



California  
State University  
San Marcos

Jeanne Clery Act

Annual Security Report  
and  
Fire Safety Report

California State University  
Police Department  
San Marcos

October 2010

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# Annual Security Report

## 1.0 INTRODUCTION

The original Crime Awareness and Campus Security Act of 1990, Federal Student Right-to-Know and Campus Security Act, later changed to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime, is now cited as the "Jeanne Clery Annual Security Report and Fire Safety Report." Regardless of the name, this Federal law requires all institutions of higher learning to prepare, publish, and distribute a report concerning campus crime statistics, security policies, emergency notification and fire safety on an annual basis through appropriate publications, mailings or computer network to all current students and employees, and all prospective students and prospective employees. This report contains the California State University, San Marcos' annual report concerning specific campus crime and arrest statistics as well as information about campus security policies and practices intended to promote crime awareness, campus security and safety.

This report complies with current Federal law codified as: 1) United States Code, Title 20, Section 1092(f), and 2) US Code of Federal Regulations, Title 34, Chapter IV, Section 668.46. Copies of this report may be obtained from the University Police Department or by visiting the University Police Department Webpage located at: <http://www.csusm.edu/police/Clery.pdf>

For the convenience of the reader, a complete and current copy of US Code of Federal Regulations, Title 34, Chapter IV, Section 668.46 can be found at the end of this report. (Appendix II)

## 2.0 UNIVERSITY POLICE DEPARTMENT

### 2.1 Law Enforcement Authority

Located at 441 La Moree Road, San Marcos, at the east side of campus, the University Police Department is the primary agency for reporting and investigating criminal activity occurring on the CSU San Marcos campus. Sixteen (16) sworn police officers patrol the San Marcos campus 24 hours each day, 365 days a year, providing immediate response to all police, fire and medical emergencies. Accidents involving automobiles and bicycles are also investigated by the University Police Department. Where criminal prosecution is sought, cases are regularly forwarded to the San Diego County District Attorney's Office for filing.

University police officers are duly sworn California peace officers whose jurisdiction extends anywhere within the state pursuant to California Penal Code Section 830.2(c). Officers are armed and possess the same authority under the law as do municipal and county law enforcement officers. Further, the California State University Trustees have vested University Police Officers with the authority and responsibility to enforce all applicable local and state laws on University property and those areas immediately contiguous to the San Marcos campus in accordance to Education Code Section 89560.

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 law enforcement officers, plus additional training to meet the unique needs of a campus community environment. 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.

**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)

## **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 a 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, the 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 outlining the circumstances of the incident. As necessary, the patrol officer shall collect evidence, arrest offender(s) and testify in court.

## **2.4 Communications Division**

The Communications Center is staffed 24 hours each day, 365 days a year, ready to respond to requests for assistance from members of the University community and to assist police officers in the field. In order to 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 such as:

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

**Note:** Currently, if you dial 9-1-1 from a cellular telephone while on campus, (Except for T-Mobil) your call is automatically routed to the San Diego County Sheriff's Department. You must then advise the dispatch/operator of your location and the type of emergency so that your call can be routed back to the University Police Department or to another 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, they will be connected with an interpreter who can translate many different languages while the dispatcher remains on the telephone with 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 University Police Department employs approximately (14) Student Community Service Officers, 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 the 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 1 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 (See following page) delineates the southern boundary of the University campus. Ancillary properties include:*

*435 E. Carmel Drive (CSU San Marcos Foundation)*

*120 Craven Road (Palomar-Pomerado Health Building, formerly San Marcos Ambulatory care Center)*

**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.*



## 2.8 Emergency Operations Center (EOC)

Under the management of the University Police Department, the campus Emergency Operations Center (EOC) provides a central control point to assess and manage disasters and campus-wide emergencies. During a declared campus emergency, the EOC, or the most appropriate command site will be activated and staffed accordingly. Trained designated emergency command personnel will immediately report to the EOC. EOC command staff will begin to set priorities, manage resources, prepare and coordinate campus emergency response operations. The campus EOC is equipped with telephones, radios, computers, mobile generators, emergency supplies, and essential information that emergency personnel may need in managing most disasters.

## 3.0 REPORTING CRIMINAL ACTIVITY

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.

### 3.1 Emergency Reporting

- 1) Dial (760) 750-4567
- 2) Dial **9-1-1** from any campus telephone to report an emergency
- 3) Dial **9-1-1** from any campus classroom to report an emergency
- 4) Dial **9-1-1** from any campus pay telephone to report an emergency
- 5) Dial **9-1-1** from anywhere on campus using a cell phone with T-Mobil service to report an emergency
- 6) Dial **9-1-1** from anywhere on campus using a cell phone (provider other than T-Mobil) will be answered by the San Diego County Sheriff's Department
- 7) Use any one of the more than (163) building emergency telephones to report an emergency
- 8) Use the emergency intercom system found in most building elevators to report an emergency
- 9) Use any one of the (45) Blue Light Emergency call-boxes strategically located around campus and parking lots to report an emergency
- 10) Off-campus calls for emergency assistance should be directed to the local law enforcement agency

#### Remember to always be ready to provide:

- **Your name, telephone number and location**
- **Describe the incident clearly and accurately as possible**
- **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 reasonably suspect suffers from wounds inflicted by a firearm or is a result of an assault or other abusive conduct."*

### 3.2 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 members of the University community with an avenue to anonymously report a crime. Anyone can call the University Crime Stoppers tip line number, **888-580-TIPS**, toll-free, 24-hours a day, seven days a week. Tips can also be made online at [www.sdcrimestoppers.com](http://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 then given to the University Police Department for investigation. Tipster's can receive a monetary reward, of up to \$1,000, for a tip that leads to an arrest and prosecution.

### 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 advice 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. *Note: Pastoral and professional counselors are not required and are under no obligation to report crimes to authorities when functioning within the scope of their respective professions, even on a confidential basis.*

### 3.4 Campus Security Authorities

Although the University Police Department encourages the reporting of all campus criminal activity directly to the University Police Department, in some instances members of the campus community may choose to file a confidential report with one of the below designated Campus Security Authorities. Using the convenient and accessible "Clery Incident Report" form, all Campus Security Authorities may receive and at minimum collect statistical Clery data. This two page form (Appendix IV) is available from the University Police Department Webpage at: [www.csusm.edu/police](http://www.csusm.edu/police) under the link "Forms" in a down loadable PDF format. Any reportable crime made to a Campus Security Authority can be immediately transmitted to the University Police Department via email, 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, judicial officials and any CSUSM employee who is either:

- a. A campus police department or a campus security department of an institution.
- b. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (1) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.
- c. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- d. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. *Note: If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.*
- e. **Pastoral Counselor:** A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.
- f. **Professional Counselor:** A person whose official responsibilities includes providing mental health counseling to members of the institution's community and who is functioning within the scope of his/her license or certification.

### 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, 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 disciplinary referrals. See Table 13.12 and 13.13

### 3.6 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.pdf](http://www.csusm.edu/police/Clery.pdf) as well as inside the Student Catalog of Classes.

#### "NOTICE OF THE JEANNE CLERY ACT, ANNUAL SECURITY REPORT AND FIRE SAFETY REPORT"

In accordance with the guidelines established by the California State University, Chancellor's Office, pursuant to federal law, and now identified as the "*Jeanne Clery Act, Annual Security Report and Fire Safety Report*," all currently enrolled students, campus employees and all prospective students and prospective employees are entitled to request and receive a copy of this report.

This report contains crime statistics about certain specified crimes/incidents that have been reported to CSUSM Campus Security Authorities over the past three years and which have either occurred: 1) on-campus property, 2) on-campus residential housing, 3) off-campus buildings/property owned or controlled by the University and 3) public property

immediately adjacent to and accessible from the San Marcos campus and the Temecula Branch campus.

This report contains policies and practices pertaining to campus security, crime reporting, alcohol and drugs, victims' assistance programs, student discipline, campus resources, campus alerts, crime prevention, emergency notification procedures, missing person policies and procedures, 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.

This report also contains the "Annual Fire Safety Report" with information about policies and practices pertaining to campus fire safety, including evacuations, fire drills and fire statistics for the last three reportable years.

Although copies of this report can be obtained from the University Police Department, the sheer size of the current report makes the on-line version a more reasonable alternative.

[www.csusm.edu/police/Clery.pdf](http://www.csusm.edu/police/Clery.pdf) Annual Clery Security reports for the other campuses of the California State University system are also available on-line at: [www.calstate.edu/clery/](http://www.calstate.edu/clery/)

### 3.7 Missing Person

It is the policy of the University Police Department to encourage and to accept all reports (including telephone reports) of missing, overdue persons, or runaways regardless of age without delay. ***There is no 24 hour waiting period; and there is no minimum amount of time the person must be missing or overdue before a report will be taken and an investigation initiated.*** All initial investigations shall be handled by University Police Department. If the missing or overdue person is a student resident of UVA (University Village Apartments), the on-duty senior staff member at UVA shall be notified and their assistance requested. [PD Policy 332.1, UVA Policy and 14205(a)PC]

- a. Members of the CSUSM campus community should in all instances involving a missing or overdue person, file a "Missing Person Report" with the University Police Department to ensure the appropriate investigative management and (if necessary) the proper referral to another law enforcement agency.
- b. While all reports of a missing or overdue person are taken seriously, priority shall be given to investigating a report of a person who is: 1) under 18 years of age, 2) whose disappearance is considered suspicious, 3) when the person is considered at-risk, including medical attention, or 4) when foul play is suspected.
- c. If the missing or overdue person is under 16 years of age, or there is evidence that the person is at-risk, the Department shall broadcast a "Be on the Look-Out" bulletin without delay. [14205(b)PC]
- d. It shall be the responsibility of the University Police Department to expeditiously and legally notify and keep informed all 'interested parties' to a report of a missing or overdue person deemed prudent and necessary by the University Police Department. Viewed on a case-by-case basis, 'interested parties' may include, parent(s), roommates, friends, University President, Director of UVA, University Dean(s), Director, Student Health and Counseling services, faculty, staff, students, or the general public.
- e. UVA Reporting Policy
  1. It is UVA's policy to provide timely information and support for anyone wishing to report a missing or overdue student resident. It is also a UVA's policy to report and provide all available information to the University Police Department as quickly as possible, without delay and within 24 hours of the determination that the resident student (regardless of age or status) is missing or overdue.
  2. If a student resident of UVA is missing, overdue or if the student has not be heard from in a reasonable period of time, concerned parties are encouraged to notify the on-duty/on-call staff at the UVA office or by calling:
    - University Police Department 760-750-4567 (24 hours)
    - UVA Front Desk 760-750-3711 (business hours)
    - RA on Duty 760-717-6295 (24 hours)

3. UVA staff will attempt to contact the student at their apartment or by calling an available emergency contact number. If the student is contacted by UVA staff, he/she will be encouraged to contact the reporting party as soon as possible. If the student is unwilling to contact the concerned party, UVA staff will contact the concerned party. For privacy, UVA staff will not give out personal information or let others know the location of a student.
  4. If the missing or overdue student resident cannot be reached and/or if the UVA staff member suspects a crime has occurred, the University Police Department shall be contacted immediately. In all instances, any suspicious activity should be quickly reported to the University Police Department.
- g. UVA Check-in Procedures
1. Before a UVA student resident can get their apartment keys, he/she must complete a UVA check-in form that requests emergency contact information. This form provides an option for each student resident to identify person(s) to be contacted in case of an emergency. This contact information shall only be available to personnel from UVA or the University Police Department to assist in locating a missing or overdue student resident and/or to make notifications to the designated emergency contact person within 24 hours from the time the student resident was reported missing or overdue.
  2. UVA emergency contact information is considered "registered and confidential," and accessible only to authorized campus officials and it may not be disclosed, except to the University Police Department in the furtherance of a missing person investigation.
  3. UVA student residents are advised in writing upon check-in that if they are under 18-years of age and not emancipated, that the institution shall notify a custodial parent or guardian within 24 hours of the determination that the student resident is missing, in addition to notifying any additional contact person designated by the student.
  4. UVA student residents are also advised upon check-in that the institution shall notify the University Police Department within 24 hours of the determination that the student resident is missing, unless the police department was the entity that made the determination that the student is missing.

