



# Annual Security Report 2013-2015

A Guide to Safety and Security in the  
Southwestern Community College District



PROTECT  
& SERVE

Southwestern College  
HEC National City  
HEC Otay Mesa  
HEC San Ysidro  
Crown Cove Aquatic Center



# Welcome

## from the Chief of Police

On behalf of the Southwestern Community College District Police Department, I am pleased to present the 2015 Annual Security Report which is compiled in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act of 1998. It is one aspect of our overall mission to create a safe and vibrant environment for our campus community. The security of our students, faculty and staff is a primary concern. We are committed to crime prevention as a means to ensure that security.

In addition to providing the mandated crime statistics, this report also strives to educate our community members in the various ways that they can collaborate in keeping themselves and our campuses safe. While our department places great value in the partnerships it has formed with outside agencies at the local, state and federal levels, our most important partners are those of you who work and learn in our campus community, and those who live adjacent to our campuses.

Our campuses are located in a big city and the same rules of common sense for personal safety are well worth heeding on campus as well as off. Be alert to your surroundings, always lock your car, and report any/all suspicious or criminal activity immediately to the College Police Department. We have a police department with sworn law enforcement officers on duty for your protection.

I hope you will read this report carefully and use the information to assist us in keeping our community safe, because safety is a shared responsibility. If you would like additional information, I encourage you to access the College Police Department website at <http://www.swccd.edu/index.aspx?page=55>



Image by: Ernesto Rivera

Thank you for your interest,

*Michael Cash*

Michael Cash

Chief of Police

Southwestern Community College District  
Police Department Room # 105D



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Image by: Ernesto Rivera

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*Community College Police officers are sworn peace officers and receive the same training as all peace officers in the county and state. They have the same authority on campus as Chula Vista Police Department officers. It's their responsibility to protect the college community and property of the District.*

## Campus Safety and the Clery Act

This brochure is published in compliance with the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" that requires U.S. colleges and universities that

participate in federal student financial aid programs to disclose information about crime on and around their campuses.

## Who was Jeanne Clery?

Jeanne Ann Clery was a 19-year-old Lehigh University freshman who was raped and murdered in her dorm room on April 5, 1986. Her parents later found out about 38 violent crimes on the Lehigh campus in the three years before her murder. They joined with other victims of campus crime and persuaded Congress to enact this law, which was originally known as the "Crime Awareness and Campus Security Act of 1990." For more information on "The Clery Act" go to [clerycenter.org](http://clerycenter.org).

## Clery Act Summary

- Schools must publish an annual report disclosing campus security policies and three years' worth of specified crime and arrest statistics.
- Schools must make this report available to students, faculty and staff, and applicants for employment.
- Schools must make timely warnings to the campus community about crimes that pose an ongoing threat to students and employees.
- Each institution with a police or security department must have a public crime log.
- The U.S. Department of Education centrally collects and disseminates the reported statistics ([ope.ed.gov/security](http://ope.ed.gov/security)).
- Campus sexual assault victims are assured of basic rights.
- Schools that fail to comply can be penalized by the U.S. Department of Education.

## Reporting Policy for Annual Crime Statistics

The District office of Student Services and College Police are involved in a coordinated effort to generate, compile and report crime, arrest and student disciplinary information contained in this report. District employees who hold significant responsibilities for students and campus activities also provide reportable crime incident information for this report. Relevant crime data from all regional law enforcement agencies, through the Automated Regional Justice Information System (A.R.J.I.S.), are also included. The College Police department closely reviews all data to ensure accuracy and to avoid any possible duplication.

## Campus Safety and the Clery Act College Police and Safety

It is the policy of the Southwestern Community College District (SWCCD) Governing Board to protect the college community and to protect the property of the District. Under the general direction of the Vice President, Employee Services, the College Police Department ensures that reasonable protection is provided by using methods that fit within and contribute to the educational philosophy of the institution. Community College Police officers are sworn peace officers in compliance with the California Education Code 72330 and the California Penal code 830.32(a). They receive the same training as all peace officers in the county and state and they have the same authority on or about the campus as Chula Vista Police Department (CVPD) officers.

## SWCCD Non-discrimination Policy

The Southwestern Community College District does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. The Southwestern Community College District addresses sexual misconduct, education programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, when it is reported to a campus or District official.



For a complete copy of the Southwestern Community College District's policy governing student misconduct visit <https://www.swccd.edu/modules/showdocument.aspx?documentid=4938>

Crime Reporting Procedures

The College Police Department receives reports of all incidents occurring on campus and is responsible for investigating all campus crime. In addition, the College Police Department has a memorandum of understanding with the Chula Vista Police Department to provide assistance for incidents that require special resources. The SWCCD maintains a police department with personnel available for protection; criminal action or any other incidents should be reported at any time, day or night, by calling:

**Emergency Assistance Dial:**  
Emergencies .....911 College  
Police Dispatch .....619-482-6380 College  
Police TTY .....619-216-6628

**ADDITIONAL IMPORTANT PHONE NUMBERS:**  
Otay Mesa College .....619-216-6750  
National City College.....619-216-6665  
San Ysidro College. . . . .619-216-6790  
Crown Cove Aquatic Center . .619-575-6176

*note: From campus building phones, DIAL 9 first to get an outside line. NO COINS NEEDED to dial 911 from pay phones in Chula Vista.*

For immediate reporting of a crime or any other incident please contact our Dispatch Center at 619-482-6380, or dial (\*91) from any phone for direct connection. Additionally, criminal action and any other incidents may also be reported via email to the SWCCD Police Department at <http://www.swccd.edu/index.aspx?page=55>. Crimes can also be reported anonymously via the San Diego County Crime Stoppers website at [sdcrimestoppers.com](http://sdcrimestoppers.com)

Emergency Notifications

SWCCD is committed to a safe educational and work environment for all students and staff, as well as the community. Timely communication in the event of an emergency is a priority. In the event of a serious incident that poses an

immediate threat to the SWCCD community, the District has various systems in place for communicating information quickly. An emergency is an immediate threat to the health and safety of students or employees. A Timely Notice is communication of an emergency situation in sufficient time to enable students and employees to take appropriate safety measures. The District's emergency communication response plan is comprised of the following communication components in which any or all may be utilized:

- Telephone calls to home and cellular telephones
- Text messaging to cellular telephones
- Email to all students and employees
- Telephone paging to employee work stations
- Messaging posting on District, colleges and Continuing Education websites and other social media sites
- Posting on campus/site message boards
- Classroom announcements
- Press releases

Timely notices to students and employees of immediate dangers on college/campus/site will be the top priority. In the event of eminent danger, the College Police will immediately initiate appropriate emergency communications to protect the safety of students and employees.

The District encourages students to provide cell phone numbers to communicate with them in the event of a college or district-wide emergency. To provide this important information students can log on to **WebAdvisor** <https://webadvisor.swccd.edu/WebAdvisor/WebAdvisor?TYPE=M&PID=CORE-WBMAIN&TOKENIDX=9268943439>.

Additionally, in case of a college or district-wide emergency or college campus closure, students, faculty and staff, and the community can check the [District website for up-to-date information at https://www.swccd.edu/index.aspx](https://www.swccd.edu/index.aspx)

The District 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.

34 CFR 668.46 (e) (3) Each institution participating in any program under this subchapter and part C of subchapter I of chapter 34 under title 42, other than a foreign institution of higher education, shall make timely reports to the campus community on crimes considered to be a threat to other students and employees described in paragraph (1) (F) that are reported



to campus security or local law police agencies. Such reports shall be provided to students and employees in a manner that is timely, that withholds as confidential the names and other identifying information of victims, and that will aid in the prevention of similar occurrences.

## Crime Prevention

It is the philosophy of the SWCCD that safety and security is everyone's responsibility. Students, faculty, staff and visitors are partners in creating an atmosphere that is safe and conducive for learning. One of the essential ingredients of any successful crime prevention program is an informed public.

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

Faculty and staff are informed through in house memos, bulletins, newsletters and email. Finally, all effective crime prevention programs include people watching out for one another. All staff and students are asked to be alert, security conscious and involved. Call College Police at 619-482-6380 whenever you see suspicious behavior.

The SWCCD Police Department posts crime prevention alerts, campus crime alerts, safety alerts and safety bulletins on its website at <https://www.swccd.edu/index.aspx?page=55>

## Megan's Law: Sex Offender Registration

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

Faculty, staff and students of the Southwestern Community College District may obtain information on registered sex offenders who are students, employees or volunteers at a specific college or

facility within the District by calling College Police at 619-482-6380 to schedule an appointment.

In California, convicted sex offenders must register with the Chula Vista Police Department by calling (619) 691-5151.

You can search online for sex offenders in the city of Chula Vista by using the interactive map at [meganslaw.ca.gov](http://meganslaw.ca.gov) and in the county at [arjis.org](http://arjis.org). Or visit the Chula Vista Police Department, 315 4th Avenue, Chula Vista, CA 91910, between 8:00 a.m. and 5:00 p.m., Monday through Thursday. The National Sex Offender Public Registry is available through the U.S. Department of Justice at [nsopr.gov](http://nsopr.gov).

## Violence Against Women Act (VAWA) Reauthorization Act 2013

On March 7, 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act. Included in the bill was the Campus Sexual Violence Elimination Act (Campus SaVE), which amends the Jeanne Clery Act and affords additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking. For additional information regarding VAWA see References section or visit [govtrack.us/congress/bills](http://govtrack.us/congress/bills)

## Definitions

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

### Consent

#### State of California penal code 261.5

261.5. (a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor.

**For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age.**

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





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

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

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

**Statutory rape:** is defined as non-forcible sexual intercourse with a person who is under the statutory age of consent.

For complete California Penal Code definitions see References Section.

### Domestic Violence

#### The term “domestic violence” means

- 1) Felony or misdemeanor crime of violence committed-
  - (i) By a current or former spouse or intimate partner of the victim;
  - (ii) By a person with whom the victim shares a child in common;
  - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - (v) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- 2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of the Clery Act reporting.

### Dating Violence

#### The term “dating violence” means violence committed by a person

- 1) who is or has been in a social relationship of a

romantic or intimate nature with the victim and

- 2) The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type the relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition-
  - (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - (ii) Dating violence does not include acts covered under the definition of domestic violence.
- 3) For the purpose of complying with the requirements of this section and section 668.41, any incidents meeting this definition is considered a crime for the purposes of Clery Act reporting.

