incident (type of crime, time, date and location, etc.)
- Physical description (and name if possible) of the offender
- Composite drawing or photograph of the offender
- Connection to previous reported incidents
- Description of victim and injuries (if relevant)
- Date and time the campus crime alert was issued

6.2 Distribution Procedures

There is no (single) best method to distribute a Campus Crime Alert Bulletin; however, depending upon the circumstances of the particular case, crime alert bulletins will often be limited to a clearly defined segment of the CSUSM campus community, (e.g. crimes targeting campus resident students, crimes targeting labs, crimes targeting campus computer users or crimes that target uses of the Kellogg Library). However, in certain cases, the entire campus community maybe alerted, but in all cases, the Community Alert Bulletin shall be posted at the University Police Department webpage at: www.csusm.edu/police/

7.0 SEXUAL ASSAULT AND HARASSMENT PREVENTION (*Campus Sexual Assault Programs*)

CSUSM is committed to creating a safe and secure campus environment that is free from acts of intimidation or the fear of falling victim to a sexual assault or hate violence. The following offices contribute greatly toward this effort.

University Police Department	(760) 750-4567
Student Health & Counseling Services	(760) 750-4915
Dean of Students	(760) 750-4935
Director of University Village Apartments	(760) 750-3711

7.1 Sexual Assault Safety Procedures

Persons who believe they have been sexually assaulted or who have been the victim of any kind of sex offense should immediately report the incident to the University Police Department. The following is strongly encouraged.

1. Get to a safe place.
2. Call the police by dialing **911**
3. If you are not sure what to do, call the Rape Crisis Hotline - **(888) 272-1767**. The advocate will provide you with options and you will not have to give your name.
4. You can also call the CSUSM Student Health & Counseling Services for guidance and assistance.
5. If you are not sure about reporting the attack, but you might want to later, you are encouraged to immediately file a police report in order to obtain a medical evidentiary examination. You always maintain the right to change your mind and not to pursue a criminal complaint.
6. Do not eat, drink, bathe, shower, go to the bathroom, douche or clean up. As difficult as this is, your body is a receptor of physical evidence that needs to be properly collected.
7. If you do not wish to make a report to the police, you are still encouraged to seek professional medical advice. It is important not to forget the possibility of sexually transmitted diseases and/or pregnancy. Note: All health care providers are legally required to report to the police all cases of suspected sexual or physical assault.

7.2 Sexual Assault Definition

In simple terms, any (actual or attempted intercourse, anal/oral copulation, penetration with a foreign object, digital penetration, sexual battery, or fondling) is unlawful without consent. The lack of consent can be demonstrated where the offender used force, fear, threats of violence, coercion or any form intimidation. Most important, a person who is under the influence of alcohol and/or drugs is unable to give consent.

7.3 Physical Evidence

The preservation of criminal evidence is essential and time sensitive to the successful prosecution of most sex offenses. University Police Department personnel have been trained in the proper identification, collection and preservation of such evidence. Considering the time sensitive nature regarding the collection of such evidence, it is essential that the police department be contacted as soon as possible.

Staff members from the CSUSM Student Health & Counseling Services are available to assist students who have fallen victim to a sex offense from the initial report to the final resolution of the case.

7.4 Sexual Assault Investigative Guarantee

If you have been sexually assaulted, you have the right to report the assault to the police department. As an encouragement to report sexual assaults, the University Police Department is committed to the following ten guarantees.

1. **WE WILL** meet with you privately and you may be accompanied by a personal advocate.
2. **WE WILL** provide a female officer to conduct the initial interview if requested and one is available.
3. **WE WILL** fully investigate your case, regardless of the gender, race, ethnicity, sexual orientation, age, national origin or religion of the parties involved.
4. **WE WILL** not pre-judge you or your actions. Assault victims are not responsible for the criminal actions of others.
5. **WE WILL** treat you and your case with courtesy, sensitivity, and understanding.
6. **WE WILL** assist you in arranging for your medical needs and/or hospital treatment.
7. **WE WILL** provide you with advocate and counseling referral information.
8. **WE WILL** not release your name to the public or to the press.
9. **WE WILL** discuss and explain the criminal justice process. You will be kept informed as to the progress of the investigation which may include the arrest and prosecution of the offender.
10. **WE WILL** be available to answer your questions as the process of the investigation and prosecution unfolds.

7.5 Administrative Considerations

Victims may also reach out to any Campus Security Authority for information and assistance regarding the filing of a criminal complaint and/or confidential report. To initiate a complaint under the CSU Student Code of Conduct, persons should contact the Dean of Students.

Note: Any CSUSM student or employee who is suspected of sexual misconduct is subject to both criminal prosecution and disciplinary action under campus policies and regulations. Campus disciplinary action can be initiated even if criminal charges are not pursued.

A CSUSM student accused of sexual misconduct is subject to disciplinary action in accordance with the CSU Student Code of Conduct. The accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding, and both shall be informed of the outcome of any campus disciplinary proceeding brought forth alleging a sex offense. Student sexual assault victims also have the option of changing their academic or on-campus living arrangements after an alleged sexual assault, if such changes are reasonably available.

A CSUSM employee accused of sexual misconduct is subject to the applicable provisions and disciplinary action in accordance with University Policies and Procedures. Sanctions for sexual misconduct include, but are not limited to, warning(s), censure, demotion, suspension, or termination of employment.

7.6 Sexual Harassment

CSU San Marcos is strongly opposed to sexual harassment. Sexual harassment is a form of workplace discrimination, which is illegal under Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the California Fair Employment and Housing Act. Sexual harassment is also a violation of CSU policy. CSU San Marcos is committed to creating and maintaining a community in which all persons who participate in programs and activities can work and learn together in an atmosphere free of all forms of harassment, exploitation, or intimidation, including sexual harassment. Sexual harassment is defined by the University as unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when;

1. submission to or rejection of such conduct is made either explicitly or implicitly a condition of instruction, employment, or participation in other University activity; or
2. submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting the individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive University environment.

The Office of Human Resources and Equal Opportunity oversees the University's sexual harassment policy by providing education and assistance in investigating and resolving complaints. Any individual who has questions about sexual harassment or gender discrimination should contact HREO at (760) 750-4416 where you can obtain advice without filing a complaint. CSU San Marcos will take whatever action may be needed to prevent, correct, and if necessary, discipline any employee whose behavior violates our sexual harassment policy. More information is available on the website: www.csusm.edu/HR/

8.0 REGISTERED SEX OFFENDER INFORMATION (*Registered Sex Offender Information*)

8.1 Sex Offender Registration Laws

More than 50 years ago California began requiring all dangerous sex offenders to register with their local law enforcement agency. This registration requirement gave local law enforcement the ability to keep track of convicted sex offenders who were in their community. (Note: In most instances, registration is a lifetime requirement.)