### **3.8 Notification – Missing Person**

- a. A missing or overdue student typically has a temporary on-campus residence, a permanent family residence in another city and/or state, but he/she was last seen and reported missing from yet a third location. In order to ensure a proper law enforcement case follow-up and a quick resolution, jurisdictional responsibilities and investigative agreements shall be quickly reached between all reporting jurisdictions.
- b. Every case of a missing or overdue person presents unique investigative challenges that will dictate who, if any (spouse, roommate, family members, guardians, friends) will be contacted, notified, interviewed and in what order. However, in all cases where the student is a resident at UVA and within 24 hours of determining that the student is missing or overdue, the designated emergency contact person (if designated) shall be contacted by the University Police Department.
- c. If the student resident is under 18 years of age and is not emancipated, (minor) the University Police Department shall contact the student's custodial parent or guardian and any other designated contact person within 24 hours of determining that the student is missing or overdue.
- d. 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 2.6 above.

### **3.9 Daily Crime Log**

The University Police Department maintains a daily activity log called RIMS (Records Information Management System) which compiles and maintains a record of all crimes reported to the University Police Department and which falls within the police department's jurisdictional responsibility. The crime log reflects the time and date the crime was reported, the location and nature of the reported incident along with a case disposition.

The University Police Department may withhold information from the daily crime log if the release of such information would jeopardize the safety of an individual or an ongoing criminal investigation. The University Police Department's daily crime log is open for public inspection during normal business hours.

## 4.0 EMERGENCY RESPONSE AND EVACUATION

In compliance with CSU Executive Order 1013, entitled "California State University Emergency Management Program" the University Police Department's Office of Emergency Management has prepared a comprehensive "All Hazard Emergency Management Plan" available at: [www.csusm.edu/police/](http://www.csusm.edu/police/) that provides clear and understandable direction to campus command authorities to assist them in the planning, training, communicating, notification, response and recovery of campus emergencies that pose a threat to the health and safety of the CSUSM campus community.

The goal of the CSUSM Emergency Management Plan is the preservation of life, the protection of property and the continuity of campus operations. To achieve this goal, a well thought-out, expertly prepared emergency response plan is essential in order to provide for the safe movement of people, evacuation, coordination of mutual aid, and the management of critical resources.

The Emergency Management Plan outlines our Emergency Planning Program, the key organizational functional roles, along with our response policies and procedures. This plan provides a blueprint for the emergency response and management of extraordinary emergency situations that threaten the health and safety of the campus community. This plan strives for compatibility with the California State University system as well as the National Incident Management System (NIMS) and California's Standardized Emergency Management System (SEMS). The University President or his/her designee has the authority to activate the plan when an extraordinary event/emergency is anticipated or when an on-going incident/situation reaches proportions beyond the capacity of routine our procedures. This plan identifies and provides for the functional responsibilities and response procedures for all kinds of emergencies, natural disasters, and critical incidents, such as an earthquake, building collapse, flood, fire, active shooter or hazardous material spill. This plan is also flexible enough to provide functional guidance to manage the unimaginable.

### 4.1 Emergency Confirmation

The first reports are identified as Flash Reports. These reports will be verbal in nature (via telephone, cell phone, or radio) reflecting a reconnaissance from an (on-scene) University official or law enforcement first responder confirming the nature of the emergency. The Flash Report shall define the affected areas, identify any closed roads or thoroughfares, estimate the number of casualties, provide an evaluation as to general needs, resources required, and course(s) of action to be taken, including evacuations. Flash Reports shall be submitted as quickly as possible usually within minutes following a reported emergency. This on-going flow of information from informed sources to the emergency response commanders will determine the need to close or restrict access (if any) to designated areas of the University campus.

### 4.2 Emergency Notifications

It is the policy of CSUSM that once the scope of the emergency, critical incident, disaster or situation that poses a threat to the health and safety of the campus community has been professionally assessed, the emergency notification system (positioned at the University Police Department) consisting of three state-of-the-art independent systems will be activated in order to transmit, as deemed necessary, critical life saving information to members of the campus community.

The campus command authority (identified in 4.3 below) shall initiate an emergency notification using either a generic pre-recorded message or an emergency specific notification message. *Note: Because of the dynamic nature of any given emergency situation, the depth, breadth and manner of any campus emergency notification is subject to the available information and the professional judgment of the issuing authority.*

Working together, our three existing notification systems are capable of providing rapid communications regarding an impending emergency or actual emergency to the greatest number of individuals on campus in the shortest amount of time.

1. A "MIR3 Intelligent Notification platform" ® mass messaging system which is capable of communicating with the campus community using text messages, cell and landline telephone calls, and email.

All CSUSM students and employees are encouraged to participate in the campus emergency notification system by creating a personal notification account to receive flash emergency messages via their email address and/or personal telephone number. To register your email address and telephone number; go to: [www.csusm.edu/em/NotRegistration.html](http://www.csusm.edu/em/NotRegistration.html) and follow the instructions.

2. Voice notifications through the campus library and all campus classrooms through a campus public address system.
3. External public address system which is capable of providing emergency notification to most exterior campus locations.

Emergency notifications fall into two categories: **Immediate** and **Advance**

#### 1. Immediate Notifications

In order to protect the health and safety of all CSUSM community members, it is our University policy to provide prompt emergency notification(s) with instructions to shelter in-place, initiate lockdown or to facilitate in the rapid movement of members of campus community from high-risk areas to low-risk assembly areas. Methods for this process will generally involve one or all of the following:

- a. Utilizing the campus Emergency Notification Systems described above
- b. Activation of building fire alarm systems in the affected area(s)
- c. Police vehicles with message broadcasts over the vehicles' public address system
- d. University personnel using portable, hand held bullhorns walking through campus, in particular, the residential housing areas

#### 2. Advance Notifications

When the time permits, other notification methods can be used to disseminate information to members of the campus community. Methods for this process will generally involve one or all of the following:

- a. The campus Emergency Notification System
- b. Campus telephone system with voicemail
- c. Electronic mail system
- d. Campus website
- e. Campus emergency information line (760) 750-4599

Emergency information transmitted to the CSUSM campus community shall include, provide and identify:

1. type/kind of emergency
2. life saving instructions (shelter in-place, lock-down, active shooter)
3. building closures
4. road and/or area closures
5. class closures
6. evacuation instructions, routes of egress

*Note: Any information regarding an actual or pending emergency, critical incident, disaster or situation that poses a threat to the health and safety of those areas adjacent to the CSUSM campus and which falls within the jurisdiction of the San Diego Sheriff's Department shall immediately be communicated to the Sheriff's Department 9-1-1 operator.*

### 4.3 Personnel Responsible for the Campus Emergency Response

The authority to govern the California State University and to maintain its buildings and grounds has been given to the Board of Trustees by the Legislature (California Education Code, Sections 66600, 66606, and 89031). In turn, the campus President has been delegated the authority by the trustees to regulate the buildings and grounds of the campus (California Administrative Code, Title 5, Sections 41302 and 42402).

Title 5, California Administrative Code, Section 41302, states: "*During periods of campus emergency, as determined by the President of the individual campus, the President may, after consultation with the Chancellor, place into immediate effect any emergency regulations, procedures, and other measures deemed necessary or appropriate to meet the emergency, safeguard persons and property, and maintain educational activities.*"

#### a. Emergency Management Organization

The CSUSM campus is responsible for directing and coordinating emergency operations within its boundaries similar to other local jurisdictions. The structure of the SEMS command allows for special branches within each section to establish and to effectively deal with a threat to the health and safety of the campus community. In sum, the organization and general responsibilities of applicable sections and branches are outlined below.

## A. Management/Command Section

The Management/Command Section is responsible for providing policy and support to the Incident Commander (Emergency Operations Director) with official executive actions, liaison to other agencies, and representation to the community and elected officials as practical and as requested by the Incident Commander.

### 1. Plan Executive (University President)

Establishes the basic policies which govern the campus Emergency Management Organization; functions as the highest level of authority during an emergency; declares a campus State of Emergency when required; authorizes the official request for assistance or notification to appropriate state and federal agencies; and sets priorities and authorizes the recovery plan.

### 2. Operations Executive (Vice President, Finance and Administrative Services)

Establishes the EOC mission; communicates with the President, Public Information Officer, the Executive Management Team, and the Recovery Executive; establishes priorities for the use of personnel and resources; authorizes deviations from procedures for implementing the Emergency Management Plan; and adjudicates conflicting demands for support.

### 3. Recovery Executive (Provost)

Establishes the mission and direction for the Recovery Plan; sets priorities and authorizes recovery operational plans; assists with policy and decision-making regarding overall campus recovery activities; and provides the President with a recommended course of action for the recovery process.

### 4. Policy Group (Executive Council)

Advises on action plans and policies, keeping in mind priorities to save lives, protect University property, restore operations, and meet community needs.

### 5. Incident Commander (Chief of Police)

Directs the campus emergency response for a major disaster to minimize casualties and injuries; sets priorities and delegates tasks; provides the Operations Executive with current information on the status of the emergency response; activates and directs the EOC; communicates with local, county and state government as needed to coordinate overall operations; maintains the overall "big picture" focus and produces a status report for the Executive Management Team and State of California every four hours while EOC is in operation; establishes objectives and approves action plans developed by EOC staff; and approves requests to order or release resources through mutual aid.

### 6. Safety Officer (Environmental Health and Safety)

Coordinates the containment and clean-up of hazardous materials; identifies unsafe conditions within campus facilities; and develops measures to assure personnel safety.