### Stalking

The term “stalking” means:

- 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to-
  - (i) Fear for the person’s safety or the safety of others; or
  - (ii) Suffer substantial emotional distress.
- 2) For the purposes of this definition-
  - (i) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by an action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
  - (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - (iii) Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.
- 3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.



## Reporting an Incident

The College Police, Colleges and Continuing Education counselors, and Health Services personnel will assist you in contacting any of the off-campus organizations at your request.

- Escort service is available by contacting the College Police.
- Health Services and College Police offices have pamphlets available containing detailed information from the San Diego County Sexual Assault Response Team (S.A.R.T.).

For additional information visit the S.A.R.T. website at: [sdcountry.ca.gov/hhsa/programs/phs/emergency\\_medical\\_services/sexual\\_assault\\_response\\_team.html](http://sdcountry.ca.gov/hhsa/programs/phs/emergency_medical_services/sexual_assault_response_team.html).

The District is sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health and other services on and/or off campus as well as additional remedies to prevent contact between a plaintiff and an accused party, such as academic, transportation and working accommodations, if reasonably available. The District will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to CAMPUS POLICE or local law enforcement. Students and employees should contact:

### Student Health Services offices

Southwestern College . . . . .	619-482-6354
National City. . . . .	619-388-3450
Otay Mesa. . . . .	619-388-2774
San Ysidro. . . . .	619-388-7881

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible. The following San Diego County Sexual Assault Response Team (SART) facilities are available through intake coordination with law enforcement officials;

**Pomerado Hospital**  
15615 Pomerado Road, Poway, CA 92064  
(760) 739-2150

**Independent Forensic Services**  
4529 College Avenue, San Diego, CA 92115  
(619) 265-2812

### Rady Children’sHospital\* Chadwick Center

3020 Children’s Way, San Diego, CA 92123  
(858) 966-5980

**Palomar Medical center\* Forensic Health Services**  
SART and Child Abuse Program  
121 N. Fig Street, Escondido, CA 92025 (760) 739-2150

*\*Rady Children’s Hospital and Palomar Medical Center have comprehensive programs to assist in the detection and evaluation of child abuse and molestation. Their staff includes physicians, social workers and nurses. The Chula Vista Police Department refers all victims under the age of eighteen to Rady Children’s Hospital; however, several law enforcement agencies in San Diego County refer adolescents, fourteen to seventeen and children and adults with developmental disabilities to adult SART facilities within their jurisdiction.*

In California, evidence may be collected even if you chose not to make a report to law enforcement. As soon as possible, the victim should report incidents of sexual assault, including date or acquaintance rape to the SWCCD Police Department at 619-482-6380 or, the local police at 9-1-1. If the victim is unable to make contact with the SWCCD Police Department for whatever reason, any College/Continuing Education faculty or staff member can aid in contacting the proper authorities.

The Student Services, Counseling and Health Services Departments can also help in contacting law enforcement authorities.

The victim should make every attempt to preserve any physical evidence of the assault. This may include not showering or bathing, not cleaning the scene of the incident, and not disposing of any damaged clothing or other items.

The District Police will immediately initiate a criminal investigation into on-campus sexual assaults, provided the victim wishes to pursue a criminal investigation.

As stipulated in the California Constitution, Article I, Sec 28(b), also known as the Victim’s Bill of Rights (Marsy’s Law), a victim of a sexual assault, and all crime victims in general, have safeguards that provide the victim to be reasonably protected from the defendant and persons acting on behalf of the defendant, and to prevent the disclosure of confidential information or records to the defendant, the defendant’s attorney, or any other person acting on behalf of the defendant, which could be used to





locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law

The College Police will contact the Chula Vista Police Department if highly specialized resources are needed to complete a criminal investigation.

The victim will be given information on counseling and support groups. If the victim wishes to change an academic schedule, the appropriate steps will be taken to accommodate the victim to the full extent possible. The District also encourage victims to seek the support and assistance of friends or family when needed, in presenting their concerns. San Diego County offers 24 hour counseling for victims of crimes. The Center for Community Solutions for 24 hour Sexual Assaults and may be reached at 888- 272-1767. The Victim/Witness Assistance Center in San Diego also provides off-campus services and may be reached at 619-531-4041.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/ linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstance of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keep pictures, logs or other copies of documents, if they have any, that would be useful to District hearing boards/investigators or police. Although the District strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police.

The District will assist any victim with notifying local police if they so desire. The Chula Vista Police Department may also be reached directly in person at the following locations or by calling:

**Chula Vista Police Department Headquarters**

315 4th Ave, Chula Vista, CA 91910

Phone: (619) 691-5151

**National City Police Department**

1200 National City Boulevard National City, CA 91950

Phone: (619) 336-4411 (Press 0)

**Coronado**

700 Orange Ave Coronado, CA 92118

Phone: (619) 522-7350

**San Diego P.D. - Southern Division**

1120 27th Street, San Diego, CA 92154

Phone: (619) 424-0400

TTY: (619) 424-0492

**San Diego County Sheriff's Department**

9621 Ridgehaven Ct. San Diego, CA 92123

Phone: (858) 565-5200 (Non-Emergency)

Phone: (858) 974-2222 (Admin – Front Desk)

Additional information about the Chula Vista Police Department may be found online at:

<http://www.chulavistaca.gov/departments/police-department>.

## Education and Prevention Programs

The District engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking.

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



### **Preventing Rape by Intoxication through Community Education (PRICE)**

Rape by intoxication is a growing crime, particularly among 18-25 year olds. That's why the PRICE Coalition was formed. The PRICE Coalition includes members of law enforcement, local universities and colleges, the military and Center for Community Solutions. All of these groups have teamed up to educate young people on how they can stop this crime before it ever happens.

Recognize the warning signs, and always look out for your friends. If you or someone you know has been the victim of a sexual assault, know that there are resources available to help. Together, we can save lives, and prevent rape by intoxication. For more information go to [sdcca.org](http://sdcca.org).

### **Rape Aggression Defense (R.A.D.) Personal Empowerment and Safety Education Course for Women and Children**

The Rape Aggression Defense (R.A.D.) System is a comprehensive course that begins with awareness, prevention, risk reduction and avoidance, progressing on to the basics of hands-on defense training. It is dedicated to teaching women defensive concepts and techniques against various types of assault using easy, effective and proven self-defense/martial arts tactics.

R.A.D. is currently being taught by certified instructors at many colleges and universities. R.A.D. provides effective options by teaching women to take an active role in their own self-defense.

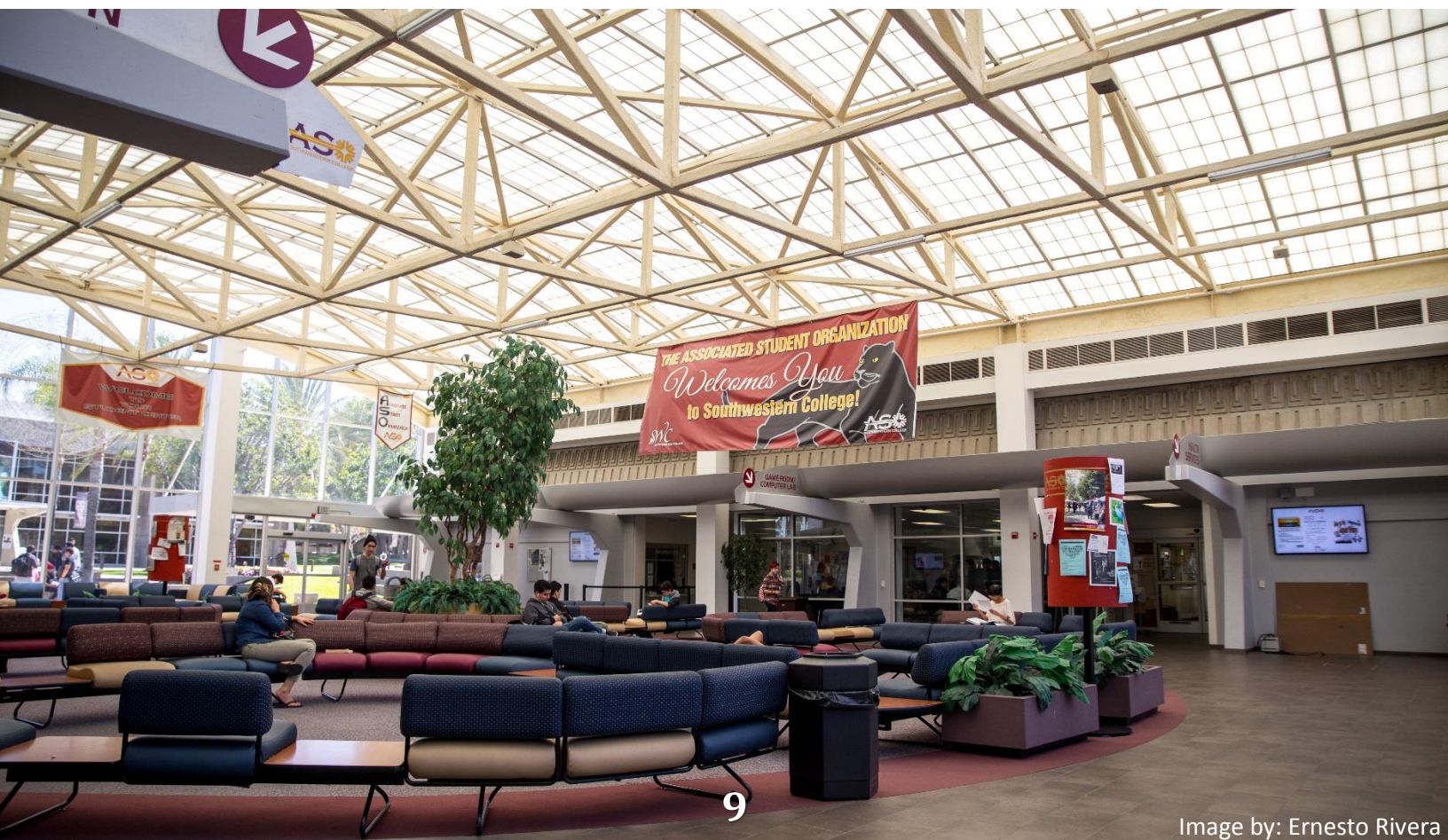
On November 20th, 2014, Southwestern College invited a gentleman by the name of Jeffrey Bucholtz to give a presentation and speech on "Men Against Rape." All female students, faculty, staff and guests were encouraged to sign up for these classes and training to help instill awareness around others and especially the environment of the Southwestern College Community District Campuses.