In July 1995, for the first time, members of the public were provided limited access to certain offender information concerning registered sex offenders who live in their community by calling a "900" number operated by the California Department of Justice. This change came from the Child Protective Act of 1994. [290.4PC]

In May 1996, the California Legislature increased the public's access to sex offender information with the passage of Megan's Law. Megan's Law was named after 7-year-old New Jersey girl (Megan Kanka) who was raped and murdered by a known child molester who had moved across the street from Megan's family without their knowledge. In the wake of Megan's murder, California increased the public's access to sex offender information with enactment of 290.4PC.

In October 2000, the Federal Campus Sex Crimes Prevention Act 20 U.S.C. § 1092(f)(1)(I) amended Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994. The Campus Sex Crimes Prevention Act required sex offenders who are required to register under state law to also provide notice of their enrollment or employment at any institution of higher learning in the state where he/she resides starting in October 2002. Institutions of higher learning are required to issue a statement in their annual Clery Report detailing where members of their campus community can obtain information concerning registered sex offenders. [20 U.S.C. § 1092(f)(1)(I)]

In 2001, the California Legislature amended its registered sex offender laws to satisfy the federal law requirements. On October 28, 2002, sex offenders who resided on campus were required to register with campus law enforcement. This new law also expanded the registration requirements for all campus affiliated sex offenders to register with the campus police department. [290.01(a)PC]

Every person who is required to register in California as a sex offender and who:

1. Resides on CSUSM campus property, or
2. Is enrolled as a student at CSU San Marcos, including Southwest Riverside and Temecula Branch classes, or
3. Is a full/part time employee at CSU San Marcos (with/out compensation), or
4. Carries on a vocation at CSU San Marcos for more than 14 days, or for an aggregate period exceeding 30 (total) days in a calendar year, shall register with the campus police department.

In October 2003 an amendment was added to Penal Code Section 290.01. Subsection (d)(1)(a) provided that the campus police department (may) in certain instances release registered sex offender information (all categories) to members of the campus community. (See attachment IV)

In 2004, the California Legislature further amended its registered sex offender laws and directed the California Department of Justice to make available by July 1, 2005 via an Internet Web site certain specified information about certain sex offenders available to the public. On January 1, 2005, the Web site was launched at : www.ag.ca.gov with the information of more than 63,000 sex offenders.

8.2 Sex Offender Information (Campus community access)

A. Campus affiliated registered sex offender information is available for inspection by members of the campus community (by appointment) at the University Police Department during normal business hours, please call (760) 750-4567 for more information.

1. The University Police Department may release sex offender information relating to campus affiliated sex offenders to members of the campus community who: [290.01(d)(4)(A)]
 - a. is over 18 years of age
 - b. is a member of the campus community
 - c. is not themselves a registered sex offender
 - d. is willing to certify to the understanding that the release of registered sex offender information is for the purpose of allowing members of the campus community to protect themselves and their children from sex offenders
 - e. is willing to certify an understanding that it is illegal to use the sex offender registration information to harass, discriminate, or commit a crime against any person who has been identified as a sex offender
 - f. is willing to sign a "Registered Sex Offender View Form"
2. Registered sex offender information available for public viewing. [290.01(d)(1)(A)]
 - a. name and known aliases
 - b. age, DOB, gender, race
 - c. physical description (including scars, marks, tattoos)
 - d. photograph, (if available)
 - e. crimes that were the basis for the registration requirement
 - f. date of last registration

8.3 Sex Offender Informational Data (Public access)

The Office of the California Attorney General makes certain specified registered sex offender information available to the public on the Internet at: www.ag.ca.gov

Reminder: The information under Megan's Law may not be used to harass or commit any crime against a sex offender. Public safety is best served when registered sex offenders are not concealing their location to avoid harassment.

8.4 Campus Law Enforcement Disclosure

- A. The University Police Department may proactively release any portion of the following information to the campus community concerning the presence of a high-risk sex offender who is in the campus community. [290.45(b) PC]
- B. The University Police Department may reactively release any portion of the following information (when a peace officer reasonably suspects, based upon information that has come to his/her attention that a child or other person may be at-risk) the campus community concerning the presence of a sex offender who is in the campus community. [290.45(a)(4)(A) PC]
 1. name and known aliases
 2. age, DOB, gender and race
 3. physical description, including scars, marks and tattoos
 4. photograph, (if available)
 5. crimes that were the basis for the registration requirement
 6. residence address (must be verified by law enforcement prior to release)
 7. description and license plate number of offender's vehicle
 8. type of victim targeted by the offender
 9. relevant parole or probation conditions

10. dates of crimes resulting in classification
11. date of release from confinement
12. offender's employment, vocation or student status with CSUSM

The University Police Department may authorize the release of sex offender information to persons and campus entities for the purpose of disclosing the information to additional persons if we (University Police Department) can determine that the scope of any further disclosure meets the conditions set forth in Penal Code Section 290.45.(a)(2) PC]

- a. **The information under Megan's Law may not be used to harass or commit any crime against a sex offender. Public safety is best served when registered sex offenders are not concealing their location to avoid harassment. [290.01(d)(4)(A) PC]**
- b. The disclosure of any information shall include a statement the purpose of the disclosure is to allow members of the public to protect themselves and their children from sex offenders. [290.45(a)(5)PC]

8.5 CSUSM Sex Offender Registration Requirements

Every person who is required to register in California as a sex offender and who:

- a. resides on CSUSM campus property, or
- b. is enrolled as a CSUSM student (including Extension classes), or
- c. is a full/part time employee at CSUSM w/out compensation, including volunteer, or
- d. carries on a vocation at CSUSM for more than 14 days, or for an aggregate period exceeding 30 (total) days in a calendar year, shall register with the campus police department.

A campus affiliated sex offender shall also notify the University Police Department within five working days of ceasing to be enrolled or employed, ceasing to carry on a vocation at CSUSM, or change of address. [290.01PC]

In addition, every person adjudicated a sexually violent predator (as defined in Section 6600 Welfare Institutions Code) after being released from custody and who is a campus affiliated sex registrant, shall verify his/her address with the University Police Department no less than once every 90 days. [290(a)(1)(E)PC]

8.6 CSUSM Sex Offender Registration Procedure

Sex Offenders are required to register in person at the University Police Department.

9.0 HATE VIOLENCE

CSUSM's Community values places a great emphasis on the value of diversity, assessing one's culture and the management of difference. However, the reality is that anyone and anytime can be the target of a hate crime or a bias motivated incident. Unlike other crimes that target individuals, hate crimes and bias motivated incidents negatively affect the entire CSUSM campus community. While the CSUSM campus is not immune to such opportunistic acts, the low number of reported occurrences provides some antidotal information that we have made great strides toward the creation of a campus environment that is more tolerant of individuals, groups, cultures and ideas.