### 7. Public Information (University Office of Communications)

Prepares and disseminates information regarding the incident size, cause, ongoing situation, resources, and other matters of interest associated with the campus emergency; coordinates with the Planning Section Chief and the Academic and the Student Representatives to provide faculty, staff, and students with information; functions as the point of contact for the public and the news media, coordinating releases for the University and with other agencies and holding news conferences as necessary; and organizes a General Information Center for family and friends of staff and students.

### 8. Liaison Officer

Serves as the point of contact for the supporting agencies and mutual aid representatives (particularly the Operational Area EOC), and assists with intergovernmental communications and liaison, which may include representatives from other law enforcement agencies, fire services, emergency medical providers, Red Cross, public works, Coroner's Office, County Public Health Services.

#### 9. EOC Manager

Sets up, coordinates, and manages the EOC; assists the Incident Commander and Operations Executive as needed; ensures that all required forms and reports are complete prior to deactivation of the EOC; deactivates the EOC when appropriate.

#### B. Operations Section

This section represents the campus emergency services units (the on-scene emergency responders). The Operations Section is responsible for the assessment and implementation of field operations through recovery operations; coordinating field tactics with other staff members; handling the request for or release of resources; and making situation changes to the plan as necessary and reporting such changes to the Incident Commander.

##### 1. Operations Section Chief

Coordinates and manages the Operations Section response to an emergency or disaster affecting the campus; implements and manages the field response action plans established by the Incident Commander; directs and supervises the response teams to reduce hazards, establish control, and contain the emergency.

##### 2. Law Enforcement, Evacuation and Traffic Control

Provides assistance with first priority (life threatening) tasks and warnings; assists with immediate evacuation from hazardous areas; provides for traffic control, access containment, and property protection; and assists with the search and closing of damaged campus buildings and the relocation (evacuation) of member of the campus community.

##### 3. Fire and Rescue

Checks the campus to determine rescue needs, and provides information and assistance to fire and rescue teams. Provides building and Utility Secures or restores all utilities; makes rapid safety inspections of damaged infrastructure; provides emergency construction or repairs; clears debris from roadways; and organizes teams to support and coordinate traffic/access control and search/rescue.

#### **4.4 Campus Emergency Response/Evacuation Tests**

The coordination and implementation of all emergency training is the responsibility of the CSUSM Emergency Manager. CSUSM Emergency Manager shall conduct emergency and evacuation training exercises throughout the calendar year both announced and unannounced. Building Marshal and first responder trainings are scheduled on an on-going basis. The Section Chiefs (identified above) for "Command," "Operations" and those involving Planning, Logistics, and Finance are responsible for coordinating training meetings for their sections as needed. The Provost, Vice Presidents, and auxiliary Executive Directors are responsible for ensuring that employees in their respective areas attend the appropriate trainings.

Campus emergency drills involve functional tabletop exercises of the Management, Operations, Planning, Logistics, and Finance sections of the Emergency Management Organization at the EOC (Emergency Operations Center). The CSUSM campus also participates in both local and regional full-scale emergency exercises as appropriate.

The campus shall also conduct full-scale exercises/drills (in real time) at least once every seven years in order to test and train EOC (Emergency Operations Center) critical response personnel in the use of emergency equipment, multi-agency and mutual aid coordination. [CSU Executive Order 1013]

On a regular basis, the campus Emergency Manager shall also conduct drills to test a single operation or function. These drills will be conducted throughout the year (as deemed necessary) but at least once each calendar year.

In addition, the CSUSM Emergency Manager shall prepare, organize, conduct and document (description, date, time, announced/unannounced) one or more campus building and student residential evacuation drills each calendar year.

#### **5.0 CRIME PREVENTION**

Although the prevention of crime is a top priority at the University Police Department, all community members need to remember that the University campus is not immune to criminal activity. The potential for criminal activity is an ever present possibility. To this end, all members of the CSUSM community are encouraged to take

responsibility for their 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 University Police Department supports a proactive crime prevention effort that works with members of the campus community to create a more 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, campus crime 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 effort. From freshman orientation to the graduation commencement years later, students are subjected to a continuous array of programs all designed to create a safer campus experience, 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, disaster preparedness drills and the CSO Escort Services 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, fire and personal safety. The following are a few examples of the programs available each year to the campus community:

#### **CSUSM Crime Prevention, Safety & Security Education Program Presentations and Collaborations:**

- **CSUSM First Year Student Orientation Program**  
From the Student Life and Leadership Office located in Craven Hall, first time students can obtain all the guidance information necessary to begin their college experience at California State University, San Marcos. In addition to questions concerning campus curriculum and academics, this office also provides information concerning safety and security on campus, from alcohol policies, health and counseling to crime prevention, escorts and police services. This office is a sure bet for information gathering.
- **Alcohol Education and Prevention Program**  
All first year students are required to complete an online Alcohol Education and Prevention Program in order to continue classes at CSUSM.
- **University Village Apartments**  
The professional staff at UVA is the place a resident student should go to get answers to all his/her questions concerning residential crime prevention, fire and personal safety. The staff at UVA have published an impressive, (up-to-date) "Resident Handbook" containing valuable information relating to UVA policies, rules regulations with safety tips. Throughout the academic year, UVA staff provides a complete array of safety related programs designed to make the residential life experience safe and crime free.
- **Student Support Services & Educational Opportunity Program**  
This office sponsors a host of helpful programs to enhance the college experience:
  - African American Student Welcome Program
  - New Student Convocation
  - Walk-in clinics for MMR and Hepatitis B (SHCS)
  - Campus Open House - Career Center
  - Celebration of Culture
  - College Survival Night
  - Student Organization Exposition

Latino Heritage Festival  
Cultural Faire (sponsored by AAFSA and APIFSA)  
Preview Day for prospective students and families  
Cougar Bazaar  
Career Expo: Graduate & Professional School/Job Fair

- **Alcohol & Drug Awareness Week**

One week each academic year, CSUSM proudly sponsors this extremely important alcohol awareness program for the benefit of our young student population. Program highlights include:

- High Risk Times for College Students
- Peer Education in Prevention
- Alcohol Information and Education
- How Alcohol Affects Us All (Blood Alcohol Concentration Levels)
- Alcohol Statistics and Reports
- Alcohol Abuse and Academics
- Alcohol and Sexual Decision-Making
- Alcohol and Nutrition
- Impaired Driving Prevention and Driving Behaviors
- Keeping You and Your Friends Safe
- Bystander Intervention

- **PRICE Program (Preventing Rape By Intoxication Through Community Education)**

Because incidents of rape by intoxicated persons is a growing problem, particularly among the 18-25-year-old age group. In an unprecedented collaboration, the San Diego County District Attorney, San Diego County Sheriff's Department, San Diego Police Department, colleges, universities, the military, the Center for Community Solutions/Rape Trauma Center, the Sexual Assault Response Team and other community partners have teamed together to form the PRICE Coalition (Preventing Rape by Intoxication through Community Education). PRICE grew out of the need to do something about this crime that destroys promising lives. Through education and action, we can stop lives from being derailed from rape by intoxication.

The reality is that rape by intoxication can be prevented in many cases through community education. This is why the PRICE coalition worked with men and women from the target age group to create a message that will effectively reach their peers and alter behavior and perception about the crime of rape by intoxication.

- **Prevention of Workplace Violence Programs**

Upon request, trained personnel from the University Police Department will provide classroom type training with regards to recognizing and preventing workplace violence. With the understanding that the creation of a safe workplace environment starts with a Zero Tolerance Policy regarding acts of intimidation, threats of violence, or acts of violence. The next step is to provide the information necessary to recognize potential workplace violence situations in order to prevent or minimize a violent escalation. This class also provides the student with a clear understanding of their duties and responsibilities with respect to workplace violence.

- **Office Security Surveys and Personnel Safety Presentations**

Upon request, trained personnel from the University Police Department will provide office security surveys and employee safety presentations. While providing a quality education to our student body is the University's primary goal, the maintenance of a safe workplace environment is a critical component in the overall campus educational equation.

- **Self-Defense RAD (Rape Aggression Defense) classes**

The University Police Department offers a realistic program on self-defense tactics and techniques for women called "Rape Aggression Defense" (RAD). This system is a comprehensive, women-only course that begins with awareness, prevention, risk reduction and risk avoidance, while progressing to the basics of hands-on defense training. Classes are taught by nationally certified R.A.D. instructors. For further information, contact the Police Department at 760-750-4567, TDD 760-750-4567 or visit our website: [www.csusm.edu/police](http://www.csusm.edu/police)

- **University Police Restraining Order Assessment and Response (UPROAR)**  
University Police Restraining Order Assessment and Response program is designed to enforce and educate the campus community regarding restraining orders. The University Police Department will provide service to students, faculty or staff members who have or are considering obtaining a restraining order. For more information, contact the University Police Department at 760-750-4567.
- **University Police Advisory Liaison (UPAL)**  
The University Police Department has a program called “University Police Advisory Liaison” (UPAL) where police department personnel volunteer to serve with University committees, associations or groups. The Department’s goal is to increase police involvement in the campus community, to improve communications and to develop an even closer relationship with our community. If you would like to have a member of our Department join your group or organization, please call university police at 750-4567.
- **University Hour Presentations**  
During the fall semester of 2007, University police personnel began a series of presentations to the campus community during University Hour. The presentations began with the Cougar Watch kickoff, and continued with various topics including “CSI” Finger Printing, Hate Crimes, Alcohol and DUI Awareness, Travel Safety, and Crime Prevention. This program has proven successful and continues to this day.
- **Environmental Health and Safety**  
Personnel from the campus Department of Environmental Health and Safety provide the following helpful programs to help ensure the health and safety of the entire University community.

Biological Safety	Radiation Safety
Occupational Health and Safety	Universal Waste
Chemical Safety	Defensive Drivers
Emergency Response	Risk Management
Food Safety	Smoking Policy
Ergonomics	Office/laboratory safety surveys
Hazardous Material Safety and Handling	Annual UVA Fire Drills
Office Safety	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, student residents are advised to:

- Adhere to all UVA safety, fire and security policies
- Keep room and apartment doors locked at all times
- Always use your front door viewer (peep hole) before you open the door
- 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
- Immediately report any suspicious activity to the University Police Department
- Get to know your neighbors, create your own neighborhood watch program

### **5.3 Escort Services**

Escorts from CSOs (Community Service Officers) 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, or extension **4567** from any campus telephone.

#### **5.4 Cougar Watch**

Cougar Watch is a community based crime prevention program patterned after the successful Neighborhood Watch program used in many cities. Police officers from the University Police Department present information on crime prevention and safety programs for students, employees, and campus events such as "Welcome Week". The University Police Department also provides 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 at no cost. Specialty trained police officers are available (upon request) to students, staff and faculty to provide personal safety, property security, security surveys, and information regarding crime statistics. Programs and services can be tailored to meet individual or group needs. To schedule a workshop or presentation for your staff, club, or organization, please contact the University Police Department at 760-750-4567, TDD 760-750-4567.