**For information about educational programs on Sexual Assault prevention, please contact:**

#### **Student Health Services offices:**

SWC Main	619-482-6354
National City	619-388-3450
Otay Mesa	619-388-2774
San Ysidro	619-388-7881

The District continues to develop educational campaigns consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation.





## Prohibiting Sex Discrimination in Education

The Southwestern Community College District is committed to support all regulations under Title IX. "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, in violation of District Policy 3430, you should report the incident promptly to the Title IX Coordinators:

### Otay Mesa

Maria Beltran, *Education Center Coordinator*  
mbeltran@swccd.edu  
619-216-6754

### National City

Andre L. Harris, *Education Center Coordinator*  
Office of Administrative/Instructional Services  
aharris@swccd.edu  
619-216-6669

### San Ysidro

Crystal Pham, *Education Center Coordinator*  
Office of Administrative/Instructional Services  
cpham@swccd.edu  
619-216-6793

### Crown Cove Aquatic Center

Christine Perri, *Dean*  
cperri@swccd.edu  
619-216-6668

By calling, writing or coming into the office to report in person and Campus Police (if the victim so desires.) The District will provide resources, on campus off campus or both, to include medical, health, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic violence or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Police or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the District, the following are the procedures that the District will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:



INCIDENT BEING REPORTED		PROCEDURE	EVIDENTIARY STANDARD
Sexual	Assault	1. Depending on when reported (immediate vs delayed report), the District will provide complainant with access to medical care	Preponderance of the evidence
		2. The District will assess immediate safety needs of complainant	
		3. The District will assist complainant with contacting police if complainant requests AND provide complainant with contact information for police department.	
		4. The District will provide complainant with referrals to on and off campus mental health providers	
		5. The District will assess need to implement interim or long-term protective measures, such as change in class schedule	
		6. The District will provide instructions on how to apply for Protective Order	
		7. The District will provide a copy of Sexual Misconduct Policy to complainant and inform the complainant regarding time frames for inquiry, investigation and resolution	
		8. The District will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is	
		9. The District will address anti-retaliation and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.	

INCIDENT BEING REPORTED		PROCEDURE	EVIDENTIARY STANDARD
Stalking		1. The District will assess safety needs of complainant	Preponderance of the evidence
		2. The District will assist complainant with contacting police if complainant requests AND provide complainant with contact information for police department	
		3. The District will provide instructions on how to apply for Protective Order	
		4. The District will provide information to complainant on how to preserve evidence	
		5. The District will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate	





INCIDENT BEING REPORTED	PROCEDURE	EVIDENTIARY STANDARD
<b>Dating Violence</b>	<ol style="list-style-type: none"> <li>1. The District will assess immediate safety needs of complainant</li> <li>2. The District will assist complainant with contacting police if complainant requests AND provide complainant with contact information for police department</li> <li>3. The District will provide information on how to apply for Protective Order</li> <li>4. The District will provide information to complainant on how to preserve evidence</li> <li>5. The District will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> </ol>	Preponderance of the evidence
<b>Domestic Violence</b>	<ol style="list-style-type: none"> <li>1. The District will assess immediate safety needs of complainant</li> <li>2. The District will assist complainant with contacting police if complainant requests AND provide complainant with contact information for police department.</li> <li>3. The District will provide instructions on how to apply for Protective Order</li> <li>4. The District will provide information to complainant on how to preserve evidence</li> <li>5. The District will assess need to implement interim long-term protective measures to protect the complainant, if appropriate</li> </ol>	Preponderance of the evidence

## Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the District will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with an explanation of their rights and options. In California, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

## Victim's Bill of Rights 2009: Marsy's Law

On November 4, 2008, the People of the State of California approved Proposition 9, the Victims' Bill

of Rights Act of 2008: Marsy's Law. This measure amended the California Constitution to provide additional rights to victims. This card contains specific sections of the Victims' Bill of Rights and resources. Crime victims may obtain additional information regarding Marsy's Law and local Victim Witness Assistance Center information by contacting the Attorney General's Victim Services Unit at 1-877-433-9069.

Marsy's Law also amended California Penal Code sections 3041.5 and 3043 in regards to lifer Parole Suitability Hearings. For additional information see References Section, California Constitution, Article I, Section 28(b), or visit [oag.ca.gov/victimservices/marsys\\_law](http://oag.ca.gov/victimservices/marsys_law)

### Protective Orders

The Southwestern Community College District complies with the California law in recognizing orders of



protection including but not limited to; Emergency Protective Orders, Stay-Away Order, Domestic Violence Restraining Order, a Civil Harassment Restraining Order, a Temporary Restraining Order. The SWCCD Police Department will request a copy of a valid protective order from the protected party (ies). The Order will be duly signed by the Courts, and will be entered into the Department law enforcement database.

A complainant may then meet with Campus Police to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc. In the event there is a report of violating or attempting to violate the order by the restrained party to the Police Department, every effort will be made to investigate the incident, which may result in the apprehension of the restrained party for violating the provisions of the court order. The police department will then forward a copy the report to the City Attorney/District Attorney's Office as part of the law enforcement element in ensuring victim protection and diminishing the threat the violator poses on the victim. The police department, together with the City and County criminal prosecutorial offices, will continue to ensure victim protection via the provisions set by Marsy's Law.

The District cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services: Protection from abuse orders may be available through the Superior Court of California, County of San Diego.

The District may issue an institutional no contact order if deemed appropriate. To the extent of the victim's cooperation and consent, District staff will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal District investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, or working situations in addition to counseling, health services, in notifying law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with

a specific need to know who are investigating/ adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The District does not publish the name of crime victims nor house identifiable information regarding victims in the campus police departments Daily Crime Log or online.

#### **Emergency Protective Order:**

An emergency protective order is obtained by a Police Officer in the field when an officer believes a victim of domestic violence or a family or household member is in immediate and present danger of domestic violence.

#### **Stay Away order:**

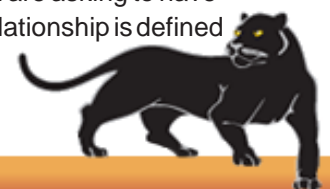
A stay away order is an order in a criminal case with domestic violence where there is a likelihood of harassment of the victim by the defendant.

#### **Domestic Violence restraining order:**

A restraining order is a court order issued to prevent the recurrence of acts of abuse by a batterer. Under the Domestic Violence Prevention Act, abuse is defined as any of the following:

1. Intentionally or recklessly causing or attempting to cause bodily injury.
2. Sexual assault.
3. Placing a person in reasonable apprehension of imminent serious bodily injury to that person or to another.
4. Engaging in any behavior that has been or could be illegal such as molesting, attacking, striking, stalking, threatening, battering, harassing, destroying personal property, contacting the other by mail, telephone, or otherwise, disturbing the peace of the other party.

To obtain a Domestic Violence Restraining Order you **MUST** have, or have had, a close personal relationship with the party you are asking to have restrained. Under the law, a relationship is defined





as “close” if at least one of the following is true:

- You are married or were formerly married to the other party.
- You have or formerly had an engagement or dating relationship with the other party.
- You and the other party have a child or children together.
- You are related to the other party by blood, marriage or adoption, e.g. (mother, father, in-laws, siblings, and adult children).
- You and the other party are living together, or formerly lived together, as members of a “household.”

The act(s) of abuse/violence must be recent, within 30 days.

The restraining order can include the following: restraints on personal conduct by the batterer; orders for the batterer to stay away from the victim’s home/ work and/or children’s school; orders for the batterer to be removed from the residence; child custody, visitation, support orders and other miscellaneous orders.

#### **How to file for a Domestic Violence restraining order**

To apply for a Domestic Violence Restraining Order you may obtain a Domestic Violence Restraining Order packet from the business office of the following San Diego County Court locations. Be aware: Packets are NOT available at the main, downtown courthouse, Hall of Justice or Kearny Mesa. Packets are also available here - Domestic Violence - Restraining Order Applicant Packet and Domestic Violence - Restraining Order with Children Packet. Please fill out the appropriate forms packet as completely as possible before coming to court. Instructions are included with the packets and forms can be filled out online.

There are domestic violence clinics available throughout the county available to assist you with the preparation of the forms required to obtain a restraining order. Legal services organizations provide the following clinics.

Madge Bradely (Central), 4th Floor  
East County, Family Law Business Office  
North County, adjacent to Civil Business Office  
South County, 1st Floor

If the domestic violence clinics are unable to serve you, Family Law Facilitators are available at all locations to assist you with paperwork. Assistance is provided on a first come, first served basis and appointments are not available. Be prepared to spend a minimum of one-half of a day to a full day at the court to obtain your restraining order.

There is NO FEE to apply for a Domestic Violence Restraining Order.

Things to bring with you when you complete your Restraining Order paperwork, if available:

- The address for the person you would like restrained
- Date of birth for the person you would like restrained
- Physical description of the person you would like restrained
- Photographs of any injuries
- Police report

Topics discussed regarding domestic violence may not be appropriate for minor children. While child care facilities are available at each courthouse, space is limited. If you have minor children, you are encouraged to make other child care arrangements.

#### **What is the “Safe at Home” program?**

A victim-survivor of domestic violence may apply for a Safe At Home program, which is run by the Secretary of State’s office in California.

The Safe At Home program will give you a substitute mailing address to use on official documents, including:

- your court papers
- your driver’s license
- your voter registration papers, and,
- if you decide to get married while on the program, your address will remain confidential on those documents as well.

Any first-class or government mail sent to you at that address will be forwarded within 48 hours.

- Any Service of Process delivered to the address also will be passed on to you.
- If you follow the rules, you can use the address for up to four (4) years.



For more information about enrolling in this no-cost mail forwarding service, call the program toll-free at 1-877-322-5227 or you can go to the California Secretary of State's website.