9.1 Reporting Hate Violence

Reporting hate violence is a crucial component in the development of a more tolerant society and a hate free campus environment. If you have been the target of a hate crime or hate bias motivated incident, you are encouraged to report the occurrence to the University Police Department or to any designated Campus Security Authority. Reporting note: Under the Clery Act, the Federal Department of Education does not collect hate violence statistics for crimes other than (Murder, Manslaughter, Sex offenses, Robbery, Aggravated Assault, Simple Assault, Burglary, Motor Vehicle Theft, Arson), and to date, the Federal Department of Education does not collect statistics regarding hate motivated incidents.

10.0 CAMPUS FACILITIES ACCESS AND SECURITY (*Security of and Access to Campus Facilities*)

10.1 Security an Access to campus Buildings

Most university facilities are open to the public during the day and evening hours when classes are in session. During the times the University is officially closed, buildings are generally locked and only faculty, staff and authorized students with proper ID are permitted access. The campus "access control" system provides electronic access to some campus buildings and labs, this system is monitored by the University Police Department.

Campus buildings are equipped with card key access and door alarms that report to the University Police Department.

In addition, many offices, labs, computer rooms have alarm systems as well. Lighting improvements are constantly being evaluated. Improvements have included the placement of high intensity sodium vapor lights in parking lots and in areas with heavy landscaping, trees and pathways frequently traveled by members of the campus community. Outdoor "Blue Light" emergency telephones are located in all campus parking lots. Facility Services Department has the responsibility to maintain campus buildings and grounds with a concern for safety and security. Facilities will respond to reports of potential safety and security hazards, such as broken windows, locks and lighting problems.

To report a potential hazard, call Facility Services during business hours at (760) 750-4600. After hours, please call the University Police Department at (760) 750-4567

10.2 Residential Apartments

University Village Apartments is a large campus residential housing complex with approximately 625 students. This campus residential housing complex has caused the police department and UVA personnel to work closely together to create a safe and comfortable living and learning environment. Security in residential areas is supplemented by live-in resident advisors. Theft is the most common crime problem in the residential areas; therefore, precautions should be exercised at all times. Residents are encouraged to be watchful and cautious--be aware of your surroundings and the presence of unknown persons.

10.3 Solicitors

Door-to-door solicitation is prohibited at CSUSM. Residents are encouraged to report the presence of such persons to residential life personnel and/or the police department. Residents are also advised to keep their resident hall or apartment doors locked at all times. Residents are encouraged not to hesitate to ask for assistance from any UVA staff member, Resident Advisor, Community Safety Officer or CSUSM Police Officer.

10.4 Fire Safety

The California State University, San Marcos has a proactive Fire/Life Safety Program developed and maintained by Risk Management and Safety Department. This program is designed to ensure that all faculty, staff, students, and visitors to the campus are provided with at least the minimum required levels of protection, but often significantly higher levels. All campus buildings (including residential apartments) are fully protected by fire sprinklers and smoke alarm systems. Student residents receive fire/life safety handouts at move-in and they are required to participate in an annual fire drill.

11.0 ILLEGAL WEAPONS

It is the policy of California State University San Marcos to provide a safe environment for all students, employees, visitors, and guests by enforcing all laws pertaining to firearms, weapons, or destructive devices on campus. The restrictions pertaining to these devices are:

- It is a violation of Penal Code section 626.9 for any person, except as defined in Penal Code Section 12031, to bring or possess any firearm onto any property owned, controlled, or operated by the University without the prior written permission of the President or designee.
- It is a violation of Penal Code section 626.10, with specific exceptions as noted within 626.10 of the Penal Code, for any person to bring or possess and dirk, dagger, ice pick, knife having a fixed blade longer than two and one half(2 ½) inches, stun gun or "Less Lethal Weapon" on any property owned, controlled, or operated by the University without prior written permission of the President.

A "Less Lethal Weapon" means any device that is designed to, or that has been converted to expel or propel less lethal ammunition by any action, mechanism, or process for the purpose of incapacitating, mobilizing, or stunning a human being through the infliction of any less than lethal impairment of physical condition, function, or senses, including physical pain or discomfort. It is not necessary that a weapon leave any lasting or permanent incapacitation, discomfort, pain, or other injury or disability in order to qualify as a less lethal weapon. Examples would include, but not limited to, BB guns, pellet guns, Airsoft guns, and paint ball guns.

- No person may openly display or expose any imitation firearm, as defined in Penal Code Section 12550, in a public place.
- No person shall possess for any reason any fireworks, explosives or destructive device as enumerated in the California Health and Safety Code without prior written permission of the President.

- No person shall possess any tear gas weapon to include Mace, CN gas, or CS Gas, pepper spray, or other similar gas weapon containing more than 2.5 ounces net weight of aerosol spray.
- No person shall possess any weapon enumerated in 12020 of the Penal Code, to include, but not limited to, billy clubs, metal or plastic knuckles, belt buckle knife, shurikins (AKA Chinese throwing stars), nunchaku, blackjack, sap, or any metal or replica practice hand grenade.
- It is a violation of Penal Code 653k to possess or keep in a vehicle a switch blade or gravity knife (A “butterfly knife” for example).

This policy applies to all members of the campus community and visitors or guests on property owned, controlled or operated by the University except as expressly enumerated in the Penal Code and Health and Safety Code

12.0 SUBSTANCE ABUSE (*Policies on Alcoholic Beverages, Illegal Drugs and Drug/Alcohol Abuse Programs*)

12.1 Policies

The CSUSM campus has been designated “**Drug free**” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Campus affiliated violators are subject to University disciplinary action, criminal prosecution, fine and incarceration.

It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of the CSUSM Alcohol Policy for anyone to consume or possess alcohol in any public/private area of campus without prior University approval. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the University.

12.2 Enforcement

The possession, sale or the furnishing of alcohol on the University campus is governed by the CSUSM Alcohol Policy and California State law. Laws regarding the possession, sale, consumption or furnishing of alcohol are controlled by the California Department of Alcohol and Beverage Control (ABC). However, the enforcement of alcohol laws on campus is the primary responsibility of the University Police Department.

12.3 Education

CSUSM students and employees with substance abuse problems (including alcohol) create a health and safety risk for themselves and for others. Such abuses can also result in a wide range of serious emotional and behavioral problems which is why CSUSM makes available to students and employees a wide variety of alcohol and substance abuse programs. These programs are designed to discourage the use of illicit substances and to educate students and others as to the merits of legal and responsible alcohol consumption.