#### **5.5 PD Crime Prevention Videos**

The University Police Department is proud to present a series of crime prevention videos designed and produced to increase crime awareness and reduce campus crime. You are invited to visit our website at: [www.csusm.edu/police/video\\_series.html](http://www.csusm.edu/police/video_series.html) to select and view one of our crime prevention videos. Additional videos to be produced in the future.

#### **5.6 Visits to Mexico**

Millions of people travel safely in Mexico each year. This includes tens of thousands of US citizens who cross the border every day for study, tourism or business and at least one million U.S. citizens who live in Mexico. The Mexican government makes a considerable effort to protect U.S. citizens and other visitors to major tourist destinations. Resort areas and tourist destinations in Mexico typically do not see the levels of drug-related violence and crime reported in the border region and in areas along major drug trafficking routes. Nevertheless, crime and violence are serious problems. While most victims of violence are Mexican citizens associated with criminal activity, the present security situation poses serious risks for U.S. citizens as well.

It is imperative that you understand the risks involved in travel to Mexico, how best to avoid dangerous situations, and who to contact if you become a victim of crime or violence. Common-sense precautions such as visiting only legitimate businesses and tourist areas during daylight hours, and avoiding areas where criminal activity might occur can help ensure that your travel to Mexico is safe and enjoyable. If you are a victim of crime that occurred in Mexico, you are urged to contact the consular section of the nearest U.S. Consulate or Embassy for advice and assistance. Anyone planning a trip to Mexico should read up-to-date travel warnings posted by the US Government on the government travel webpage: [www.travel.state.gov/](http://www.travel.state.gov/)

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 consume alcohol. What needs to be remembered is that Mexico is a foreign country that presents potential risks for those who are unfamiliar with Mexican laws. The Mexican judicial system is different from the United States--their system does not presume a person is innocent until proven guilty.

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

If you choose to drive in Mexico, remember things are different. 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.

The violence between the warring Mexican drug cartels has claimed more than 28,000 lives in recent years. This horrific violence is a regular occurrence in the Mexican towns and cities close to the United States border. This highly publicized violence unfortunately involves local, state and federal law enforcement officers as well. Because it is difficult to know who to trust, extreme caution should be used when travelling in Mexico.

## 6.0 Timely Warnings (Campus Alerts)

In order to safeguard the health, safety and security of the members of the CSUSM campus community, timely warnings in the form of "CAMPUS ALERTS" shall be distributed as soon as possible following an incident or in anticipation of a incident/situation that in the opinion of the University Police Department represents a potential threat to the health, safety and security of members of the campus community.

Campus Alerts will be distributed in a timely manner applicable to the pending situation. The particularity of any given situation coupled with a police department's evaluation of the threat potential will dictate the need, timing, breath and manner for the issuance of a Campus Alert. However, in general, whenever there has been a report of a violent crime, major crime or major incident on or near the CSUSM campus property and the police department is of the opinion that the safety of the campus community is at-risk, a Campus Alert will be issued.

The Campus 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/](http://www.csusm.edu/police/) under Campus Alerts.

Once the decision has been made to issue a Campus Alert, the following items shall be included, (if applicable):

- Date and time the Campus Alert was issued
- Description of the incident or crime (type, time, date and location, etc.)
- Physical description (and name if possible) of the suspect(s)
- Composite drawing or photograph of any known suspect(s)
- Connection to previous occurrences

## 6.1 Distribution Procedures

There is no (one) best method to distribute Campus Alerts; however, depending upon the circumstances of the particular situation, a campus alert 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. In situations that involve the entire campus community, a campus-wide alerted will be issued. In all situations, the Campus Alert shall be posted at the University Police Department webpage at: [www.csusm.edu/police/](http://www.csusm.edu/police/) As determined to be appropriate and beneficial, follow-up and/or disposition alerts may be distributed by the University Police Department.

## 7.0 SEXUAL ASSAULT PREVENTION

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
Women's Center	(760) 750-4998
Student Health & Counseling Services	(760) 750-4915
Dean of Students	(760) 750-4935
Student Conduct Coordinator	(760) 750-4935
Director of University Village Apartments	(760) 750-3711

## 7.1 Sexual Assault - Definition

In simple terms, sexual assault is defined as any actual/attempted act of intercourse, anal/oral copulation, penetration with a foreign object, digital penetration, sexual battery, or fondling 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 asleep, under the influence of alcohol and/or drugs is legally presumed not to be able to give consent.

## 7.2 Sexual Assault - Safety Measures

Persons who believe they have been sexually assaulted should:

- a. Get to a safe place.
- b. As soon as possible call the police by dialing 9-1-1
- c. If you are not sure what to do and you need some advice, call the Rape Crisis Hotline at (888) 385-4657, the advocate will provide you with options and you will not have to give your name.
- d. Consider calling the CSUSM Student Health & Counseling Services for guidance and assistance.

- e. If you are not sure about pursuing a criminal complaint, you are still encouraged to 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.
- f. Do not eat, drink, bathe, shower, go to the bathroom, douche or clean up. As difficult as this may be, your body is a receptor of physical evidence that needs to be properly collected.
- g. If you do not wish to make a report to the police, you are still encouraged to seek professional medical and psychological assistance. It is important not to forget the possibility of sexually transmitted diseases and/or pregnancy. **Note: Health care providers are legally required to report to law enforcement all cases of suspected sexual or physical assault.**

### 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, in the aftermath of a sexual assault, it is essential that the police department be contacted as soon as possible.

Always remember that CSUSM Student Health & Counseling Services is available to assist students who have fallen victim to a sexual assault.

### 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, 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, religion or disability 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.
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 contact any CSUSM Campus Security Authority for information and assistance regarding the filing of a criminal complaint and/or a confidential report. To initiate a complaint under the CSUSM 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. 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 CSUSM 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

The CSUSM community is strongly opposed to any form of 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 CSUSM policy. CSUSM is committed to creating and maintaining a harassment free community where all persons on campus can live, work and learn together in an atmosphere absent of all forms of harassment, exploitation, or intimidation, including sexual harassment.

Sexual harassment is defined by the University as any unwelcome sexual advance, request for sexual favors, and/or other verbal or physical conduct of a sexual nature when;

- submission to or rejection of such conduct is made either explicitly or implicitly a condition of instruction, employment, or participation in any University activity; or
- 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
- when conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive environment.

The Office Human Resources and Equal Opportunity (HREO) administers the University's sexual harassment policy by providing education, investigating and resolving complaints. Anyone 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. CSUSM will take whatever action may be needed to prevent, correct, and if necessary, discipline an employee whose behavior violates our sexual harassment policy. More information is available on the HREO website: [www.csusm.edu/HR/](http://www.csusm.edu/HR/)

## **8.0 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: Registration can be 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.

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 seven-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 (then) section 290.4 of the California Penal Code.

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 were thereafter required to provide a statement in their Jeanne Clery Annual Security Report detailing where members of their campus community can obtain information concerning registered sex offenders.

In 2001, the California Legislature amended its registered sex offender laws to satisfy 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)(1)PC]

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 student at CSUSM including Temecula Branch classes, or
- c. is a full/part time employee at CSUSM (with/out compensation), 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.

In October 2003 an amendment was added to Penal Code Section 290.01(d)(1)(A) provides that the campus police department (may) in certain instances may release registered sex offender information (all categories) to members of the campus community. (Appendix V)

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 the Internet specific information about certain sex offenders available to the public.

### **8.2 Sex Offender Informational Data (Public access) [290.46(a)(2)(A)PC]**

On or before July 1, 2010, the California Department of Justice expanded their website to make available certain sex offender information on more than 63,000 registered sex offenders at: [www.ag.ca.gov](http://www.ag.ca.gov) *Note: The California Department of Justice does not make available sex offender registration information specific to any college or university.*

### **8.3 Sex Offender Information (Campus community access)**

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.

The University Police Department may also release sex offender information relating to campus affiliated sex offenders to members of the campus community who: [290.01(d)(1)(A)PC]

- a. are over 18 years of age
- b. are member(s) of the campus community
- c. are not themselves a registered sex offender
- d. understands 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. understands that it is illegal to use the sex offender registration information to harass, discriminate, commit a crime against any person who has been identified as a sex offender
- f. are willing to sign a "Registered Sex Offender View Form"

Registered sex offender information available for public viewing:

- 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 registration or re-registration

The disclosure of any sex registrant information to a campus affiliate shall be only be to allow members of the campus community to protect themselves and their children from sex offenders and that he/she understands that it is unlawful to use the information obtained pursuant to this subdivision to commit a crime against any registrant or to engage in illegal discrimination or harassment of any registrant. [290.01(d)(4)(A)PC]

### **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.
- b. The University Police Department may reactively release any portion of the following information when necessary to ensure the public safety based upon information available to the entity concerning a registered sex offender. [290.45(a)PC]
  - name and known aliases
  - DOB, gender and race
  - physical description, including scars, marks and tattoos
  - photograph, (if available)
  - crimes that were the basis for the registration requirement
  - residence address (must be verified by law enforcement prior to release)
  - description and license plate number of offender's vehicle
  - type of victim targeted by the offender
  - relevant parole or probation conditions
  - dates of crimes resulting in classification
  - date of release from confinement
  - offender's employment, vocation or student status with CSUSM

The University Police Department may release 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(c)(1).

- a. ***Any Megan's Law sex registrant information released cannot 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.***

### **8.5 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 notify the University Police Department within five working days of ceasing to be enrolled or employed, ceases to carry on a vocation at CSUSM, or change of address. [290.01(a)(1)PC]

### **8.6 CSUSM Sex Offender Registration Procedure**

Campus affiliated registration of sex offenders shall be conducted at the University Police Department. Persons required to register shall do so in person Monday through Friday (excluding holidays) between 0900 and 1500 hours.

### **9.0 HATE VIOLENCE**

CSUSM's Community places a great emphasis on the value of diversity, assessing one's culture and the celebration 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 impact the entire CSUSM campus community. While the CSUSM campus is not immune to such opportunistic acts, the low number of reported occurrences provides an antidotal glimpse that we have made great strides toward the creation of a campus environment that is more tolerant of individuals, groups, cultures, values 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 Jeanne Clery Act Annual Security Report, the Federal Department of Education collects only hate violence statistics that were manifested by the crime of: murder, manslaughter, sex offenses, theft, robbery, aggravated assault, simple assault, burglary, motor vehicle theft, arson, vandalism and/or intimidation.

### **10.0 CAMPUS FACILITIES ACCESS AND SECURITY**

#### **10.1 Security and Access to Campus Buildings**

Most CSUSM University facilities are open to the public during the day and evening hours when classes are in session. During the times that the University is officially closed, buildings are generally locked and only faculty, staff and some students with proper ID are permitted access. The campus "access control" system provides electronic access to some campus buildings and labs and the system is monitored by the University Police Department. All campus buildings are equipped with card key access and door contacts that are electronically connected to the University Police Department. In addition, many offices, labs, computer rooms have alarm systems as well.