**Resources for Victims of Domestic Violence, Dating Violence, Stalking and Sexual Assault**

**Women's Only Shelters**  
**Domestic Violence Hotline**  
 (800) 799-SAFE  
 (800) 799-7233

**Salvation Army-Door of Hope**  
 (858) 279-1100

**Rachel's Women's Center**  
 (858) 279-1100

**Center for Community Solutions**  
 (888) 385-4657

**Battered Women's Hotline**  
 (619) 234-3164

**Battered Women's Services (Becky's House)**  
 (619) 239-0355

**Women's Resource center**  
 (760) 757-3500

**Men and Women's Shelters:**  
**Domestic Violence Hotline**  
 (800) 799-SAFE  
 (800) 799-7233

**St. Vincent De Paul**  
 (610) 233-8500

**Center for Community Solutions**  
 (888) 385-4657

**(888) DVLINKS**  
 South Bay Community Services  
 (800) 640-2933

**Legal Services**  
**District Attorney Domestic Violence unit**  
 (619) 531-4300

**Center for Community Solutions**  
 (858) 272-1574

**YWCA legal Advocacy program**  
 (619) 239-2341

**Legal Aid Society**  
 (877) 534-2524

**San Diego Volunteer Lawyer Program**  
 (619) 235-5656

**YWCA San Diego County**  
 (619) 239-2341

**San Diego Family Justice Center**  
 (619) 533-6000

*\*Please note: The programs listed are not affiliated with the San Diego Superior Court, or the Southwestern Community College District. Each program is independently responsible for compliance with applicable state or federal laws. The Superior Court, or the Southwestern Community College District does not endorse, evaluate, supervise, or monitor these programs.*

**Civil Harassment restraining order:**

Under California law (CCP §527.6), a person who has suffered harassment may seek a temporary restraining order and an injunction prohibiting harassment.

Civil Harassment Restraining Orders differ from Family Law Domestic Violence Restraining Orders in that the person doing the harassing has no close family or domestic relationship with the victim. For example, a Civil Harassment Restraining Order would apply to a neighbor, roommate or stranger. A Family Law Domestic Violence Restraining Order would apply to an estranged husband or wife, or ex-boyfriend or ex-girlfriend or other relative.

You may seek protection if you are worried about your safety because you are being:

1. Stalked
2. Threatened,
3. Harassed, or
4. Sexually assaulted.

Pursuant to California Code of Civil Procedure § 527.6(b), the course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial emotional distress to the victim.

The restraining order can include preventing personal conduct by the harasser, order the harasser to stay away from the victim, the victim's family, the victim's home/work and/or children's school, and other miscellaneous orders. There will be a filing fee unless otherwise ordered by the court.





For a list of required forms, visit the California Courts Self-Help Center.

**Civil Harassment Restraining Order Clinics**

Operated by Legal Aid Society of San Diego, this clinic offers assistance to self-represented litigants to explain procedures and to help them prepare forms. Clients are seen in the order of arrival and no phone calls are allowed.

Operated by San Diego Volunteer Lawyers Program, this clinic offers assistance to self-represented litigants to explain procedures and to help them prepare forms. The clinic is open Mondays, Wednesdays, and Fridays from 8:30 a.m. to 12:00 p.m. It is located at the North County Courthouse, 325 South Melrose Drive, Vista, CA.

**Where do I file my forms?**

Civil Harassment or Elder/Dependent Adult Abuse Temporary Restraining Orders may be obtained at the following locations:

Court Location  
Telephone Number

**Hall of Justice**

330 W. Broadway, Room 225, San Diego, CA 92101  
(619) 450-7275

**East county regional center**

250 East Main Street, El Cajon, California 92020  
(619) 456-4100

**North county regional center**

325 South Melrose, Vista, California 92081  
Civil Business Office - 1st Floor  
(760) 201-8600

**South county regional center**

500 3rd Avenue, 3rd Floor, Chula Vista, California 91910 (619) 746-6200

**Violence in the workplace**

Visit the California Courts Self-Help Center for instructions and forms for use in workplace violence cases.

Mediation services for Civil Harassment

- In the Central, East or South County Divisions, the National Conflict Resolution Center may be able to provide mediation services without any cost to you or the other party.
- In the North County Division, North County

Lifeline may be able to provide mediation services without any cost to you or the other party.

**Temporary Restraining Order:**

Do the following to obtain a Temporary Restraining Order (TRO):

- Call or come to the San Diego Family Justice Center, 1122 Broadway, San Diego, 619-533-6000.
- In addition to help with a TRO, you will receive safety planning, risk assessment, assistance with emergency shelter if needed and additional services.
- There is no cost to obtain a TRO or other assistance at the FJC.
- The FJC also provides counseling for adults and juveniles.
- Requests for TROs can also be filled out and requested at any County court branch except the Central branch and Hall of Justice in downtown San Diego. No fee is required and free legal assistance is available. The branch locations for this can be found in the San Diego Superior Court website.
- Keep a copy of the TRO with you at all times. Call 911 if a violation occurs.
- Call 911 if the restrained party has not yet been served but harasses you. The police can serve the TRO on the spot or over the phone.
- Go to the County Sheriff's Department Restraining/Protective Order website to see if the TRO has been served. You will have to enter the Case Number and the restrained person's last name to access this online database.

**On-campus resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking**

**Student Health Services offices**

SWC Main	619-482-6354
National City	619-388-3450
Otay Mesa	619-388-2774
San Ysidro	619-388-7881

**Mental Health Services office**

City College	619-388-3539
Mesa College	619-388-2774
Miramar College	619-388-7240



### **Off-campus resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking**

#### **Family Health Services**

Family Health Centers of San Diego . . . 619-515-2300

#### **Health Services**

Health and Human Services Agency

– Public Health Services . . . . . 858-694-3900

#### **Mental Health Services**

San Diego Access & Crisis Line . . . . . 888-724-7240

2-1-1 San Diego . . . . . 2-1-1

Peer2Peer – Text and Chat Support

and Referral Services . . . . . 619-377-7111

National Alliance on Mental Illness (NAMI)

San Diego Helpline . . . . . 619-543-1434

North Coastal . . . . . 760-722-3754

#### **Victim Advocacy Services**

Victim Witness Assistance . . . . . 619- 531-4041

#### **Legal Assistance**

Legal Aid Society of San Diego . . . 1-877-534-2524

#### **Visa and immigration Assistance**

U.S. Citizenship and Immigration Services

. . . . . 1-877-247-4645

### **Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking include:**

[rainn.org](http://rainn.org)

– Rape, Abuse and Incest National Network

[ovw.usdoj.gov/sexassault.htm](http://ovw.usdoj.gov/sexassault.htm)

– Department of Justice

[ed.gov/about/offices/list/ocr/index.html](http://ed.gov/about/offices/list/ocr/index.html)

– Department of Education, Office of Civil Rights

## **How to be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it”<sup>1</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>2</sup> of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could

be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

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

## **Risk Reduction – Safety Strategies**

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don’t know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cab money.
7. Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a

<sup>1</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

<sup>2</sup> Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse





group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.

10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. If you suspect your or a friend has been drugged, contact local law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. Lie, if you don't want to hurt the person's feelings it is better to lie and make up a

reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

16. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## Student Code of Conduct Violations

The Southwestern Community College District Governing Board has a disciplinary procedure 5500 for cases of alleged sex offenses that occur on campus and sanctions that may be imposed. You will be informed of the outcome of these proceedings and also be afforded the opportunity to change your academic situation if you request it and it is reasonably available to do so. The District will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph. Criminal prosecution may be initiated by the City and/ or District Attorney's office and civil action may be brought by the victim.

## Student Rights, Responsibilities, and Administrative Due Process (SWCCD policy and procedure No. 5500)

This policy enumerates the rights and responsibilities of all Southwestern Community College District students. All students are subject to adhering to the policies and procedures of the Southwestern Community College District, as well as all federal, state, and local laws. Students are subject to charges of misconduct concerning acts committed on District-owned or controlled property or the District-sponsored activities as specified in the policy.



You may view a copy of the policy online by going to:  
<http://www.swccd.edu/index.aspx?page=417>

## Student Code of Conduct

Students are subject to adhering to the policies and procedures of the Southwestern Community College District, as well as all federal, state, and local laws. Students are subject to charges of misconduct concerning, but not limited to, the following acts when committed on District-owned or controlled property or at District-sponsored activities.

Academic misconduct or dishonesty as specified in Procedure 5500, Standards of Student Conduct.

Forgery, alteration, falsification, or misuse of campus/District documents, records, electronic devices, or identification.

All forms of nonacademic dishonesty, including but not limited to fabricating information, any form of bribery or knowingly furnishing false information or reporting a false emergency to officials acting in an official capacity.

Act or threat of damage to, or theft of property belonging to, or located on District-controlled property or facilities.

The physical or verbal disruption of instructional or student services activities, administrative procedures, public service functions, authorized curricular or co-curricular activities, the orderly operation of the campus, or prevention of authorized visitors from carrying out the purpose for which they are on campus. Physical, verbal, or written intimidation or harassment of such severity or pervasiveness as to have the purpose or effect of unreasonably interfering with a student's academic performance, or a District employee's work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

Any expression which is obscene, libelous or slanderous according to current legal standards, which so incites others as to create a clear and present danger of the commission of unlawful acts, or the substantial disruption of the orderly operation of the college/campus district.

Physical altercation or threats of violence including assault or battery upon a student or district personnel on district premises or at any time or place while under the authority of District personnel.

Unlawful conduct of a sexual nature including but not limited to indecent exposure, prostitution, voyeurism, or loitering for the purpose of soliciting or engaging in

any lewd act or conduct.

Any conduct that threatens the health or safety of any person, including oneself.

Participation in hazing (California Education Code Sections 32050 through 32052).

Possession of weapons, explosives, unlicensed dangerous chemicals or objects which may be used as weapons or to threaten bodily harm, as specified in the California Penal Code or other applicable laws.

Conduct which is in violation of federal, state, or local laws or ordinances; while on district premises or at district-sponsored or supervised activities.

Failure to comply with directions of staff members of the district who are acting within the scope of their employment. Continued and willful disobedience or open and persistent defiance of the authority of district personnel providing such conduct is related to district policies, activities or college/campus attendance.

Smoking on District premises, or in vehicles provided by the district used for transporting students; except as permitted by applicable ordinances, laws, college and district guidelines and procedures.

Use, possession, distribution, or sale of alcoholic beverages on campus except as permitted by law.