CSUSM Student Health & Counseling Services provides counseling and referral services to students who suffer from a substance abuse problem. Group and individual counseling sessions are available to students at no cost. All information regarding any contact or counseling is confidential and will be treated in accordance with University policies, state and federal laws. A student's decision to seek assistance will not be used in connection with any academic determination or as a basis for disciplinary action.

CSUSM employees who have substance abuse problems are encouraged to seek assistance through the CSUSM Employee Assistance Program (EAP) where counseling, referrals and other valuable services are available.

13.0 CRIME STATISTICS (*Collection of crime statistics for the Annual Report*)

The University Police Department has the responsibility to identify reportable crimes, collect and report crime statistics to the Department of Education, the FBI and to the general public. Statistical reporting requirements (types of crimes, definitions, and geographic locations) vary depending upon the governmental recipient. FBI mandated reporting is different from the Federal Department of Education-Clery reporting. Example, Clery reporting requires the reporting of student disciplinary referrals that are not required by either state or federal law enforcement. Clery also mandates the collection of crime data from non-law enforcement personnel, identified as “Campus Security Authorities.”

This report contains crime statistics that have been compiled from the 2008 calendar and a reprint of the previous twocalendar years crime statistics. The crime statistics reported in **Sections 13.1 - 13.17** have been compiled from data collected from three (3) reporting sources, the University Police Department, the San Diego County Sheriff's Department and from CSUSM (non-police) Campus Security Authorities. Crime statistics reported in

tables found in **Section 14** have been collected from the CSUSM Southwest Riverside and Temecula Branch campuses and the Riverside County Sheriff's Department.

Crime statistics gathered by the University Police Department are collected and reported on an annual/calendar year basis. Since San Diego County law enforcement agencies all have equal access to city and county crime statistics via a countywide law enforcement computer network called ARJIS (Automated Regional Justice Information System), crime statistics can be directly accessed from computer terminals at the University Police Department. Crime statistics for "**public property**" column #4 of each table have been collected from ARJIS crime data. CSUSM Campus Security Authorities (section 3.4 above) report "reportable crimes" using the CLERY INCIDENT REPORT form available at: <http://www2.csusm.edu/police/Forms.htm> Any reportable crime made to a Campus Security Authority can be immediately transmitted to the University Police Department via fax machine at **(760) 750-3046**.

Reporting Locations

#1 On-Campus:

Offense statistics for any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purpose, including buildings or property that is owned by the University but controlled by another person and which is frequently used by students. (San Marcos Ambulatory Care Center) "On-campus" does not include the University Village Apartments.

[20 USC 1092(f)(6)(i)]

#2 On-Campus Residential Apartments:

Offense statistics for on-campus residential buildings--University Village Apartments.

[20 USC 1092(f)(6)(i)]

#3 Non-campus property:

Offense statistics for non-campus property or building owned or controlled by the University that is frequently used by students and is not within the same reasonably contiguous geographic area of the institution or any building/property that is owned or controlled by a student organization that is officially recognized by the institution. [20 USC 1092(f)(6)(ii)]

#4 Public property:

Offense statistics for public property that is within the same reasonably contiguous geographic area of the institution that is located immediately adjacent to and accessible from campus, including: thoroughfares, sidewalks, streets, lands, parks and beaches. [20 USC 1092(f)(6)(iii)]

100-300Blk	Venture Street
400-500Blk	Production Street
200-300Blk	Distribution Street
100-500Blk	Carmel Street
200-300Blk	Redel Road
300-400Blk	Enterprise Street
200-300Blk	Trade Street
100 Blk	Industrial Street
700 Blk	Rush Drive
100 Blk	Craven Drive
100-500Blk	Barham Road
200-500Blk	La Moree Road
100-500Blk	Twin Oaks Valley Road
200-300Blk	Discovery Drive

13.1

TOTAL crime statistics for offenses reported by University Police Department, Campus Security Authorities, and the San Diego County Sheriff's Department (Total of tables 13.4, 13.5, 13.6, 13.7 and 13.14)

Violation	#1	#2	#3	#4	2006	#1	#2	#3	#4	2007	#1	#2	#3	#4	2008
Murder	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses (Force)	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2
Sex Offenses (No Force)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Aggravated Assault	0	1	0	1	2	0	0	0	0	0	0	3	1	0	4
Burglary	1	1	1	0	3	8	3	0	0	11	2	1	0	0	3
Motor Vehicle Theft	1	0	0	2	3	3	0	0	0	3	0	0	0	0	0
Arson	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

1) On-campus property 2) On-campus Residential Apartments 3) Non-campus property 4) Public property

13.2

TOTAL number of arrests for specific offenses made by the University Police Department and the San Diego County Sheriff's Department (Tables 13.8 and 13.9)

Violation	#1	#2	#3	#4	2006	#1	#2	#3	#4	2007	#1	#2	#3	#4	2008
Drug/Narcotics Offenses	2	0	0	5	7	6	1	14	15	36	6	0	13	1	20
Weapons Offenses	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0
Alcohol Offenses	5	2	4	0	11	18	1	3	8	30	7	1	2	11	21

1) On-campus property 2) On-campus Residential Apartments 3) Non-campus property 4) Public property

13.3

TOTAL number of disciplinary referrals for specific offenses (Tables 13.10, 13.11, 13.12, and 13.13)

Violation	#1	#2	#3	#4	2006	#1	#2	#3	#4	2007	#1	#2	#3	#4	2008
Drug/Narcotics Offenses	0	4	0	0	4	0	0	0	0	0	0	1	0	0	1
Weapons Offenses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alcohol Offenses	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0

1) On-campus property 2) On-campus Residential Apartments 3) Non-campus property 4) Public property

13.4

Crime statistics for offenses reported by University Police Department

Violation	#1	#2	#3	#4	2006	#1	#2	#3	#4	2007	#1	#2	#3	#4	2008
Murder	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses (Force)	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
Sex Offenses (No Force)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	1	0	0	1	0	0	0	0	0	0	3	0	0	3
Burglary	1	1	1	0	3	8	3	0	0	11	2	1	0	0	3
Motor Vehicle Theft	1	0	0	0	1	3	0	0	0	3	0	0	0	0	0
Arson	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

1) On-campus property 2) On-campus Residential Apartments 3) Non-campus property 4) Public property

13.5

Crime statistics for offenses reported by the Office of Dean of Students

Violation	#1	#2	#3	#4	2006	#1	#2	#3	#4	2007	#1	#2	#3	#4	2008
Murder	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses (Force)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses (No Force)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

1) On-campus property 2) On-campus Residential Apartments 3) Non-campus property 4) Public property

13.6

Crime statistics for offenses reported by Campus Security Authorities

Violation	#1	#2	#3	#4	2006	#1	#2	#3	#4	2007	#1	#2	#3	#4	2008
Murder	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses (Force)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses (No Force)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