Lighting improvements are constantly being re-evaluated. Improvements include 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 and our new six-story Campus View Drive Parking Structure. Facility Services Department has the responsibility to maintain campus buildings and grounds with an eye-on safety and security. They will respond to reports of potential safety and security hazards, such as broken windows, locks and lighting problems.

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

## **10.2 Residential Apartments**

UVA (University Village Apartments) is a large, three building, on-campus residential housing complex with housing for more than 600 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, studying and learning environment. Security in residential areas is supplemented by live-in RAs (Resident Advisors).

Theft is the most common crime problem in the residential areas; precautions should be exercised at all times. Residents are encouraged to be watchful, 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 UVA staff and/or the University Police Department. Residents are also advised to keep their hallway and apartment doors locked at all times. Residents are encouraged not to hesitate to ask for assistance from any UVA staff member, Resident Advisor, Community Service Officer or CSUSM Police Officer.

## **10.4 Fire Safety**

CSUSM has a proactive Fire Safety Program developed and maintained by the Office of Risk Management. 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 and heat alarm systems. Student residents receive fire/life safety handouts at move-in and they are required to participate in all fire safety and evacuation drills.

## **11.0 ILLEGAL WEAPONS**

It is the policy of CSUSM 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 following are unlawful and/or a violation of University policy.

- It is unlawful for any person (certain exceptions) to bring or possess any firearm (loaded or unloaded) on any property owned, controlled, or operated by the University without the prior written permission of the University President or designee. [626.9(h) and (i)PC]
- It is unlawful for any person (certain exceptions) to bring or possess and dirk, dagger, ice pick, knife having a fixed blade longer than two and one half (2½) inches, on any property owned, controlled or operated by the University without prior written permission of the University President or designee. [626.10(b)PC]
- It is unlawful any person (certain exceptions) to bring or possess a "less lethal weapon," as defined in Section 12601, or stun gun, as defined in Section 12650, including Taser on any property owned, controlled or operated by the University without prior written permission of the University President or designee. [626.10(i)]
- It is unlawful for any person (certain exceptions) to openly display or expose in a public place or a place open to the public any imitation firearm, including a BB device, toy gun, replica of a firearm, or other device that is so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device is a firearm as defined in Penal Code 12550. [12556PC]
- It is unlawful for any person (certain exceptions) to possess for any reason any explosive, pipe bomb, grenade, destructive device or any derivative thereof, including an exothermic smoke bomb or dry ice bomb. [12303.2 and 3PC]
- It is unlawful for any person (certain exceptions) to possess any type of cane gun, wallet gun, any undetectable or camouflaged firearm, ballistic knife, belt buckle knife, leaded cane, zip gun, lipstick case knife, air guage knife, writing pen knife, practice hand grenade or replica, billy club, sand club, sap, metal or plastic knuckles, belt buckle knife, shurikins (AKA Chinese throwing stars), nunchaku, or blackjack or slungshot. [12020PC]

- It is a violation of UVA policy for anyone to possess upon UVA property any paint ball, darts, air-soft weapons, fireworks, ammunitions or any other material or instrument that poses a risk of damage or injury. All such devices are **strictly prohibited**.

## **12.0 SUBSTANCE ABUSE**

### **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 the law. Campus affiliated violators are subject to University disciplinary action, criminal prosecution, fine and incarceration. **There is no exception for medical marijuana!**

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). Although, 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 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 both 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 consumption of alcohol.

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 policy, 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**

The University Police Department has the responsibility to identify reportable crimes, collect and report crime statistics to the Federal Department of Education, FBI, California DOJ, CSU Chancellor’s Office and to the general public. Reporting requirements involving types of crimes, definitions, and geographic locations vary depending upon the governmental recipient. As an example, FBI mandated reporting requirements are different from that of the Federal Department of Education, California DOJ and system-wide reporting. Examples: Clery reporting requires the reporting of student disciplinary referrals that are not required by either state or federal agencies. Clery also mandates the collection of crime data from non-law enforcement personnel, identified as “Campus Security Authorities.”

**Note:** *The University Police Department does not track or monitor criminal offenses, arrests or prosecutions of students for activities that occur at off campus locations.*

This report contains crime statistics compiled from the 2009 calendar and a reprint of the previous two calendar years crime statistics. The crime statistics reported in **Section 13** have been compiled from data collected from three 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 CSU Temecula Branch campus and the Riverside County Sheriff’s Department.

Jeanne Clery Act crime statistics are collected by the University Police Department and reported annually on October 1 using the previous calendar years' statistics. 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 #3 of each table have been collected from ARJIS crime data. CSUSM Campus Security Authorities report "reportable crimes" sometimes using the CLERY INCIDENT REPORT form (Appendix IV) and available at: [www.csusm.edu/police/Clery.pdf](http://www.csusm.edu/police/Clery.pdf) Using this form, any reportable crime made to a Campus Security Authority can then be transmitted to the University Police Department via fax machine. (760) 750-3012

#### A. Reporting Locations

##### 1. On-Campus:

(1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes. **(Excluding on-campus residential housing)**

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

##### 2. On-Campus Residential Housing:

On-campus residential buildings – University Village Apartments

(Note: **On-campus housing** crime statistics are a subset of on-campus statistics: therefore, the numbers reported in this column must be equal to or less than the numbers reported in the on-campus column.)

##### 3. Public property:

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

100-500Block	Barharm Road	200Block Redel Road
200-400Block	La Moree Road	200Block Trade Street
200-600Block	Twin Oaks Valley Road	200Block Industrial Street
200 Block	Discovery Drive	100 Craven Drive

##### 4. Non-campus building or property:

(1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

(2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. **(NONE)**

#### B. Arrests Statistics

For reporting purposes, arrest statistics for alcohol, drug/narcotics or weapons violations found in table 13.2, reflect the number of persons arrested, not the number of incidents.

If a person is arrested for multiple violations involving alcohol, drugs/narcotics, and/or weapons as a result of a single incident, the "Hierarchy Rule" will apply and only the most serious violation shall be counted for statistical purposes. At CSUSM, the hierarchy of the most serious violations in descending order shall be: 1- weapons, 2 - drugs/narcotics and 3 - alcohol violations .

13.1

**TOTAL number crimes reported for specific offenses**

Violation	1	** 2	3	4	2007	1	** 2	3	4	2008	1	** 2	3	4	2009
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 (Forcible)															
Rape	0	0	0	0	0	2	2	0	0	2	0	0	0	0	0
Sodomy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Foreign object	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual battery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses (No force)															
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	1	0	1	0	0	1	0	1
Aggravated Assault	0	0	0	0	0	3	3	1	0	4	0	0	2	0	2
Burglary	11	3	3	0	14	3	1	0	0	3	1	0	0	0	1
Motor Vehicle Theft	3		0	0	3	0		0	0	0	3		0	1	4
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 housing 3) Public property 4) Non-campus building or property

\*\* On-campus housing crime statistics are a subset of on-campus column 1: therefore, the numbers reported in column 2 must be equal to or less than the numbers reported in the on-campus column 1.)

13.2

**TOTAL number of arrests for specific offenses**

Violation	1	** 2	3	4	2007	1	** 2	3	4	2008	1	** 2	3	4	2009
Alcohol Offenses	7	1	19	0	27	22	0	9	0	31	1	1	12	0	13
Drugs/Narcotics Offenses	6	0	11	0	17	11	2	21	0	32	12	6	18	0	30
Weapons Offenses	1	0	0	0	1	2	1	3	0	5	1	0	1	0	2

1) On-campus property 2) On-campus residential housing 3) Public property 4) Non-campus building or property

\*\* On-campus housing crime statistics are a subset of on-campus column 1: therefore, the numbers reported in column 2 must be equal to or less than the numbers reported in the on-campus column 1.)

13.3

**TOTAL number of disciplinary referrals for specific offenses**

Violation	1	** 2	3	4	2007	1	** 2	3	4	2008	1	** 2	3	4	2009
Alcohol Offenses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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

1) On-campus property 2) On-campus residential housing 3) Public property 4) Non-campus building or property

\*\* On-campus housing crime statistics are a subset of on-campus 1: therefore, the numbers reported in column 2 must be equal to or less than the numbers reported in the on-campus column 1.)

13.4 Total number of hate crimes reported according to category of prejudice: (Zero)

# TEMECULA BRANCH CAMPUS

## 14.0 CSU – Temecula Branch campus

A branch campus is defined 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.

*The CSU Temecula Branch Campus located at 27455 Tierra Alta Way 2<sup>nd</sup> Floor, Temecula, California 92590 opened August 1, 2008 and closed August 20, 2010, as such, the crime statistics reflected below are from this branch campus location and gathered from the last five months of 2008 and all of 2009.*

### 14.1 TOTAL number of crimes reported for specific offenses

Violation	1	3	2007	1	3	2008	1	3	2009
Murder	-	-	-	0	0	0	0	0	0
Manslaughter	-	-	-	0	0	0	0	0	0
Sex Offenses (Force)									
Rape	-	-	-	0	0	0	0	0	0
Sodomy	-	-	-	0	0	0	0	0	0
Foreign Object	-	-	-	0	0	0	0	0	0
Sexual Battery	-	-	-	0	0	0	0	0	0
Sex Offenses (No force)									
Incest	-	-	-	0	0	0	0	0	0
Statutory Rape	-	-	-	0	0	0	0	0	0
Robbery	-	-	-	0	0	0	0	0	0
Aggravated Assault	-	-	-	0	0	0	0	0	0
Burglary	-	-	-	0	0	0	0	0	0
Motor Vehicle Theft	-	-	-	0	0	0	0	0	0
Arson	-	-	-	0	0	0	0	0	0
Hate Crimes	-	-	-	0	0	0	0	0	0

1) On-campus property    3) Public property

### 14.2 TOTAL number of arrests for specific offenses

Violation	1	#3	2007	1	3	2008	1	3	2009
Alcohol Offenses	-	-	-	0	0	0	0	0	0
Drug/Narcotics Offenses	-	-	-	0	0	0	0	0	0
Weapons Offenses	-	-	-	0	0	0	0	0	0

### 14.3 TOTAL number of disciplinary referrals for specific offenses

Violation	2007	2008	2009
Alcohol Offenses	-	0	0
Drug/Narcotics Offenses	-	0	0
Weapons Offenses	-	0	0

### 14.3 TOTAL number of hate crimes reported according to category of prejudice: (Zero)

# Annual Fire Safety Report

## 1.0 INTRODUCTION

Federal law requires all institutions of higher learning to prepare, publish, and distribute a report concerning campus crime statistics, security policies, emergency notification and **Fire Safety Report** (emphasis added) on an annual basis through appropriate publications, mailings or computer network to all current students and employees, and all prospective students and prospective employees. This **Fire Safety Report** contains the California State University, San Marcos' annual fire safety report and a statistical record of reported fire related incidents for the past three calendar years as well as information about campus fire safety policies, procedures and practices intended to promote fire safety on campus.