Use, possession, distribution, manufacture or sale of narcotics or other hallucinogenic drugs or substances or inhaling or breathing the fumes of, or ingesting, any poison classified as such by the California Business and Professions Code Section 4160, Schedule "D," except as provided by law, is prohibited when on district premises.

Violation of District policies and procedures for Student Organizations as enumerated in Policy 5500.

## Student Grievance Procedure (AP 5530)

The purpose of this procedure is to provide a prompt and equitable means for resolving student grievances. The procedures enumerated in Student Grievance Procedures 5530 shall be available to any student who believes a district decision or action has adversely affected his/her rights as a student as specified in Student Rights and Responsibilities, 5500. Note that grades are grieved under this policy.





## Adjudication

Whether or not criminal charges are filed, the District<sup>3</sup> or a person may file a complaint alleging that a student or employee violated the District's policy.

Reports of all domestic violence, dating violence, sexual assault, or stalking, in violation of District Policy 5500 and/or Policy 5530, made to College Police will automatically be referred to the Title IX Coordinators. The Title IX Coordinators will work with the Equal Employment and Diversity Officer, who will conduct an investigation of the allegations, regardless of whether the complainant chooses to pursue criminal charges.

Allegations involving student misconduct will be processed under BP 5530 Student, Rights, Responsibilities and Administrative Due Process. Allegations involving employee misconduct will be processed under BP 7360 Discipline and Dismissal of Academic Employees and BP 7365 Discipline and Dismissal of Classified Employees, as well as pertinent due process provisions of the relevant collective bargaining agreements.

Determinations of misconduct will be made using the preponderance of the evidence standard and both the accuser and accused will be notified of the results in writing.

The District disciplinary process is consistent with the institution's policy and will include a prompt, fair, and impartial investigation and resolution process transparent to the accuser and the accused. Usually, the resolution of complaints of sexual misconduct are completed within 60 days of report, however the proceedings time frame allows for extensions for good cause with notice to the accuser and the accused of the delay along with the reason for the delay.

A person alleging sexual assault, domestic violence, dating violence, or stalking, may also utilize the complaint and investigatory procedures set forth in the District procedure AP 3430 Discrimination and Harassment Investigations in order to remedy any hostile environment. In addition, the District does not tolerate retaliation against those making

complaints or those participating in investigations. The District will investigate any allegations of retaliation and take corrective action where appropriate.

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the District's ability to respond to the complainant may be limited.

## Confidentiality

The District will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law and as previously mentioned in this document.

## Sanctions and Protective Measures

In all cases, investigations that result in a finding of more likely than not that a violation of policy occurred will lead to the initiation of disciplinary procedures against the accused individual. The District will impose appropriate sanctions up to and including expulsion for students and termination for employees. The District may implement protective measures following the report of domestic violence, dating violence, sexual assault and/or stalking. For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Student Conduct Code. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

The Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measure include, but are not limited to: the District order of no contact, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may

<sup>3</sup> Title IX states that if an institution knows or reasonably should know of sexual harassment, to include sexual violence, the institution has a duty to investigate. Consequently, whether a complainant chooses to cooperate or not should not be the deciding factor for whether or not disciplinary charges are brought against an accused party. If an investigation determines that it is more likely than not that the institution's sexual misconduct policy was violated, then the "University" may assume the role of the complainant.

<sup>4</sup> "Hostile Environment" is the term used by Title VII in employment law as it relates to action taken against a person in retaliation of a complaint of sexual harassment or for cooperating with a sexual harassment investigation. Under Title IX, the term is used in "retaliation." Institutions may choose to provide both terms for clarification although it is not required.

<sup>5</sup> Applicable law requires that, when taking such steps to separate the complainant and the accused, the University must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, classes or housing while allowing the accused to remain.



be applied to one, both, or multiple parties involved.<sup>5</sup> Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the Southwestern Community College District.

The District will, upon written request, disclose to the alleged victim of a crime of violence, or non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## Security Tips

### Precautions to take at Home

- If you live alone, list only your last name and initials on your mailbox or in the phone directory.
- If you just moved into a new residence, change all locks. You never know who might have a key.
- Install a through-the-door peephole so you can see anyone outside your door before you open it.
- Don't rely on chain locks. They are great privacy locks, but they are not security locks. Install good security locks.
- Never dress in front of windows; always draw your shades.
- Never let anyone — repairmen, police officers, etc. — into your home without proper identification. Ask for identification.
- Never let strangers use your phone, no matter what they say. If necessary, call the police for them.
- Always leave outside lights on after dark.
- It is better to wait for an empty elevator than to get on one with a strange person.
- If you receive wrong number calls, don't give out your name or phone number.
- If you receive obscene phone calls, quietly hang up and call the police.
- In an apartment building, try never to be alone in the laundry room.

If you suspect someone is in your house, don't go in or call out. Call the police from your neighbor's house.

- If you see or hear something or someone suspicious, call the police.

### Precautions to Take at the Office

- Lock your office whenever you leave, even if you will only be gone for a minute.
- Keep your purse, wallet and other valuables in a secure location, such as a locked desk or filing cabinet.
- Immediately report to the College Police any suspicious person loitering in your area.
- Report all crimes, no matter how minor they may seem, to the College Police.
- If you receive an annoying or obscene phone call, hang up. Write down the time of the call, what the caller said, and note any background noises you may have heard. Call the College Police.
- If you work at night, avoid working alone.
- Keep all outside doors locked.
- Walk with other employees to and from your car.
- Escort services are available from the College Police by calling 619-216-6783.
- If you are entrusted with a key to a specific area, never loan it to anyone. Keys are easily lost, stolen or duplicated.

### Precautions to take While Walking

These are the best prevention methods to deter attacks while walking. Naturally, you won't be able to follow them to the letter, but use them as guides.

- Try not to go out at night alone. Walk with a friend.
- Don't walk on deserted streets or in alleys.
- Don't go into strange or poorly lit areas.
- Use caution in parking lots.
- Don't take shortcuts.
- Don't hitchhike or accept rides with strangers.
- Walk facing on-coming traffic.
- Walk near the curb.
- Don't walk near dark doorways or shrubbery.
- Carry your purse securely in your grasp.





- Look around when getting off a bus.
- Cross the street if someone suspicious is following you.
- Call the police if you feel that someone is following you or acting suspiciously.
- Walk into an open business if you become suspicious of someone while walking.
- When you are arriving home by private auto or taxi, ask the driver to wait until you are inside.
- Have your keys in your hand so you can open your door immediately.
- Be suspicious. Looking behind you may discourage an attacker.

### Crime Prevention in the Car

- Never pick up hitchhikers.
- Never allow another vehicle to follow you home. If you feel you are being followed, drive past your house to the nearest open business and call the police.
- Never leave your keys in the car.
- Always check in the back seat of your car before getting in.
- If you stop to aid others, don't get out of your car. Ask what you can do to help, then drive to the nearest phone and call the police.
- Never leave your purse in sight. Hide it under your seat or in your glove box.
- Always park in well-lit areas, never in the dark.
- Always lock your car.
- Always lock your doors while driving.
- Always keep your car in gear while stopped at traffic signals or stop signs.
- If threatened, simply drive away. Always write down license plate numbers of suspicious vehicles.
- When arriving home, always leave your headlights on until you have opened the garage door or unlocked the front door.

### What to Do if You Are Attacked

The course of action you take is strictly up to you. It is our sincere hope that you never need our assistance and that you are never victimized, but if you are attacked, here are a few suggestions.

- Use common sense; avoid panic.
- Use your natural defenses and act fast.
- Yell loudly.
- Identify your attacker(s) vulnerable locations. Strike legs, feet, groin. Scratch the eyes and face.
- Avoid confronting force with force.
- Disengage and run.
- Your goal is to escape.
- Obtain good balance.
- Use distraction techniques.
- Run towards people and open businesses.
- Be a good witness.

During an armed attack, if you feel your life is about to be taken, you must decide what course of action you should follow to defend yourself. Once you have made your decision and started your defensive action, keep in mind several other options and never stop trying new methods until you have completed your escape. If you cannot escape, bide your time and wait for another opportunity.

Call the police immediately!

- Cooperate fully with the police.
- Press charges when your attacker is caught.
- Be a good witness.
- Remember the attacker's description, height, weight, age, race, eyes, marks or scars, clothing, mannerisms, language, vehicle description, license number and direction of escape.

### What about judo, karate or other self-defense training?

This type of training is great for physical conditioning; however, it may take several years of training and continual practice to develop usable skills. Don't substitute self-defense training for common sense, alertness and caution.

## Access to Campus Facilities

The Southwestern Community College District is a public institution and therefore open to the public.

Many campus rooms and areas are protected by intrusion alarms. Before entering such areas, the College Police dispatch should be notified at 619-482-6380.

It is the responsibility of those who use rooms, offices and other areas to lock access doors, turn



off lights and close windows. Facilities Services staff and College Police staff will check many of the areas of the campus during off hours, but the primary responsibility for security lies with the user.

Staff and Facility Keys

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

College Property

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

Off-Campus Crime

The Chula Vista Police Department provides the college district with crime data for the areas surrounding the facilities operated by SWCCD. The college district will notify persons using these facilities when a security problem arises.

Substance Abuse

The Southwestern Community College District is committed to providing a drug free environment. Any type of drug use, including alcohol, is dangerous and potentially life threatening. Drugs and alcohol adversely affect the body, mind and behavior. The effects vary from person to person and from usage to usage. Even low doses of drugs and alcohol can impair judgment and coordination. If you use drugs or alcohol, you risk overdose, accidents, dependence, ill health, as well as legal, financial and personal problems.

The possession, use and sale of alcoholic beverages by anyone on SWCCD-controlled property is a misdemeanor per California Business and Professions Code 25608 and a violation of Policy 5500, the Student Code of Conduct.

The federal laws against drugs are divided into two categories: possession and distribution. The

penalties are severe depending upon the type of drug, quantity of the drug, and any prior offenses. Possession will earn up to one year in prison and a \$5,000 fine. Distribution will earn up to life in prison and an \$8 million fine. State laws vary and may be more severe. 5500 – Code of Conduct states that use, possession, or distribution of narcotics or other controlled substances is prohibited while on the College/Continuing Education premises or at college sponsored events. The use, sale or possession of any illegal drug is a violation of state law and any person found in violation may be subject to arrest by federal, state, local or campus law enforcement authorities. Criminal prosecution is separate from any administrative discipline that may be imposed by the District.