1) On-campus property 2) On-campus Residential Apartments 3) Non-campus property 4) Public property

13.7

Crime statistics for offenses reported by the San Diego County Sheriff's Department which occurred on public property immediately adjacent to and accessible from campus

Violation	2006	2007	2008
Murder	0	0	0
Manslaughter	0	0	0
Sex Offenses (Force)	0	0	0
Sex Offenses (No Force)	0	0	0
Robbery	0	0	1
Aggravated Assault	0	1	1
Burglary	0	0	0
Motor Vehicle Theft	3	2	0
Arson	0	0	0
Hate Crimes	0	0	0

13.8

Number of arrests for offenses made by the University Police Department

Violation	#1	#2	#3	#4	2006	#1	#2	#3	#4	2007	#1	#2	#3	#4	2008
Drug/Narcotics Offenses	2	0	0	5	7	6	1	14	15	36	6	1	0	13	20
Weapons Offenses	0	0	0	0	0	1	0	0	0	1	0	1	0	0	1
Alcohol Offenses	5	2	0	4	11	18	1	3	8	30	7	1	0	13	21

1) On-campus property 2) On-campus Residential Apartments 3) Non-campus property 4) Public property

13.9

Number of arrests for offenses made by the San Diego County Sheriff's Department which occurred on public property immediately adjacent to and accessible from campus

Violation	2006	2007	2008
Drug/Narcotics Offenses	0	0	1
Weapons Offenses	0	0	0
Alcohol Offenses	0	0	0

13.10

Number of disciplinary referrals made by the University Police Department

Violation	#1	#2	#3	#4	2006	#1	#2	#3	#4	2007	#1	#2	#3	#4	2008
Drug/Narcotics Offenses	0	4	0	0	4	0	0	0	0	0	0	0	0	0	0
Weapons Offenses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alcohol Offenses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

1) On-campus property 2) On-campus Residential Apartments 3) Non-campus property 4) Public property

13.11

Number of (student) disciplinary referrals reported by CSUSM campus security authorities

Violation	#1	#2	#3	#4	2006	#1	#2	#3	#4	2007	#1	#2	#3	#4	2008
Drug/Narcotics Offenses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Offenses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alcohol Offenses	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0

1) On-campus property 2) On-campus Residential Apartments 3) Non-campus property 4) Public property

13.12

Number of (staff) disciplinary referrals reported by CSUSM campus authorities

Violation	2006	2007	2008
Drug/Narcotics Offenses	0	0	0
Weapons Offenses	0	0	0
Alcohol Offenses	0	0	0

13.13

Number of (faculty) disciplinary referrals reported by CSUSM campus authorities

Violation	2006	2007	2008
Drug/Narcotics Offenses	0	0	0
Weapons Offenses	0	0	0
Alcohol Offenses	0	0	0

13.14 (Hate crimes / on-campus property)

Hate crimes reported to the University Police Department according to category of prejudice

Violation	Race			Gender			Religion			Sexual Orientation			Ethnicity			Disability			National Origin		
	06	07	08	06	07	08	06	07	08	06	07	08	06	07	08	06	07	08	06	07	08
Murder	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense (Force)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense (No Force)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

13.15 (On-Campus Housing) Hate crimes reported according to category of prejudice: (Zero)

13.16 (Non-campus property) Hate crimes reported according to category of prejudice: (Zero)

13.17 (Public property) Hate crimes reported according to category of prejudice: (Zero)

SOUTHWEST RIVERSIDE AND TEMECULA BRANCH CAMPUSES

14.0 CSUSM - Southwest Riverside and Temecula Branch Campuses

A branch campus is defined by Clery as a location of an institution that is geographically apart and independent of the main campus of the institution that is permanent in nature, and which offers courses in educational programs leading to a degree or other recognized educational credential, has its own faculty and administrative organization and its own budgetary and hiring authority.

1. Chaparral High School Site, 27215 Nicolas Road, Temecula, CA 92591
2. Temecula Valley High School Site, 31555 Rancho Vista Road, Temecula, CA 92592
3. Ronald Reagan Elementary School, 35445 Porras Road, Wildomar, CA 92595
4. Temecula Branch Campus, 27455 Tierra Alta Way, 2nd floor, Temecula, CA 92590

14.1

TOTAL crime statistics for offenses reported at the Southwest Riverside and Temecula Branch campuses (Tables 14.4 and 14.5)

Violation	#1	#4	2006	#1	#4	2007	#1	#4	2008
Murder	0	0	0	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses (Force)	1	0	1	0	0	0	1	0	1
Sex Offenses (No Force)	0	0	0	0	0	0	0	0	0
Robbery	1	0	1	1	0	1	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	3	0	3	0	4	4
Motor Vehicle Theft	0	0	0	1	0	1	0	2	2
Arson	0	0	0	1	0	1	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0

- 1) On-campus property 4) Public property

14.2

TOTAL number of arrests for specific offenses made by the Riverside County Sheriff's Department at the Southwestern Riverside and Temecula branch campuses

Violation	Chaparral High School			Temecula Valley High School			Ronald Reagan Elementary School			Temecula Branch Campus											
	#1	#4		#1	#4		#1	#4		#1	#4										
	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	6	7	8	6	7	8	6	7	8	6	7	8	6	7	8	6	7	8	6	7	8
Drug/Narcotics Offenses	5	3	11	0	0	0	4	4	4	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Offenses	1	1	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Alcohol Offenses	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0

- 1) On-campus property 4) Public property

14.3
TOTAL number of disciplinary referrals for specific offenses (Tables 14.6, 14.7, 14.8)

Violation	2006	2007	2008
Drug/Narcotics Offenses	0	0	0
Weapons Offenses	0	0	0
Alcohol Offenses	0	0	0

1) On-campus property

14.4
Crime statistics for offenses reported by the Riverside County Sheriff's Department

Violation	Chaparral High School						Temecula Valley High School						Ronald Reagan Elementary School						Temecula Branch Campus					
	#1		#4		#4		#1		#4		#4		#1		#4		#1		#4					
	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2		
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
	6	7	8	6	7	8	6	7	8	6	7	8	6	7	8	6	7	8	6	7	8	6		
Murder	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			0			0		
Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			0			0		
Sex Offenses (Force)	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0			0			0		
Sex Offenses (No Force)	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0			0			0		
Robbery	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0			0			0		
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			0			0		
Burglary	0	0	4	0	0	0	0	3	0	0	0	0	0	0	0	0			0			0		
Motor Vehicle Theft	0	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0			0			0		
Arson	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0			0			0		
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			0			0		