This report complies with current Federal law codified in: 1) United States Code, Title 20, Section 1092(i), and 2) US Code of Federal Regulations, Title 34, Chapter IV, Section 668.49. Copies of this report may be obtained from the University Police Department or by visiting the University Police Department Webpage located at: [www.csusm.edu/police/Clery.pdf](http://www.csusm.edu/police/Clery.pdf) In order to comply with federal reporting mandates, all campus fire related incidents shall be reported to the University Police Department.

For the convenience of the reader, a complete and current copy of US Code of Federal Regulations, Title 34, Chapter IV, Section 668.49 can be found at the end of this report. (Appendix III)

## 2.0 CAMPUS FIRE SAFETY

CSUSM maintains a comprehensive fire safety program that involves regular inspections, drills and compliance enforcement with established state law, campus policies and on-campus housing fire safety rules and regulations. Compliance to all fire safety policies, rules and regulations is the responsibility of CSUSM Risk Management and Safety Office.

CSUSM has one on-campus residential housing complex--UVA (University Village Apartments) consisting of three dorm buildings, identified as "B," "C," and "D" buildings with a single administration/common building, "A." Building "B" is identified as #301, building "C" as #303, building "D" as #307 and the community center "A" as building #305 in regards to an emergency response. This apartment complex is located at the northeast corner of Campus View Drive and Campus Way and provides housing for more than 600 student residents. Building codes mandate that the entire apartment complex is equipped with a fire sprinkler system, pull alarms, smoke and heat detectors. Designers of the complex installed 4 to 6 heat and smoke detectors and more than 16 sprinklers in each residential apartment.

All fire safety alarms/activations at UVA are monitored by the University Police Department Communications Center. However, in case of an actual fire, fire fighting responsibilities are delegated to the San Marcos Fire Department.

### 2.1 On-campus Fire Inspections

Fire safety regulations at CSUSM are designed and intended to prevent death, injuries and/or damage to University property and its facilities. To this end, a fire inspection of each on-campus apartment is conducted monthly by UVA housing staff to ensure that residents are in compliance with published on-campus residential fire safety rules and regulations. Twice each year, all detection and prevention equipment such as smoke detectors, heat detectors, pull stations, fire extinguishers, emergency lighting and backflow preventers are professionally inspected and tested to ensure that each is serviceable and fully operable by *Pyro-Comm Systems Inc.*, a locally operated and properly licensed vendor. Finally, on an annual basis, the State of California Fire Marshal reviews all fire inspection data along with a physical inspection of campus buildings with a particular emphasis of our campus residential housing areas.

With an enhanced focus on the student residential areas, the CSUSM general fire safety plan is a never ending, always evolving plan designed to continually improve and enhance our existing fire safety systems and methods to safely evacuate campus buildings.

## 2.2 UVA Fire Evacuations

Any UVA community member who observes a small fire and (who is trained to do so) should first activate a fire alarm and then attempt to extinguish the fire using the appropriate type of fire extinguisher. All instances of fire must be reported immediately, even those that have been extinguished.

- a. Residents should think fire safety. All members of the UVA residential community should familiarize themselves with the buildings, fire alarm stations, fire extinguishers, hallways, stairwells and exits within the gated UVA residential community.
- b. Residents should preplan an escape route(s) in anticipation of a fire.
- c. Residents should know and recognize the alarms that signal a building evacuation.
- d. In the event of a reported fire, residents should never enter a room that is smoke-filled or if the door is warm to the touch. Using caution, feel the door with the back of your hand before entering or exiting. If it is cool, exit the room/apartment, close the door, evacuate the building and proceed to the evacuation area in parking lot "O."
- e. If the exit door is hot, don't open it. Fill any cracks with wet towels, signal from your room by hanging a sheet out your window and wait to be rescued.
- f. If you are able to leave, close your door behind you to impede the movement of smoke and flames.
- g. If smoke is present in the hallways, lie down and crawl to safety, fresh air will be near the floor. Exit down the nearest stairwell to you. After you have exited, proceed to the evacuation area in parking lot "O" and await further instructions.
- h. Once in parking lot "O," find an RA (Resident Advisor) or University Village staff member and check in with them. Staff members are identified with Yellow signs indicating each building and floor number. Resident Advisor's have a roster located on the sign to check off who is present and checked-in. Remember to notify an RA if someone in your apartment cannot be accounted for. The fire department will give an "all clear" when it is safe to re-enter the building.
- i. For safety sake, always let your roommate know where you are, a practice commonly known as the "buddy system".
- j. UVA Resident Advisors will check to see that everyone has evacuated once you arrive at the evacuation area in parking lot "O." **You are required by law to evacuate the building when the alarm sounds.** Do not attempt to re-enter the building until you are instructed to do so by the proper authority.

## 2.3 To Report Fire Emergencies

1. Dial (760) 750-4567
2. Dial **9-1-1** from any campus telephone to report a fire emergency
3. Dial **9-1-1** from any campus classroom to report a fire emergency
4. Dial **9-1-1** from any campus pay telephone to report a fire emergency
5. Dial **9-1-1** from anywhere on campus using T-Mobile service to report a fire emergency
6. Dial **9-1-1** from anywhere on campus using a cell phone provider other than T-Mobile will be answered by the San Diego County Sheriff's Department
7. Use any one of the more than (163) building emergency telephones to report a fire emergency
8. Use the emergency intercom system found in most building elevators to report a fire emergency
9. Use any one of the (45) Blue Light Emergency call-boxes strategically located around campus and parking lots to report a fire emergency
10. Off-campus calls for emergency assistance should be directed to the appropriate local law enforcement agency
11. Pull a Fire alarm

**Remember to always be ready to provide:**

- **Your name, telephone number and location**
- **Calmly describe the fire emergency**
- **Do not hang-up, allow the dispatcher to end the call**

## 2.4 Fire Evacuation Drills

UVA conducts two mandatory fire evacuation drills per calendar year. Fire evacuation drills are supervised by UVA staff and (as necessary) monitored by personnel from Environmental Health & Safety and the University Police Department. The San Marcos Fire Department will always be notified before any Fire Drill exercise. Fire evacuation drills are initiated by activating the fire alarm system from the Community Center "A" and which activates each one of the (3) on-campus housing buildings. UVA staff personnel are also responsible for conducting periodic fire safety instruction sessions with residents during the academic year.

For the safety of all UVA residents, all building evacuations are: 1) unplanned drill, 2) false alarm, or 3) an actual emergency that shall be taken seriously. All fire alarms are to be considered genuine emergencies and residents will be instructed to take all necessary precautions and to follow all evacuation instructions from UVA staff, University Police Officers or San Marcos Fire Department personnel.

Residents are encouraged to read and follow all policies, rules and regulations regarding fire alarms, evacuations, assembly locations and the accounting of roommates and neighbors.

## 2.5 UVA Policies: Open Flames and Smoking Policies

- a. The burning of any material, incense, candles, oil lamps or open flame **is prohibited**. An exception will be made for the careful use of birthday cake type candles for special occasions. An exception will also be made for purpose of religious or spiritual observance following a written request, and when prior approval has been granted by the Resident Director.
- b. Intentionally or negligently starting or causing a fire, explosion, or release of gas, fumes or smoke is **prohibited**.
- c. Smoking is **strictly prohibited** in all apartments, hallways, meeting rooms, and inside the UVA Community Building. Smoking is only permitted in designated smoking areas and at least 25 feet from all buildings. These designated areas are marked by signs and ashtrays. UVA residents accept the responsibility to inform and to have their visitors or guests conform to our smoking policy. *Note: Violations of the smoking policy will at minimum result in community service hours.*
- d. The smell of smoke (any kind) without a response at the apartment door will cause UVA staff to enter the apartment in order to check on the safety of the residents inside. *Note: tampering with any fire safety equipment is a serious violation of state law.*

## 2.6 UVA Policies: Electrical Appliances

- a. Space heaters, hot plates and other heat producing portable electrical and/or propane devices are **prohibited** inside any UVA building.
- b. All electrical domestic devices (electric shavers, electric tooth brushes, hair dryers, hair curling irons, carving knives, toasters, toaster ovens, televisions, radios, computers, chargers, modems, surge-protectors, and electrical extension cords, etc.) used in an apartment shall be in good working condition with no signs of damage and have the UL (Underwriters Laboratories, Inc.) seal of approval. *Note: Extension cords must only be used in accordance with the manufacturer's instructions.*

## 2.7 UVA Fire Safety Rules and Regulations

- a. The possession of any type of an explosive device, fireworks, combustible decorations, chemicals, ammunition, gasoline or any other similar highly flammable substance is **prohibited**. *Note: A violation of this policy may result in criminal prosecution.*
- b. Tampering with or deactivating fire safety detection equipment including fire alarms, smoke and heat detectors is a violation of state law. *Residents are responsible for the actions of their visitors or guests.*

***Smoke and heat detectors in UVA apartments are sensitive. When taking a shower, close the bathroom door to ensure the steam does not affect the detector. When cooking, be sure to use the fan above the stove. If your detector makes a beeping sound it means the battery is low. Complete a work order as soon as possible to have the battery replaced. Any time a smoke detector alarm sounds, you should respond as if it were an EMERGENCY. Never hang anything from the sprinklers, smoke or heat detectors.***

- c. Tampering with or activating an alarm in a non-emergency situation, or use of a prohibited cooking or other device that can cause activation of the fire alarm system is **prohibited**. *Residents are responsible for the actions of their visitors or guests.*
- d. Hookahs are not permitted inside the UVA gates for any reason. A violation of this policy will result in the item being shipped COD to a specified off campus address.
- e. **False alarms do happen!** The smoke detectors can be set off by dust, an insect or just may need routine cleaning. Opening the front door and windows (to allow fresh air into the apartment) may stop the false alarm.
- f. **Without exception, all fires must be immediately reported to the University Police Department, even those that have been extinguished.**

### 2.8 Fire Safety Log

The University Police Department maintains a daily activity log utilizing a system called RIMS (Recorders Information Management System) or fire log which compiles and maintains a record of all fires reported to the University Police Department which have occurred on University property. The fire log reflects the time and date the fire was reported, the location and nature of the fire along with a disposition. The University Police Department may withhold information from the fire log if the release of such information would jeopardize the safety of an individual or an ongoing fire investigation. The University Police Department's fire log is open for public inspection during normal business hours.

### 2.9 Campus Fire Related Statistics

The annual fire safety statistics reported below contain on-campus student housing facility (University Village Apartments) fire statistics compiled from the 2009 calendar year and from the two previous calendar years.