Any student or employee in violation of this policy is subject to disciplinary action up to and including expulsion from the District or termination from employment. The decision to take disciplinary action in any instance rests with the Governing Board after consideration of the recommendation of a site administrator and an administrative panel. A complete list of legal sanctions is available in the office of the college’s Vice President of Student Services. The District provides information on drug and alcohol treatment and prevention through seminars, courses, and the Student Health Services. Contact Student Health Services for additional information.

**Alcoholics Anonymous Information**  
24-Hour Phone line . . . . . 619-265-8762  
[aasandiego.org](http://aasandiego.org)

**Narcotics Anonymous Information**  
24-Hour Phone lines  
English . . . . . 619-584-1007  
Toll Free . . . . . 800-479-0062  
Espanol . . . . . 619-546-0774  
[sandiegona.org](http://sandiegona.org)

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

**SWCCD Employee Benefits**  
English . . . . . 619-388-6587  
To access help for EAP services call 888-625-4809 or visit [liveandworkwell.com](http://liveandworkwell.com)

Smoking Regulations  
(Board Policy – BP 3570)

All campuses and facilities of the Southwestern Community College District





and Higher Education Centers operate in compliance with the provisions of Government Code 7597 and Chula Vista Municipal Code section 43.1003(a) regulating smoking in a public place or place of employment. In accordance with Board Policy (BP 3570) Smoke and Tobacco Free District Property smoking and the use of any tobacco product are prohibited on all properties owned or controlled by the District. The District is committed to creating a clean, healthy working and learning environment for students, faculty, staff and visitors. All students, employees and visitors on District property are subject to BP 3570 regulations, which will be strictly enforced at all times.

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

**Student Health Services**

SWC Main	619-482-6354
National City	619-388-3450
Otay Mesa	619-388-2774
San Ysidro	619-388-7881

Additional information is available in the Campus Police Office.

For complete information on SWC not smoking policy visit: <http://swccd.edu/documents/hr/PolicyNoSmoking.pdf>

**Daily CrimeLog**

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

Disposition Definitions are provided below. Hard copies of the Daily Crime Log are available in the following office during normal business hours:

**College Police Business Offices**

Southwestern College	D-105
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**Disposition Definitions**

AR	Arrest Made
AS	Assisted
AV	Advised
BT	Vehicle Boot
CC	Call Cancelled
CI	Cite Issued
ES	Escort from/Ask to Leave Campus
FA	False Alarm
FI	Field Interview
GA	Gone on Arrival
IM	Impounded Vehicle
IN	In House Report/153
IO	Information Only
OK	Checks Okay
PC	Parking Cite
PR	Pending Recall
R	Report Taken
UC	Unable to Locate
UN	Unfounded
V	Verbal Warning
W	Warning Issued

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

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

**CRIME STATISTICS**

Crime statistics tables are on the following pages. The tables distinguish crimes committed on campus from those on public property. Public property is defined as the reasonably contiguous geographic area around the Colleges or around a building the District controls and uses for educational purposes (e.g, thoroughfares, streets, parks, restaurants and public parking facilities).



Additionally, this publication is available on the Southwestern Community College District Police Department website at: <http://www.swccd.edu/index.aspx?page=3188>

### Southwestern Community College and HEC's 2015

Offense (Reported by Hierarchy)	Year	Chula Vista	National City	Otay Mesa	San Ysidro	Crown Cove	Total
Criminal Homicide, Murder & Non-negligent Manslaughter	2015	0	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2015	0	0	0	0	0	0
Sex Offenses, Forcible (Rape, Sodomy, Sexual Assault w/ object and Fondling)	2015	2	0	0	0	0	2
Sex Offenses, Non Forcible (Incest and Statutory) Lewd Cond	2015	0	0	0	0	0	0
Robbery	2015	1-attempt	0	0	1-SDPD	0	2
Aggravated Assault	2015	0	0	0	0	0	0
Burglary	2015	3-Veh	0	0	0	0	3-Veh
Arson	2015	0	0	0	0	0	0
Motor Vehicle Theft	2015	0	0	1	0	0	1
Liquor Law Violations Referred for Disciplinary Action	2015	3	0	0	0	0	3
Liquor Law Arrests	2015	3	0	0	0	0	3
Drug Law Violations Referred for Disciplinary Action	2015	3	0	0	0	0	3
Drug Law Arrests	2015	2	0	0	0	0	2
Weapons Violations Referred for Disciplinary Action	2015	0	0	0	0	0	0
Weapons Violations Arrests	2015	2	0	0	0	0	2
Larcenies	2015	36	2	1	1	0	40
Domestic Violence	2015	1	0	0	1	0	2
Dating Violence	2015	0	0	0	0	0	0
Stalking	2015	1 unfounded	0	0	0	0	1 unfounded

*\*Please note: Drug offenses include possession of less than one ounce of marijuana. Although the California Health and Safety Code, Section (H&S) 11357(b) classifies this crime as an infraction; under the Clery Act, the violation remains criminal and therefore is classified as such.*

SWCCD does not have residential facilities.

Hate Crimes (Reported by Hierarchy)	Year	Chula Vista	National City	Otay Mesa	San Ysidro	Crown Cove	Total
Race	2015	0	0	0	0	0	0
Gender	2015	0	0	0	0	0	0
Religion	2015	0	0	0	0	0	0
Sexual Orientation	2015	0	0	0	0	0	0
Ethnicity	2015	0	0	0	0	0	0
Disability	2015	0	0	0	0	0	0
National Origin	2015	0	0	0	0	0	0

**NO HATE CRIMES WERE REPORTED IN 2013 FOR THE SOUTHWESTERN COMMUNITY COLLEGE CAMPUSES.**



### Southwestern Community College and HEC's 2014

Offense (Reported by Hierarchy)	Year	Chula Vista	National City	Otay Mesa	San Ysidro	Crown Cove	Total
Criminal Homicide, Murder & Non-negligent Manslaughter	2014	0	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2014	0	0	0	0	0	0
Sex Offenses, Forcible (Rape, Sodomy, Sexual Assault w/ object and Fondling)	2014	0	0	0	0	0	0
Sex Offenses, Non Forcible (Incest and Statutory)	2014	1	0	0	0	0	1
Robbery	2014	1	0	0	0	0	1
Aggravated Assault	2014	0	0	0	0	0	0
Burglary	2014	3	0	0	0	0	3
Arson	2014	1	0	0	0	0	1
Motor Vehicle Theft	2014	2	0	0	0	0	2
Liquor Law Violations Referred for Disciplinary Action	2014	0	0	0	0	0	0
Liquor Law Arrests	2014	4	0	0	0	0	4
Drug Law Violations Referred for Disciplinary Action	2014	8	0	0	0	0	8
Drug Law Arrests	2014	8	0	1	0	0	9
Weapons Violations Referred for Disciplinary Action	2014	1	0	0	0	0	1
Weapons Violations Arrests	2014	0	0	0	0	0	0
Larcenies	2014	31	3	0	1	0	35
Domestic Violence	2014	9	0	0	0	0	9
Dating Violence	2014	0	0	0	0	0	0
Stalking	2014	1	0	0	0	0	1

*\*Please note: Drug offenses include possession of less than one ounce of marijuana. Although the California Health and Safety Code, Section (H&S) 11357(b) classifies this crime as an infraction; under the Clery Act, the violation remains criminal and therefore is classified as such.*

SWCCD does not have residential facilities.

Hate Crimes (Reported by Hierarchy)	Year	Chula Vista	National City	Otay Mesa	San Ysidro	Crown Cove	Total
Race	2014	0	0	0	0	0	0
Gender	2014	0	0	0	0	0	0
Religion	2014	0	0	0	0	0	0
Sexual Orientation	2014	1	0	0	0	0	1
Ethnicity	2014	0	0	0	0	0	0
Disability	2014	0	0	0	0	0	0
National Origin	2014	0	0	0	0	0	0





**Southwestern Community College and HEC's 2013**

Offense (Reported by Hierarchy)	Year	Chula Vista	National City	Otay Mesa	San Ysidro	Crown Cove	Total
Criminal Homicide, Murder & Non-negligent Manslaughter	2013	0	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2013	0	0	0	0	0	0
Sex Offenses, Forcible (Rape, Sodomy, Sexual Assault w/ object and Fondling)	2013	0	0	0	0	0	0
Sex Offenses, Non Forcible (Incest and Statutory)	2013	0	0	0	0	0	0
Robbery	2013	1	0	0	0	0	1
Aggravated Assault	2013	0	0	0	0	0	0
Burglary	2013	8	2	0	2	0	12
Arson	2013	0	0	0	0	0	0
Motor Vehicle Theft	2013	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2013	0	0	0	0	0	0
Liquor Law Arrests	2013	4	0	0	0	0	4
Drug Law Violations Referred for Disciplinary Action	2013	0	0	0	0	0	0
Drug Law Arrests	2013	4	0	0	0	0	4
Weapons Violations Referred for Disciplinary Action	2013	0	0	0	0	0	0
Weapons Violations Arrests	2013	1	0	0	0	0	1
Larcenies	2013	29	3	0	2	0	34
Domestic Violence	2013	8	0	1	0	0	9
Dating Violence	2013	0	0	0	0	0	0
Stalking	2013	0	0	0	0	0	0

*\*Please note: Drug offenses include possession of less than one ounce of marijuana. Although the California Health and Safety Code, Section (H&S) 11357(b) classifies this crime as an infraction; under the Clery Act, the violation remains criminal and therefore is classified as such.*

SWCCD does not have residential facilities.