1) On-campus property 4) Public property

14.5
Crime statistics for offenses reported by Southwest Riverside Branch Campus Security Authorities

Violation	2006	2007	2008
Murder	0	0	0
Manslaughter	0	0	0
Sex Offenses (Force)	0	0	0
Sex Offenses (No Force)	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Hate Crimes	0	0	0

14.6**Number of (student) disciplinary referrals made by CSUSM Southwest Riverside branch campus authorities**

Violation	2006	2007	2008
Drug/Narcotics Offenses	0	0	0
Weapons Offenses	0	0	0
Alcohol Offenses	0	0	0

14.7**Number of (staff) disciplinary referrals made by CSUSM Southwest Riverside branch campus authorities**

Violation	2006	2007	2008
Drug/Narcotics Offenses	0	0	0
Weapons Offenses	0	0	0
Alcohol Offenses	0	0	0

14.8**Number of (faculty) disciplinary referrals made by CSUSM Southwest Riverside branch campus authorities**

Violation	2006	2007	2008
Drug/Narcotics Offenses	0	0	0
Weapons Offenses	0	0	0
Alcohol Offenses	0	0	0

14.9**Hate crimes reported by the Southwest Riverside Branch CSUSM campuses according to any category of prejudice: (Zero)**

ATTACHMENT I

CRIME DEFINITIONS

Murder

The willful (non-negligent) killing of a human being by another.

Manslaughter

The killing of another person through gross negligence.

Sex Offenses (Force)

Any sexual act against another person without the other person's consent. (Includes attempts)

- a. Sexual intercourse with another person without the other person's consent.
- b. Sodomy with another person without the other person's consent.
- c. Oral copulation with another person without the other person's consent.
- d. Rape with a foreign object (vaginal, anal) of another person without the other person's consent.
- e. Sexual battery is the touching of the intimate parts of another person for the purpose of sexual gratification, without the other person's consent.

Sex Offenses (No force)

Any unlawful, but consensual sex act with another person. (Includes attempts)

- a. Incest--consensual sexual intercourse between persons who are related to one another within the degrees wherein marriage is prohibited.
- b. Unlawful sexual intercourse, (statutory rape), consensual intercourse with a person who is under the age of consent.

Robbery

The taking of personal property in the possession of another, from his/her immediate presence, and against his/her will, accomplished by means of force or fear.

Aggravated Assault

An unlawful assault upon the person of another with a firearm, deadly weapon, object, instrument or by any means or use of force likely to produce great bodily harm. (Includes attempts, whether or not an injury occurred.)

Burglary

The unlawful entry into a defined structure with the intent to commit a theft or any felony.

Vehicle Theft

The taking of a vehicle (as defined) without the consent of the owner with the intent to either permanently or temporarily deprive the owner of title or possession of the vehicle.

Arson

The willful and malicious setting of a fire to burn or who burns or causes to be burned or who aids, counsels, or procures the burning of any structure, forest land or property.

Narcotics/Drug Offenses

The unlawful possession, sale, use, transportation, cultivation, manufacturing or maintaining an unlawful place. (Does not include driving while under the influence, and/or being under the influence of narcotic/illegal drugs.)

Alcohol Offenses

The unlawful possession, sale, transportation, manufacturing, furnishing alcohol to a minor (under 21 years), and maintaining an unlawful drinking place. **(Do not include public drunkenness or driving while under the influence.)**

Weapon Offenses

With certain exceptions, the possession or control of any firearm, deadly weapon, illegal knife or explosive device while on the property of CSUSM except as required in the lawful course of business or as authorized by the CSUSM Chief of Police is prohibited and illegal. In addition, CSUSM University Village Apartment policy prohibits the possession or control of any fireworks, Pellet or BB guns, switch blade knives, nunchakus, billy clubs or any other deadly weapon.

Hate Crimes

A criminal act motivated by bias against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, gender, sexual orientation, or disability of the person or group, or bias based upon the perception that the person or group has one or more of those characteristics. **For Clery Report purposes, the only hate crimes reported are those associated with "reporting crimes" identified above.**

ATTACHMENT II

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

Disclosure of campus security policy and campus crime statistics [20 U.S.C. § 1092]

(f) Disclosure of campus security policy and campus crime statistics

- (1) Each eligible institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of Title 42 shall on August 1, 1991, begin to collect the following information with respect to campus crime statistics and campus security policies of that institution, and beginning September 1, 1992, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the following information with respect to the campus security policies and campus crime statistics of that institution:
 - (A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports.
 - (B) A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.
 - (C) A statement of current policies concerning campus law enforcement, including--
 - (i) the enforcement authority of security personnel, including their working relationship with State and local police agencies; and
 - (ii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies.
 - (D) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.
 - (E) A description of programs designed to inform students and employees about the prevention of crimes.
 - (F) Statistics concerning the occurrence on campus, in or on noncampus buildings or property, and on public property during the most recent calendar year, and during the 2 preceding calendar years for which data are available--
 - (i) of the following criminal offenses reported to campus security authorities or local police agencies:
 - (I) murder;
 - (II) sex offenses, forcible or nonforcible;
 - (III) robbery;
 - (IV) aggravated assault;
 - (V) burglary;
 - (VI) motor vehicle theft;
 - (VII) manslaughter;
 - (VIII) arson; and
 - (IX) arrests or *persons* referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession; and
 - (ii) of the crimes described in sub clauses (I) through (VIII) of clause (i), and other crimes involving bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of prejudice.
 - (G) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities.
 - (H) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws and a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug or alcohol abuse education programs as

required under section 1011i of this title.

- (I) A statement advising the campus community where law enforcement agency information provided by a State under section 14071(j) of Title 42, concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.
- (2) Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to campus crimes or campus security.
- (3) Each institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of Title 42 shall make timely reports to the campus community on crimes considered to be a threat to other students and employees described in paragraph (1)(F) that are reported to campus security or local law police agencies. Such reports shall be provided to students and employees in a manner that is timely and that will aid in the prevention of similar occurrences.
- (4) (A) Each institution participating in any program under this subchapter [20 U.S.C.A. § 1070 et seq.] and part C of subchapter I of chapter 34 of Title 42 [42 U.S.C.A. § 2751 et seq.] that maintains a police or security department of any kind shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to such police or security department, including--
 - (i) the nature, date, time, and general location of each crime; and
 - (ii) the disposition of the complaint, if known.(B)
 - (i) All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, be open to public inspection within two business days of the initial report being made to the department or a campus security authority.
 - (ii) If new information about an entry into a log becomes available to a police or security department, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.
 - (iii) If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.
- (5) On an annual basis, each institution participating in any program under this subchapter and part C of subchapter I of chapter 34 of Title 42 [42 U.S.C.A. § 2751 et seq.] shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(F). The Secretary shall:
 - (A) Review such statistics and report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on campus crime statistics by September 1, 2000;
 - (B) Make copies of the statistics submitted to the Secretary available to the public; and
 - (C) In coordination with representatives of institutions of higher education, identify exemplary campus security policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime.
- (6) (A) In this subsection:
 - (i) The term "campus" means --
 - (I) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
 - (II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

(ii) The term "noncampus building or property" means --

(I) any building or property owned or controlled by a student organization recognized by this institution; and

(II) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes is used by students, and is not within the same reasonably contiguous geographic area of the institution.