### 3.0 On-Campus Student Housing UVA (University Village Apartment) Fire Statistics

2007 Fires	Case #	* Related Injuries	Related Deaths	Value of Loss	Cause of Fire		
					Unintentional	Intentional	Undetermined
-	-	0	0	0	Cause#:	-	-
-	-	0	0	0	Cause#:	-	-
-	-	0	0	0	Cause#:	-	-

2008 Fires	Case #	* Related Injuries	Related Deaths	Value of Loss	Cause of Fire		
					Unintentional	Intentional	Undetermined
1	08-0450	0	0	40.00	Cause#: #4	-	-
-	-	0	0	0	Cause#:	-	-
-	-	0	0	0	Cause#:	-	-

2009 Fires	Case #	* Related Injuries	Related Deaths	Value of Loss	Cause of Fire		
					Unintentional	Intentional	Undetermined
-	-	0	0	0	Cause#:	-	-
-	-	0	0	0	Cause#:	-	-
-	-	0	0	0	Cause#:	-	-

\* List only those injuries that resulted in treatment at a medical facility or on-campus health center

- Causes:    #1 – Cooking            #4 – Electrical            #7 – Machinery/Industrial  
              #2 – Smoking            #5 – Hazardous products    #8 – Natural  
              #3 – Open flame        #6 – Machinery/Industrial    #9 – Other

## APPENDIX I

### CRIME DEFINITIONS

#### **Arson**

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

#### **Criminal Homicide—Manslaughter by Negligence**

The killing of another person through gross negligence.

#### **Criminal Homicide—Murder and Non-negligent Manslaughter**

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

#### **Robbery**

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

#### **Aggravated Assault**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

#### **Burglary**

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

#### **Motor Vehicle Theft**

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

#### **Weapons: Carrying, Possessing, Etc.**

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

#### **Drug Abuse Violations**

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

#### **Liquor Law Violations**

The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

## ***Sex Offenses - Forcible***

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

### ***A. Forcible Rape***

The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

### ***B. Forcible Sodomy***

Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

### ***C. Sexual Assault With An Object***

The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

### ***D. Forcible Fondling***

The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

## ***Sex Offenses - Non-forcible***

Unlawful, non-forcible sexual intercourse.

### ***A. Incest***

Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### ***B. Statutory Rape***

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

## ***Larceny-Theft (Except Motor Vehicle Theft)***

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

## ***Simple Assault***

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

## ***Intimidation***

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

## ***Destruction/Damage/Vandalism of Property***

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## APPENDIX II

### Institutional security policies and crime statistics CFR Title 34, Section 668.46

#### (a) Definitions that apply to this section

***Business day:***

Monday through Friday, excluding any day when the institution is closed.

***Campus:***

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

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

***Campus security authority:***

(1) A campus police department or a campus security department of an institution.

(2) Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (1) of this definition, such as an individual who is responsible for monitoring entrance into institutional property.

(3) Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.

(4) An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

***Non-campus building or property:***

(1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

(2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

***Pastoral counselor:***

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

***Professional counselor:***

A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

***Public property:***

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

***Referred for campus disciplinary action:***

The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

**Test:**

Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

**(b) Annual security report**

An institution must prepare an annual security report that contains, at a minimum, the following information:

- (1) The crime statistics described in paragraph (c) of this section.
- (2) A statement of current campus policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include the institution's policies concerning its response to these reports, including—
  - (i) Policies for making timely warning reports to members of the campus community regarding the occurrence of crimes described in paragraph (c)(1) of this section;
  - (ii) Policies for preparing the annual disclosure of crime statistics; and
  - (iii) A list of the titles of each person or organization to whom students and employees should report the criminal offenses described in paragraph (c)(1) of this section for the purpose of making timely warning reports and the annual statistical disclosure. This statement must also disclose whether the institution has any policies or procedures that allow victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics, and, if so, a description of those policies and procedures.
- (3) A statement of current policies concerning security of and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.
- (4) A statement of current policies concerning campus law enforcement that—
  - (i) Addresses the enforcement authority of security personnel, including their relationship with State and local police agencies and whether those security personnel have the authority to arrest individuals;
  - (ii) Encourages accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies; and
  - (iii) Describes procedures (if any) that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
- (5) 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.
- (6) A description of programs designed to inform students and employees about the prevention of crimes.
- (7) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities.
- (8) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws.
- (9) A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws.

(10) A description of any drug or alcohol-abuse education programs, as required under section 120(a) through (d) of the HEA. For the purpose of meeting this requirement, an institution may cross-reference the materials the institution uses to comply with section 120(a) through (d) of the HEA.

(11) A statement of policy regarding the institution's campus sexual assault programs to prevent sex offenses, and procedures to follow when a sex offense occurs. The statement must include--

(i) A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses;

(ii) Procedures students should follow if a sex offense occurs, including procedures concerning who should be contacted, the importance of preserving evidence for the proof of a criminal offense, and to whom the alleged offense should be reported;

(iii) Information on a student's option to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that institutional personnel will assist the student in notifying these authorities, if the student requests the assistance of these personnel;

(iv) Notification to students of existing on and off-campus counseling, mental health, or other student services for victims of sex offenses;

(v) Notification to students that the institution will change a victim's academic and living situations after an alleged sex offense and of the options for those changes, if those changes are requested by the victim and are reasonably available;

(vi) Procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that--

(A) The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and

(B) Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense. Compliance with this paragraph does not constitute a violation of the Family Educational Rights and Privacy Act (20 U.S.C. 1232g). For the purpose of this paragraph, the outcome of a disciplinary proceeding means only the institution's final determination with respect to the alleged sex offense and any sanction that is imposed against the accused; and

(vii) Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses.

(12) Beginning with the annual security report distributed by October 1, 2003, a statement advising the campus community where law enforcement agency information provided by a State under section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(j)), 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.

(13) Beginning with the annual security report distributed by October 1, 2010, a statement of policy regarding emergency response and evacuation procedures, as described in paragraph (g) of this section.

(14) Beginning with the annual security report distributed by October 1, 2010, a statement of policy regarding missing student notification procedures, as described in paragraph (h) of this section.

### **(c) Crime statistics**

(1) Crimes that must be reported. An institution must report statistics for the three most recent calendar years concerning the occurrence on campus, in or on non-campus buildings or property, and on public property of the following that are reported to local police agencies or to a campus security authority:

- (i) Criminal homicide:
  - (A) Murder and non-negligent manslaughter
  - (B) Negligent manslaughter
- (ii) Sex offenses:
  - (A) Forcible sex offenses
  - (B) Non-forcible sex offenses
- (iii) Robbery
- (iv) Aggravated assault
- (v) Burglary
- (vi) Motor vehicle theft
- (vii) Arson
- (viii) (A) Arrests for liquor law violations, drug law violations, and illegal weapons possession.

(B) Persons not included in paragraph (c)(1)(viii)(A) of this section, who were referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

(2) Recording crimes. An institution must record a crime statistic in its annual security report for the calendar year in which the crime was reported to a campus security authority.

(3) Reported crimes if a hate crime. An institution must report, by category of prejudice, the following crimes reported to a campus security authority that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability:

- (i) Any crime it reports pursuant to paragraph (c)(1)(i) through (vii) of this section.
- (ii) The crimes of larceny-theft, simple assault, intimidation and destruction/damage/vandalism of property.
- (iii) Any other crime involving bodily injury.

(4) Crimes by location. The institution must provide a geographic breakdown of the statistics reported under paragraphs (c)(1) and (3) of this section according to the following categories:

- (i) On campus
- (ii) Of the crimes in paragraph (c)(4)(i) of this section, the number of crimes that took place in dormitories or other residential facilities for students on campus.
- (iii) In or on a non-campus building or property
- (iv) On public property

(5) Identification of the victim or the accused. The statistics required under paragraphs (c)(1) and (3) of this section may not include the identification of the victim or the person accused of committing the crime.

(6) Pastoral and professional counselor. An institution is not required to report statistics under paragraphs (c)(1) and (3) of this section for crimes reported to a pastoral or professional counselor.

(7) UCR definitions. An institution must compile the crime statistics required under paragraphs (c)(1) and (3) of this section using the definitions of crimes provided in appendix A to this subpart and the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection. For further guidance concerning the application of definitions and classification of crimes, an institution must use either the UCR Reporting Handbook or the UCR Reporting Handbook: NIBRS EDITION, except that in determining how to report crimes committed in a multiple-offense situation an institution must use the UCR Reporting Handbook. Copies of the UCR publications referenced in this paragraph are available from: FBI, Communications Unit, 1000 Custer Hollow Road, Clarksburg, WV 26306 (telephone: 304-625-2823).

(8) Use of a map. In complying with the statistical reporting requirements under paragraphs (c)(1) and (3) of this section, an institution may provide a map to current and prospective students and employees that depicts its campus, non-campus buildings or property, and public property areas if the map accurately depicts its campus, non-campus buildings or property, and public property areas.

(9) Statistics from police agencies. In complying with the statistical reporting requirements under paragraphs (c)(1) through (4) of this section, an institution must make a reasonable, good faith effort to obtain the required statistics and may rely on the information supplied by a local or State police agency. If the institution makes such a reasonable, good faith effort, it is not responsible for the failure of the local or State police agency to supply the required statistics.

#### **(d) Separate campus**

An institution must comply with the requirements of this section for each separate campus.

#### **(e) Timely warning and emergency notification**

(1) An institution must, in a manner that is timely and will aid in the prevention of similar crimes, report to the campus community on crimes that are--

- (i) Described in paragraph (c)(1) and (3) of this section;
- (ii) Reported to campus security authorities as identified under the institution's statement of current campus policies pursuant to paragraph (b)(2) of this section or local police agencies; and
- (iii) Considered by the institution to represent a threat to students and employees.

(2) An institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

(3) If there is an immediate threat to the health or safety of students or employees occurring on campus, as described in paragraph (g)(1) of this section, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

#### **(f) Crime log**

(1) An institution that maintains a campus police or a campus security department must maintain a written, easily understood daily crime log that records, by the date the crime was reported, any crime that occurred on campus, on a non-campus building or property, on public property, or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or the campus security department. This log must include--

- (i) The nature, date, time, and general location of each crime; and
- (ii) The disposition of the complaint, if known.

(2) The institution must make an entry or an addition to an entry to the log within two business days, as defined under paragraph (a) of this section, of the report of the information to the campus police or the campus security department, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim.

(3) (i) An institution may withhold information required under paragraphs (f)(1) and (2) of this section if there is clear and convincing evidence that the release of the information would--

- (A) Jeopardize an ongoing criminal investigation or the safety of an individual;
- (B) Cause a suspect to flee or evade detection; or
- (C) Result in the destruction of evidence.

(ii) The institution must disclose any information withheld under paragraph (f)(3)(i) of this section once the adverse effect described in that paragraph is no longer likely to occur.

(4) An institution may withhold under paragraphs (f)(2) and (3) of this section only that information that would cause the adverse effects described in those paragraphs.