Hate Crimes (Reported by Hierarchy)	Year	Chula Vista	National City	Otay Mesa	San Ysidro	Crown Cove	Total
Race	2013	0	0	0	0	0	0
Gender	2013	0	0	0	0	0	0
Religion	2013	0	0	0	0	0	0
Sexual Orientation	2013	0	0	0	0	0	0
Ethnicity	2013	0	0	0	0	0	0
Disability	2013	0	0	0	0	0	0
National Origin	2013	0	0	0	0	0	0

**NO HATE CRIMES WERE REPORTED IN 2013 FOR THE SOUTHWESTERN COMMUNITY COLLEGE CAMPUSES**



Victim & Community Resources

2-1-1 San Diego . . . . .	2-1-1
Center for Community Solutions for 24 Hour Sexual Assault . . . . .	888-272-1767
Center for Community Solutions (Rape Crisis Center-Coastal) . . . . .	888-272-5777
Center for Community Solutions (East) . . . . .	619-697-7477
Center for Community Solutions (North) . . . . .	760-747-6282
Center for Community Solution (24-hour crisis hotlines). . . . .	888-385-4657
Domestic Violence Center . . . . .	888-385-4657
Family Advocacy Center (military) . . . . .	619-556-8809
Family Health Centers of San Diego . . . . .	619-515-2300
Health and Human Services Agency-Public Health Services . . . . .	858-694-3900
Indian Health Council, Inc. [Peace Between Partners Program] . . . . .	760-749-1410 Ext. 5249
La Jolla Band of Luiseno Indians Avellaka Program . . . . .	760-685-4736
Legal Aid Society of San Diego . . . . .	877-534-2524
National Alliance on Mental Health Illness (NAMI) . . . . .	800-950-6264
San Diego Helpline . . . . .	619-543-1434
(North Coastal) . . . . .	760-722-3754
Peer2Peer – Text and Chat Support and Referral Services . . . . .	619-377-7111
Rady Children’s Hospital Chadwick Center . . . . .	858-576-5980
Rape Abuse and Incest National Network (RAINN) . . . . .	800-656-HOPE (4673)
(When a survivor calls the 800 number, a computer will read the caller’s area code and the first three digits of the phone number. The call will then be routed instantaneously to the rape crisis center nearest to the caller.)	
San Diego Access and Crisis Line . . . . .	888-724-7240
<b>SWCCD International Students Assistance</b>	
SWC Admissions Center Evening Lead . . . . .	619-482-6584
SWC Admission Technician . . . . .	619-421-6700 Ext. 5217
SWC Admission Supervisor . . . . .	619-421-6700 Ext. 5413
<b>Mental Health Services</b>	
SWC Main . . . . .	619-216-6689
. . . . .	619-421-6700 Ext. 5228
National Center for PTSD . . . . .	802-296-6300
Suicide Prevention Hotline . . . . .	800-698-7838
<b>Student Health Services</b>	
Chula Vista . . . . .	619-482-6354
National City . . . . .	619-388-3450
Otay Mesa . . . . .	619-388-2774
San Ysidro . . . . .	619-388-7881
SWCCD Police Department Dispatch Center. . . . .	619-482-6380
<b>South Bay Community Services</b>	
Southern Indian Health Council, Inc. . . . .	619-445-1188
Strong Hearted Native Women’s Coalition, Inc. . . . .	760-644-4781
24 Hour Assistance . . . . .	800-640-2933 and 619-420-3620
UCSD Sexual Assault & Violence Prevention Resource Center . . . . .	858-534-5793
U .S. Citizenship and Immigration Services . . . . .	877-247-4645
Victims of Crime Compensation Program . . . . .	800-777-9229
Victim’s Resource Center for 24 Hour Sexual Assault . . . . .	760-757-3500
Victim Witness Assistance . . . . .	619-531-4041
Women’s Resource Center (Oceanside) . . . . .	760-757-3500
YWCA Domestic Violence Services . . . . .	619-234-3164



**Important SWCCD Links**

Law Enforcement Links: \_

<https://www.swccd.edu/index.aspx?page=211>

SWC Police Department Mission Statement:

[www.swccd.edu/index.aspx?page=209](http://www.swccd.edu/index.aspx?page=209)

**Other Important Web Sites**

Community Services 2-1-1: [211sandiego.org](http://211sandiego.org)

Megan's Law – Information on Registered Sex

Offenders: [meganslaw.ca.gov](http://meganslaw.ca.gov)

[www.rainn.org](http://www.rainn.org) – Rape, Abuse and Incest National Network

[www.ovw.usdoj.gov/sexassault.htm](http://www.ovw.usdoj.gov/sexassault.htm)

Department of Justice

[www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html)

Department of Education, Office of Civil Rights

San Diego Crime Stoppers: [sdcrimestoppers.com](http://sdcrimestoppers.com)

**Additional Resources**

2013 FBI Uniform Crime Reporting (UCR) SRS: RAPE Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes gender of victim or perpetrator. (Rape now includes NIBRS Sodomy and Sexual Assault with Object Definitions)

- Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or by a sex-related object.
- This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influences of drugs or alcohol).
- Physical resistance is not required on the part of the victim to demonstrate lack of consent.

UCR National Incident-Based Reporting System Edition of UCR – Forcible Rape-thru 2012

- UCR NIBRS Edition, as currently published in the Handbook for Campus Safety and Security Reporting (2011) (for crime statistics reported for 2012 and prior years):
- Forcible Rape is 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). This offense includes the forcible rape of both males and females.

**Sex offenses-Forcible**

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

**Forcible Sodomy**

Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against that 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.

**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 that 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.

**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 that 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.

**Sex offenses-non-Forcible**

Unlawful, non-forcible sexual intercourse.

**Incest**

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

**Statutory rape**

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





## Definitions per the uniform crime reporting Handbook

### 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 or probably would result in a serious potential injury if the crime were successfully completed.

### 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, person property, etc.

### 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.

### Criminal Homicide

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

- a) Murder and non-negligent manslaughter: The willful (non-negligent) killing of one human being by another.
- b) Manslaughter by negligence: The killing of another person through gross negligence.

### Motor Vehicle theft

The theft or attempted theft of a motor vehicle. (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 joy riding).

### Robbery

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

### Drug law Violations

Violations of state and local laws relating to the unlawful possession, sale, use, growing,

manufacturing, and making of narcotic drugs.

The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, Codeine); marijuana; synthetic narcotics (Demerol, methadone's); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

### Liquor Law Violations

The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

### Weapon Law Violations

The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

### Hate Crimes

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

- Race. A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g. color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguishes them as a distinct division of humankind (e.g. Asians, blacks, whites).
- Gender. A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
- Religion. A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).



- Sexual orientation. A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).
- Ethnicity/national origin. A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).
- Disability. A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

For Clery purposes, hate crimes include any offense in the following two groups that is motivated by bias.

- Murder and non-negligent manslaughter
- Forcible sex offenses
- Non-forcible sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Larceny-theft\*
- Simple assault\*
- Intimidation\*
- Destruction/damage/vandalism of property\*

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

### **Larceny/Theft**

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

### **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.

### **Definitions per VAWA**

#### **Domestic Violence:**

The term "domestic violence" means

- 1) Felony or misdemeanor crime of violence committed-
  - (vi) By a current or former spouse or intimate partner of the victim;
  - (vii) By a person with whom the victim shares a child in common;
  - (viii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - (ix) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - (x) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- 2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of the Clery Act reporting.

In the State of California, domestic violence is abuse or threats of abuse when the person being abused and the abuser are or have been in an intimate relationship (married or domestic partners, are dating or used to date, live or lived together, or have a child together). It is also when the abused person and the abusive person are closely related by blood or by marriage. The domestic violence laws say "abuse" is:

- Physically hurting or trying to hurt someone, intentionally or recklessly;



- Sexual assault;
- Making someone reasonably afraid that they or someone else are about to be seriously hurt (like threats or promises to harm someone); OR
- Behavior like harassing, stalking, threatening, or hitting someone; disturbing someone's peace; or destroying someone's personal property.

The physical abuse is not just hitting. Abuse can be kicking, shoving, pushing, hair pulling, throwing things, scaring or following you, or keeping you from freely coming and going. It can even include physical abuse of the family pets.

### **Dating Violence**

The term "dating violence" means violence committed by a person 1) who is or has been in a social relationship of a romantic or intimate nature with the victim and; 2) The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type the relationship, and the frequency of interaction between the persons involved in the relationship.

### **Stalking**

The term "stalking" means

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

- 3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

### **Clery Geography Definitions**

#### **On Campus**

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

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

#### **Public Property**

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

#### **Non-campus building or property**

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

### **References**

In the event of an emergency that affects all colleges/campuses/sites, the Superintendent / President will activate the emergency team to assess the situation and determine the scope of the emergency. The Superintendent / President will initiate the communication protocols throughout the organization. The emergency team will determine the content of the communication response, the urgency of the response or timely notice parameters, as well as the appropriate components to be activated. The following District personnel will be responsible for:

- Vice President of Employee Services
- communication involving employees





- Vice President of Student Services – communication involving students
- Chief Public Relations & Government Relations – Communication to the media, as well as the content of information on the District website and social media sites.
- Chief Information Systems Officer – initiate the emergency communication system protocols.

In the event of an emergency involving one or more college, campus or district site; the Superintendent / President will convene the college/campus emergency team to assess the situation and determine the steps. The Superintendent / President will initiate the communication protocols throughout the organization and determine to close the college, campus, and/or site.

The following District personnel will be responsible for:

- The college Chief Public Relations & Government Relations Officer all communications with the media.
- Superintendent / President will initiate emergency messages to students via the Vice President of Student Services and with faculty via the Vice President of Academic Affairs.

The content and execution of the communications will be the responsibility of the following:

1. Vice President of Student Services – Students
2. Vice President of Employee Services – Employees
  - Chief of Police – determine if the situation rises to the requirements of an emergency notice. The Superintendent / President shall be immediately notified.
  - Chief Information Systems Officer – initiate the emergency communication system protocols.

Following an emergency, the Superintendent / President will reconvene the emergency team and review the process and situational response for continuous improvement.