(iii) The term "public property" means --

all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

- (B) In cases where branch campuses of an institution of higher education, schools within an institution of higher education, or administrative divisions within an institution are not within a reasonably contiguous geographic area, such entities shall be considered separate campuses for purposes of the reporting requirements of this section.
- (7) The statistics described in paragraph (1)(F) shall be compiled in accordance with the definitions used in the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, and the modifications in such definitions as implemented pursuant to the Hate Crime Statistics Act. Such statistics shall not identify victims of crimes or persons accused of crimes.
- (8) (A) Each institution of higher education participating in any program under this subchapter and part C of subchapter I of chapter 34 of Title 42 shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding--
- (i) Such institution's campus sexual assault programs, which shall be aimed at prevention of sex offenses;
 - (ii) The procedures followed once a sex offense has occurred.
- (B) The policy described in subparagraph (A) shall address the following areas:
- (i) Education programs to promote the awareness of rape, acquaintance rape, and other sex offenses.
 - (ii) Possible sanctions to be imposed following the final determination of an on-campus disciplinary procedure regarding rape, acquaintance rape, or other sex offenses, forcible or nonforcible.
 - (iii) Procedures students should follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence as may be necessary to the proof of criminal sexual assault, and to whom the alleged offense should be reported.
 - (iv) Procedures for on-campus disciplinary action in cases of alleged sexual assault, which shall include a clear statement that--
 - (I) the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding; and
 - (II) both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault.
 - (v) Informing students of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses.
 - (vi) Notification of students of existing counseling, mental health or student services for victims of sexual assault, both on campus and in the community.
 - (vii) Notification of students of options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.
- (C) Nothing in this paragraph shall be construed to confer a private right of action upon any person to enforce the provisions of this paragraph.

- (9) The Secretary shall provide technical assistance in complying with the provisions of this section to an institution of higher education who requests such assistance.
- (10) Nothing in this section shall be construed to require the reporting or disclosure of privileged information.
- (11) The Secretary shall report to the appropriate committees of Congress each institution of higher education that the Secretary determines is not in compliance with the reporting requirements of this subsection.
- (12) **For purposes of reporting the statistics with respect to crimes described in paragraph (1)(F), an institution of higher education shall distinguish, by means of separate categories, any criminal offenses that occur--**
- (A) on campus;**
 - (B) in or on a noncampus building or property;**
 - (C) on public property; and**
 - (D) in dormitories or other residential facilities for students on campus.**
- (13) Upon a determination pursuant to section 1094(c)(3)(B) of this title that an institution of higher education has substantially misrepresented the number, location, or nature of the crimes required to be reported under this subsection, the Secretary shall impose a civil penalty upon the institution in the same amount and pursuant to the same procedures as a civil penalty is imposed under section 1094(c)(3)(B) of this title.
- (14) (A) Nothing in this subsection may be construed to--
- (i) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or
 - (ii) establish any standard of care.
- (B) Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.
- (15) This subsection may be cited as the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act".

One purpose of CLERY is to encourage reporting and the accurate collection of campus crime statistics to promote crime awareness and to enhance campus safety through reliable statistical records. The purpose of this report form is to provide a uniform procedure for documenting the (What, When, Where) of certain reportable crimes and/or non-criminal hate motivated incidents that have occurred within one of the four reporting locations and which have been reported to a Campus Security Authorities (CSA) other than the University Police Department. Data collected on this form is to be used to increase public safety, not to identify the victim, therefore, no personal identifying information shall be included on this form.

It is the policy of CSUSM to encourage victims and/or witnesses to crime(s) to report such crimes to the police and/or to a designated Campus Security Authority. (A complete list of Campus Security Authorities can be found in the Annual Clery Report which is available at www.police.csu.edu. For the purposes of CLERY, CSA's are required to document certain reportable crimes and non-criminal hate motivated incidents which have been reported to them and which have occurred in the following locations:

- 1) On-campus property: Offense statistics for any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purpose, including buildings or property the location described herein that is owned by the University but controlled by another person and which is frequently used by students. (Excluding residential apartments).
2) On-campus residential apartments
3) Non-campus property: Offense statistics for non-campus property or building owned or controlled by the University that is frequently used by students and is not within the same reasonably contiguous geographic area of the institution, or any building/property that is owned or controlled by a student organization that is officially recognized by the institution.
4) Public property: Offense statistics for public property located immediately adjacent to and accessible from campus, including: thoroughfares, sidewalks, streets, lands, parks and beaches.

For CLERY purposes, the student status (yes/no) of the offender or the victim is not a relevant fact as to whether or not this report form is to be completed. If a violation of one of the 14 highlighted violations occurs, documentation is required.

CLERY documentation is not satisfied by simply directing/referring the reporting party to the police department. In order for CSUSM to satisfy the statistical reporting requirements of the Clery Act, all CSA's are required to complete this form when any of the specified offenses list below are reported to them. Nonetheless, a person reporting a crime shall also be encouraged to report the crime to the University Police Department.

- Homicide, Aggravated Assault, Burglary, Alcohol violations, Manslaughter, Sex Offense (Forcible), Motor Vehicle Theft, Drug/Narcotic violations, Robbery, Sex Offense (Non-forcible), Arson, Weapons violations

Form section for Hate Crime (Type), Bodily injury, Vandalism, Email, Telephone, Message, Other, Hate Incident (any non-criminal incident), Category Of Prejudice, Ethnicity, Race, Religion, Gender, Disability, National Origin, Sexual Orientation.

Form section for On-campus (excluding residential life), Public property, On-campus (residential life bldgs), Unknown, Non-campus property, Date of Incident, Time of Incident, CSA Tracking #.

Form section for Name of CSA receiving report, CSUSM Department, Date reported, Time reported, Dept. Mail Code.

Form section for Reporting party: Victim, Witness, Other, Police report filed?, Date filed, CSUSM PD Case #.

Sex Offense: Sex offenses are of special concern to the campus community because they have been historically under reported. The victim of a sex offense typically desires confidentiality and anonymity, as a result he/she will often seek a reporting source other than law enforcement such as a designated Campus Security Authority. Because the sex offender may continue to pose a threat to the community, the threat potential needs to be evaluated and the campus community alerted/warned as necessary. In this regard, the following additional information is requested.