(5) The institution must make the crime log for the most recent 60-day period open to public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection.

#### **(g) Emergency response and evacuation procedures**

An institution must include a statement of policy regarding its emergency response and evacuation procedures in the annual security report. This statement must include--

- (1) The procedures the institution will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus;
- (2) A description of the process the institution will use to--
  - (i) Confirm that there is a significant emergency or dangerous situation as described in paragraph (g)(1) of this section;
  - (ii) Determine the appropriate segment or segments of the campus community to receive a notification
  - (iii) Determine the content of the notification; and
  - (iv) Initiate the notification system.
- (3) A statement that the institution will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency;
- (4) A list of the titles of the person or persons or organization or organizations responsible for carrying out the actions described in paragraph (g)(2) of this section;
- (5) The institution's procedures for disseminating emergency information to the larger community; and
- (6) The institution's procedures to test the emergency response and evacuation procedures on at least an annual basis, including--
  - (i) Tests that may be announced or unannounced;
  - (ii) Publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year; and
  - (iii) Documenting, for each test, a description of the exercise, the date, time, and whether it was announced or unannounced.

#### **(h) Missing student notification policies and procedures**

- (1) An institution that provides any on-campus student housing facility must include a statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities in its annual security report. This statement must--
  - (i) Indicate a list of titles of the persons or organizations to which students, employees, or other individuals should report that a student has been missing for 24 hours;
  - (ii) Require that any missing student report must be referred immediately to the institution's police or campus security department, or, in the absence of an institutional police or campus security department, to the local law enforcement agency that has jurisdiction in the area;
  - (iii) Contain an option for each student to identify a contact person or persons whom the institution shall notify within 24 hours of the determination that the student is missing, if the student has been determined missing by the institutional police or campus security department, or the local law enforcement agency;
  - (iv) Advise students that their contact information will be registered confidentially, that this information will be accessible only to authorized campus officials, and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation;

- (v) Advise students that if they are under 18 years of age and not emancipated, the institution must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student; and
  - (vi) Advise students that, the institution will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.
- (2) The procedures that the institution must follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours include--
- (i) If the student has designated a contact person, notifying that contact person within 24 hours that the student is missing;
  - (ii) If the student is under 18 years of age and is not emancipated, notifying the student's custodial parent or guardian and any other designated contact person within 24 hours that the student is missing; and
  - (iii) Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, informing the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing.

## APPENDIX III

### **Institutional Fire Safety Policies and Fire Statistics** **CFR Title 34, Section 668.49**

#### **(a) Definitions that apply to this section**

##### ***Cause of fire***

The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

##### ***Fire***

Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

##### ***Fire drill***

A supervised practice of a mandatory evacuation of a building for a fire.

##### ***Fire-related injury***

Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term "person" may include students, employees, visitors, firefighters, or any other individuals.

##### ***Fire-related death***

Any instance in which a person—

- (1) Is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or
- (2) Dies within one year of injuries sustained as a result of the fire.

##### ***Fire safety system***

Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

##### ***Value of property damage:***

The estimated value of the loss of the structure and contents in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

#### **(b) Annual fire safety report**

Beginning by October 1, 2010, an institution that maintains any on-campus student housing facility must prepare an annual fire safety report that contains, at a minimum, the following information:

- (1) The fire statistics described in paragraph (c) of this section.
- (2) A description of each on-campus student housing facility fire safety system.
- (3) The number of fire drills held during the previous calendar year.
- (4) The institution's policies or rules on portable electrical appliances, smoking, and open flames in a student housing facility.
- (5) The institution's procedures for student housing evacuation in the case of a fire.
- (6) The policies regarding fire safety education and training programs provided to the students and employees. In these policies, the institution must describe the procedures that students and employees should follow in the case of a fire.

- (7) For purposes of including a fire in the statistics in the annual fire safety report, a list of the titles of each person or organization to which students and employees should report that a fire occurred.
- (8) Plans for future improvements in fire safety, if determined necessary by the institution.

**(c) Fire statistics**

- (1) An institution must report statistics for each on-campus student housing facility, for the three most recent calendar years for which data are available, concerning—
  - (i) The number of fires and the cause of each fire;
  - (ii) The number of persons who received fire-related injuries that resulted in treatment at a medical facility, including at an on-campus health center;
  - (iii) The number of deaths related to a fire; and
  - (iv) The value of property damage caused by a fire.
- (2) An institution is required to submit a copy of the fire statistics in paragraph (c)(1) of this section to the Secretary on an annual basis.

**d) Fire log**

- (1) An institution that maintains on-campus student housing facilities must maintain a written, easily understood fire log that records, by the date that the fire was reported, any fire that occurred in an on-campus student housing facility. This log must include the nature, date, time, and general location of each fire.
- (2) An institution must make an entry or an addition to an entry to the log within two business days, as defined under Sec. 668.46(a), of the receipt of the information.
- (3) An institution must make the fire log for the most recent 60- day period open to public inspection during normal business hours. The institution must make any portion of the log older than 60 days available within two business days of a request for public inspection.
- (4) An institution must make an annual report to the campus community on the fires recorded in the fire log. This requirement may be satisfied by the annual fire safety report described in paragraph (b) of this section.

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.csusm.edu/police/Clery.pdf](http://www.csusm.edu/police/Clery.pdf)) 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:** 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 any buildings or property that is owned by the University but controlled by another person and which is frequently used by students and supports institutional purposes (such as a food or other retail vendor). (Excluding residential apartments).
- 2) **On-campus residential apartments (University Village Apartments)**
- 3) **Non-campus property:** Any building owned or controlled by a student organization that is officially recognized by the University; or any building or property owned or controlled by the University that is used in direct support of, or in relation to the University's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the University
- 4) **Public property:** All public property, including: thoroughfares, streets, sidewalks, parking facilities, that is within the campus, or immediately adjacent to and accessible from campus.

**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.**

- |                                       |   |  |   |
|---------------------------------------|---|--|---|
| <input type="checkbox"/> Homicide     | <input type="checkbox"/> Aggravated Assault         | <input type="checkbox"/> Burglary            | <input type="checkbox"/> Alcohol violations       |
| <input type="checkbox"/> Manslaughter | <input type="checkbox"/> Sex Offense (Forcible)     | <input type="checkbox"/> Motor Vehicle Theft | <input type="checkbox"/> Drug/Narcotic violations |
| <input type="checkbox"/> Robbery      | <input type="checkbox"/> Sex Offense (Non-forcible) | <input type="checkbox"/> Arson               | <input type="checkbox"/> Weapons violations       |

<input type="checkbox"/> Hate Crime (Type) <input type="checkbox"/> Bodily injury <input type="checkbox"/> Vandalism <input type="checkbox"/> Email <input type="checkbox"/> Telephone <input type="checkbox"/> Message <input type="checkbox"/> Other	Category Of Prejudice	<input type="checkbox"/> Ethnicity <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Gender	<input type="checkbox"/> Disability <input type="checkbox"/> National Origin <input type="checkbox"/> Sexual Orientation
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<input type="checkbox"/> On-campus (excluding student housing)	<input type="checkbox"/> Public property	Date of Incident:	Time of Incident:	CSA Tracking #:
<input type="checkbox"/> On-campus (student housing)	<input type="checkbox"/> Unknown			
<input type="checkbox"/> Non-campus property				

Name of CSA receiving report:	CSUSM Department:	Date reported:	Time reported:	Dept. Mail Code:
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Reporting party: <input type="checkbox"/> Victim <input type="checkbox"/> Witness <input type="checkbox"/> Other _____	Police report filed? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unk	Date filed:	CSUSM PD Case #:
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**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 quickly evaluated and the campus community alerted/warned as deemed necessary. In this regard, the following additional information is requested.

<input type="checkbox"/> Known offender (friend, classmate, acquaintance, date, etc.) <input type="checkbox"/> CSUSM affiliated ( <input type="checkbox"/> student <input type="checkbox"/> staff <input type="checkbox"/> faculty ) <input type="checkbox"/> Unknown offender (stranger) <input type="checkbox"/> Victim was not injured (excluding emotional/psychological trauma) <input type="checkbox"/> Victim was injured - Describe injuries: _____	<input type="checkbox"/> Alcohol involved: <input type="checkbox"/> Offender <input type="checkbox"/> Victim <input type="checkbox"/> Drugs involved: <input type="checkbox"/> Offender <input type="checkbox"/> Victim <input type="checkbox"/> Narcotics involved: <input type="checkbox"/> Offender <input type="checkbox"/> Victim <input type="checkbox"/> Weapon involved: <input type="checkbox"/> Yes <input type="checkbox"/> No Describe weapon: _____
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Description of offender:	Race / Gender:	Age:	Height	Weight:	Hair Color	Color of eyes:	Physical characteristics:
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**Brief description of Crime or Incident:**


## Definitions

### Criminal Homicide (Manslaughter by Negligence)

The killing of another person through gross negligence.

### Criminal Homicide (Murder and Non-negligent Manslaughter)

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

### Robbery

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

### Aggravated Assault

An unlawful attack of another for the purpose of inflicting severe or aggravated bodily injury accomplished by the use of a weapon or means likely to produce death or great bodily harm. (It is not necessary that an injury results when a gun, knife or other weapon was used but which could have resulted in serious injury. (Include all attempts.)

### 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)

### 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 and joyriding)

### Sex Offense (Forcible)

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

- Sexual intercourse (penetration--however slight)
- Sodomy
- Oral copulation
- Rape with a foreign object (vaginal or anal)
- Sexual battery (the touching of the intimate parts: sexual organ, anus, groin, or the breast of a female)

### 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 (consensual intercourse with a person who is under the age of consent--18yrs).

### 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, etc. (Includes attempts)

### Drug Abuse Violations

The unlawful possession, use, cultivation, manufacture, distribution, sale, purchase, transportation or importation of any controlled drug or narcotic substance. (CSA's are **only required** to record and report this offense when the person was referred for campus disciplinary action.)

### Liquor Law Violations

The unlawful manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages. **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 Violations

The unlawful manufacture, sale, purchase, transportation, possession, concealment or use of a firearm, (loaded or unloaded) illegal knife, explosive, incendiary device, or other deadly weapon (including nunchakus or billy club) while on University property except as required in the lawful course of business or as authorized by the CSUSM President or designee.

### 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.

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## 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, special event venue security, community service officers)
- Any individual or organization specified in the University's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- Any official of the University who has a significant responsibility for student and campus activities. (e.g. student housing, student discipline, athletic directors/coaches and campus student judicial officials)

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## 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) 750-4567.
- Confidential and anonymous reports are accepted. However, if the reporting party is a victim of a sex offense, he/she shall be encouraged to report the crime directly to the University Police Department and/or Student Health & Counseling Services.
- Because 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.

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**Send report:** Please Fax all CLERY Incident reports to CSU San Marcos Police Department at (760) 750-3012, 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) 750-4563.