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

#### **SWCCD emergency communications**

**January 2014 - December 2014**

Message Type	Outreach	Emergency	Total
SWC Training	2	2	4
SWC Emergency	0	4	4
SWC Inform	2	0	2

Phones Called			Total

For past years' results and compliance of the Jeanne Clery Act, visit the Southwestern College website at: <https://www.swccd.edu/index.aspx?page=3188>



### Violence Against Women Act (VAWA) Reauthorization Act of 2013

Every post-secondary institution participating in Title IV financial aid programs will be required to:

- compile statistics of incidents of sexual assault, domestic violence, dating violence, and stalking that occur within Clery geography and are reported to campus security authorities
- include within its Annual Security Report a statement of policy regarding:
  - its programs to prevent domestic violence, dating violence, sexual assault, and stalking
  - the procedures that will be followed once an incident of these crimes has been reported, including a statement of the standard of evidence that will be used during any institutional conduct proceeding arising from the report
  - educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which shall include primary prevention and awareness programs for incoming students and new employees, as well as ongoing prevention and awareness programs for students and faculty.
  - possible sanctions on protective measures the institution may impose following a final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault or stalking
  - procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information in writing about
  - procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault and stalking, which shall include statements that proceedings shall
  - information about how the institution will protect the confidentiality of victims
  - written notification of students about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims on-campus and in the community

- written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the victim and such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement
- a student or employee who reports to the institution that they have been a victim of one of the aforementioned crimes shall be provided with a written explanation of the student or employee's rights and options

## State of California Penal Codes

### Rape/Statutory rape

261. (a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

- (1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman- Petris-Short Act (Part 1(commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.
- (2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
- (3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
- (4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:



- (A) Was unconscious or asleep.
- (B) Was not aware, knowing, perceiving, or cognizant that the act occurred.
- (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
- (D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
- (5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
- (6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
- (7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.
- (b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would

not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

- c) As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.
- 261.5. (a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age.
- (b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.
- (c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.
- (d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.
- (e) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:





- (A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000).
  - (B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000).
  - (C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000).
  - (D) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000).
- (2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature.
- (3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability

to pay the fine permitted under this subdivision

261.6. In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, "consent" shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288a, or 289. Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.

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

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

- (1) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
- (2) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused.
- (3) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:
  - (A) Was unconscious or asleep.
  - (B) Was not aware, knowing, perceiving, or cognizant that the act occurred.



- (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
  - (4) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
  - (5) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.
  - (b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.
  - (c) As used in this section, "menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.
  - (d) If probation is granted upon conviction of a violation of this section, the conditions of probation may include, in lieu of a fine, one or both of the following requirements:
    - (e) That the defendant make payments to a battered women's shelter, up to a maximum of one thousand dollars (\$1,000).
    - (1) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense. For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a battered women's shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. Where the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property may not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.
263. The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime.
- 264.2. (a) Whenever there is an alleged violation or violations of subdivision (e) of Section 243, or Section 261, 261.5, 262, 273.5, 286, 288a, or 289, the law enforcement officer assigned to the case shall immediately provide the victim of the crime with the "Victims of Domestic



Violence” card, as specified in subparagraph (G) of paragraph (9) of subdivision (c) of Section 13701.

- (b)(1) The law enforcement officer, or his or her agency, shall immediately notify the local rape victim counseling center, whenever a victim of an alleged violation of Section 261, 261.5, 262, 286, 288a, or 289 is transported to a hospital for any medical evidentiary or physical examination. The victim shall have the right to have a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, and a support person of the victim’s choosing present at any medical evidentiary or physical examination.
- (2) Prior to the commencement of any initial medical evidentiary or physical examination arising out of a sexual assault, a victim shall be notified orally or in writing by the medical provider that the victim has the right to have present a sexual assault counselor and at least one other support person of the victim’s choosing.
- (3) The hospital may verify with the law enforcement officer, or his or her agency, whether the local rape victim counseling center has been notified, upon the approval of the victim.
- (4) A support person may be excluded from a medical evidentiary or physical examination if the law enforcement officer or medical provider determines that the presence of that individual would be detrimental to the purpose of the examination.

#### **Sexual battery**

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

- (b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).
- (c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).
- (d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person’s will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).





- (e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Department of Fair Employment and Housing for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.
- (2) As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.
- (f) As used in subdivisions (a), (b), (c), and (d), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.
- (g) As used in this section, the following terms have the following meanings:
- (1) "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.
  - (2) "Sexual battery" does not include the crimes defined in Section 261 or 289.
  - (3) "Seriously disabled" means a person with severe physical or sensory disabilities.
  - (4) "Medically incapacitated" means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.
  - (5) "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.
  - (6) "Minor" means a person under 18 years of age.
  - (h) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.
  - (i) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.
  - (j) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).
- Dating Violence**
13700. as used in this title:
- (a) "Abuse" means intentionally or recklessly causing or attempting to cause bodily



injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.

- (b) "Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.
- (c) "Officer" means any officer or employee of a local police department or sheriff's office, and any peace officer of the Department of the California Highway Patrol, the Department of Parks and Recreation, the University of California Police Department, or the California State University and College Police Departments, as defined in Section 830.2, a peace officer of the Department of General Services of the City of Los Angeles, as defined in subdivision (c) of Section 830.31, a housing authority patrol officer, as defined in subdivision (d) of Section 830.31, or a peace officer as defined in subdivisions (a) and (b) of Section 830.32.
- (d) "Victim" means a person who is a victim of domestic violence.

13701. (a) Every law enforcement agency in this state shall develop, adopt, and implement written policies and standards for officers' responses to domestic violence calls by January 1, 1986. These policies shall reflect that domestic violence is alleged criminal conduct. Further,

they shall reflect existing policy that a request for assistance in a situation involving domestic violence is the same as any other request for assistance where violence has occurred.

- (b) The written policies shall encourage the arrest of domestic violence offenders if there is probable cause that an offense has been committed. These policies also shall require the arrest of an offender, absent exigent circumstances, if there is probable cause that a protective order issued under Chapter 4 (commencing with Section 2040) of Part 1 of Division 6, Division 10 (commencing with Section 6200), or Chapter 6 (commencing with Section 7700) of Part 3 of Division 12, of the Family Code, or Section 136.2 of this code, or by a court of any other state, a commonwealth, territory, or insular possession subject to the jurisdiction of the United States, a military tribunal, or a tribe has been violated. These policies shall discourage, when appropriate, but not prohibit, dual arrests. Peace officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider the intent of the law to protect victims of domestic violence from continuing abuse, the threats creating fear of physical injury, the history of domestic violence between the persons involved, and whether either person acted in self-defense. These arrest policies shall be developed, adopted, and implemented by July 1, 1996. Notwithstanding subdivision (d), law enforcement agencies shall develop these policies with the input of local domestic violence agencies.
- (c) These existing local policies and those developed shall be in writing and shall be available to the public upon request and shall include specific standards for the following:
  - (1) Felony arrests.
  - (2) Misdemeanor arrests.



- (3) Use of citizen arrests.
- (4) Verification and enforcement of temporary restraining orders when
  - a. the suspect is present and the suspect has fled.
- (5) Verification and enforcement of stay- away orders.
- (6) Cite and release policies.
- (7) Emergency assistance to victims, such as medical care, transportation to a shelter, or a hospital for treatment when necessary, and police standbys for removing personal property and assistance in safe passage out of the victim's residence.
- (8) Assisting victims in pursuing criminal options, such as giving the victim the report number and directing the victim to the proper investigation unit.
- (9) Furnishing written notice to victims at the scene, including, but not limited to, all of the following information:
  - a. A statement informing the victim that despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time.
  - b. A statement that, "For further information about a shelter you may contact \_\_\_\_\_."
  - c. A statement that, "For information about other services in the community, where available, you may contact \_\_\_\_\_."
  - d. A statement that, "For information about the California victims' compensation program, you may contact 1-800-777- 9229"
  - e. A statement informing the victim of domestic violence that he or she may ask the district attorney to file a criminal complaint.
  - f. A statement informing the victim of the right to go to the superior court and file a petition

requesting any of the following orders for relief:

- (i) An order restraining the attacker from abusing the victim and other family members.
  - (ii) An order directing the attacker to leave the household.
  - (iii) An order preventing the attacker from entering the residence, school, business, or place of employment of the victim.
  - (iv) An order awarding the victim or the other parent custody of or visitation with a minor child or children.
  - (v) An order restraining the attacker from molesting or interfering with minor children in the custody of the victim.
  - (vi) An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so.
  - (vii) An order directing the defendant to make specified debit payments coming due while the order is in effect.
  - (viii) An order directing that either or both parties participate in counseling.
- g. A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse, including medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim.
  - h. In the case of an alleged violation of subdivision (e) of Section 243 or Section 261, 261.5, 262, 273.5, 286, 288a, or 289, a "Victims of Domestic Violence" card which shall include, but is not limited to, the following information:





- (i) The names and phone numbers of or local county hotlines for, or both the phone numbers of and local county hotlines for, local shelters for battered women and rape victim counseling centers within the county, including those centers specified in Section 13837, and their 24-hour counseling service telephone numbers.
- (ii) A simple statement on the proper procedures for a victim to follow after a sexual assault.
- (iii) A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime.
- (iv) A statement that domestic violence or assault by a person who is known to the victim, including domestic violence or assault by a person who is the spouse of the victim, is a crime.

(10) Writing of reports.

- (d) In the development of these policies and standards, each local department is encouraged to consult with domestic violence experts, such as the staff of the local shelter for battered women and their children. Departments may utilize the response guidelines developed by the commission in developing local policies.

13702. Every law enforcement agency in this state shall develop, adopt, and implement written policies and standards for dispatchers' response to domestic violence calls by July 1, 1991. These policies shall reflect that calls reporting threatened, imminent, or ongoing domestic violence, and the violation of any protection order, including orders issued pursuant to Section 1362, and restraining orders, shall be ranked among the highest priority calls. Dispatchers are not required to verify the validity of the protective order before responding to the request for assistance.

### Stalking

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

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

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

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

- (d) In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006.

- (e) For the purposes of this section, "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.



- (f) For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”
  - (g) For the purposes of this section, “credible threat” means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of “credible threat.”
  - (h) For purposes of this section, the term “electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. “Electronic communication” has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.
  - (i) This section shall not apply to conduct that occurs during labor picketing.
  - (j) If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.
  - (k) (1) The sentencing court also shall consider issuing an order restraining the defendant
    - (l) From any contact with the victim that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.
    - (2) This protective order may be issued by the court whether the defendant is sentenced to state prison, county jail, or if imposition of sentence is suspended and the defendant is placed on probation.
  - (m) For purposes of this section, “immediate family” means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior sex months, regularly resided in the household.
  - (n) The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.
- Incest**
285. Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.
- Victim’s bill of right’s 2009: Marsy’s law  
California constitution, Article i, Section 28(b)**
- (b) In order to preserve and protect a victim’s rights to justice and due process, a victim shall be entitled to the following rights:
    - (1) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.



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

Source: *Office of the Attorney General – Victim Services Unit*







# *POLICE DEPARTMENT*

*"Our Community,  
Our Commitment"*

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