Form section for Known offender (friend, classmate, acquaintance, date, etc.), CSUSM affiliated (student, staff, faculty), Unknown offender (stranger), Victim was not injured (excluding emotional/psychological trauma), Victim was injured - Describe injuries, Alcohol involved, Drugs involved, Narcotics involved, Weapon involved, Describe weapon, Offender, Victim, Yes, No.

Form section for Description of offender, Race / Gender, Age, Height, Weight, Hair Color, Color of eyes, Physical characteristics.

Brief description of Crime or Incident: [Empty text area for reporting the crime details]

Definitions

Murder

The willful (non-negligent) killing of a human being by another.

Manslaughter

The killing of another person through gross negligence.

Sex Offense (Forcible)

Any sexual act directed against another person without the other person's consent. (Includes attempts)

- Sexual intercourse (penetration--however slight)
- Sodomy (penetration, however slight)
- Oral copulation without consent
- Rape with a foreign object (penetration vaginal or anal--however slight)
- Sexual battery (the touching of the intimate parts [sexual organ, anus, groin, or buttocks of any person, or the breast of a female] of another person for the purpose of sexual gratification)

Sex Offense (Non-forcible)

Any unlawful, but consensual sex act with another person. (Includes attempts)

- Incest (sexual intercourse between persons who are related to one another within the degrees wherein marriage is prohibited)
- Statutory rape (intercourse with a person who is under the age of consent--18yrs).

Robbery

The taking of personal property in the possession of another, from his/her immediate presence, and against his/her will, accomplished by means of force or fear. (Includes attempts)

Aggravated Assault

An unlawful assault upon the person of another for the purpose of inflicting severe or aggravated bodily injury. (Includes attempts, and whether or not an injury occurred.)

Burglary

The unlawful entry (or attempt to enter) into a defined structure with the intent to commit a theft or any felony. (Excludes vehicle burglary and all attempts)

Motor Vehicle Theft

The taking of a motor vehicle (as defined) without the consent of the owner with the intent to either permanently or temporarily deprive the owner of the vehicle. (Includes attempts)

Arson

The willful or malicious burning or attempt to burn (w/o the intent to defraud) a dwelling, house, public building, motor vehicle or aircraft, or personal property of another. (Includes attempts)

Drug/Narcotics

The unlawful possession, sale, use, transportation, cultivation, manufacturing, maintaining an unlawful place. (CSA's are **only required** to record and report this offense when the person was referred for campus disciplinary action.)

Alcohol Offense

The unlawful possession, sale, transportation, manufacturing, furnishing alcohol to a minor (under 21 years), or maintaining an unlawful drinking place. **CLERY does not require the reporting of public drunkenness or driving while under the influence offenses.** (CSA's are **only required** to record and report this offense when the person was referred for campus disciplinary action.)

Weapons Offense

The unlawful possession or control of any firearm, deadly weapon, (including nunchakus or billy club) illegal knife or explosive device while on the property of the California State University, San Marcos except as required in the lawful course of business or as authorized by the CSUSM Chief of Police.

Hate Crime

A criminal act involving one/more of the listed crimes which was motivated by bias against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, gender, sexual orientation, or disability of the person or group, or bias based upon the perception that the person or group has one or more of those characteristics.

Hate Incident

Any noncriminal act motivated by bias against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, gender, sexual orientation or disability of the person or group, or bias based upon the perception that the person or group has one or more of those characteristics.

DEFINITION OF CAMPUS SECURITY AUTHORITY (CSA)

- A campus police department or campus security department of the University.
- Any individual who has responsibility for campus security but who is not a member of the campus police department or the campus security department. (e.g. parking enforcement staff, campus safety escort staff, special event venue security).
- Any individual specified in the University's statement of campus security policy as an individual to which students and employees should report criminal offenses.
- An individual of the University who has significant responsibility for student **and** campus activities. (e.g. student housing, student discipline, athletic directors/coaches and campus student judicial officials)

INSTRUCTIONS

- If the reported incident constitutes a threat to the safety of the CSUSM community, in addition to completing this form, the CSA shall immediately telephone the University Police Department at (760) 750-4568.
- Confidential and anonymous reports are accepted. However, if the reporting party is a victim of a sex offense, he/she shall also be encouraged to report the crime directly to the police department and/or Student Health & Counseling Services.
- While second hand reports are inherently unreliable and are difficult to verify, such reports shall also be accepted. The potential for duplication of reported incidents **shall not** be a factor in determining whether or not a report is taken.
- Clery reporting (this form) does not replace or change any existing reporting requirements or procedures for disciplinary referrals for student or employee misconduct.
- Hate Crimes present a special reporting challenge. CLERY requires the CSA to document each reported crime occurrence, and CLERY also requires the CSA to record the category of prejudice.

Send report: Please Fax all Incident reports to CSU San Marcos Police Department at (760) 750-3046, attention Clery Coordinator. Any questions concerning this form or the CLERY ACT should be directed to the Clery Coordinator at the University Police Department (760) 750-4568.

CALIFORNIA PENAL CODE SECTION 290.4
(provides, in part):

Registered sex offender information distributed pursuant to this section shall only be used for law enforcement purposes and the public safety purposes specified in this section and Section 290. Record information shall not be distributed or removed from the custody of the law enforcement agency that is authorized to retain it. Information obtained from this record shall be disclosed to a member of the public only as provided in this section or Section 290 or any other statute expressly authorizing it. Any member of the public who copies, distributes, discloses, or receives record information except as authorized by law, is guilty of a misdemeanor. 290.4(c)

Unauthorized removal or destruction of record information from the law enforcement agency is a misdemeanor. 290.4(d)

A person is authorized to use information disclosed pursuant to this section only to protect a person at-risk. 290.4(e)(1)

Except as authorized under any other provision of law, the use of any record information for purposes relating to any of the following is prohibited. 290.4(e)(2)

- (A) Health insurance
- (B) Insurance
- (C) Loans
- (D) Credit
- (E) Employment
- (F) Education, scholarship, or fellowships
- (G) Housing or accommodations
- (H) Benefits, privileges, or services provided by any business establishment

Any person who uses information disclosed pursuant to this section to commit a felony shall be punished, by a five-year term of imprisonment in the state prison. 290.4(b)(1)

Any person who, without authorization, uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to a \$1,000 fine. 290(b)(2)

Any use of information disclosed pursuant to this section for purposes other than those provided by (e)(1) or that is in violation of (e)(2) shall make the user liable for actual damages, and any amount that may be determined by a jury or a court, not to exceed three times the amount of actual damages, attorney's fees, exemplary damages, or a civil penalty. 290.4(e)(3)(A)