

AP 3515 Reporting of Crimes

Reference: ***Education Code Sections 212; 87014;***
Penal Code Section 245;
U.S. Code Sections 1092(f) (Clery Act);
20 United States Code Section 1232(g);
34 Code Federal Regulations Parts 99.31(a)(13), (14)
and 668.46;
Campus Security Act of 1990;
Jeanne Clery Disclosure of Campus Security Policy
and Campus Crime Statistics Act of 1998

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Reporting Crimes to the District

Members of the Grossmont-Cuyamaca Community College District (District) who are witnesses or victims of a crime should immediately report the crime to the District Public Safety Department.

In the event an employee is assaulted, attacked, or menaced by a student, the employee shall notify their supervisor as soon as practical after the incident. The supervisor of any employee who is attacked, assaulted, or menaced shall assist the employee to promptly report the attack or assault to the District Public Safety Department. The supervisor shall make the report if the employee is unable or unwilling to do so. Reporting a complaint to local law enforcement will not relieve the District of its obligation to investigate all complaints of harassment.

The District will instruct members of the District Public Safety Department to notify students and employees complaining of sexual violence of their right to file a sex discrimination complaint with the District in addition to filing a criminal complaint, and to report incidents of sexual violence to the District EEO Officer if the complainant consents.

The District will publish a Daily Crime Log (or Media Bulletin) for the college community about the following items:

- Criminal homicide – murder and non-negligent manslaughter;
- Criminal homicide – negligent manslaughter;
- Sex offenses – forcible and non-forcible sex offenses;
- Domestic violence, dating violence and stalking;
- Robbery;
- Aggravated assault;
- Burglary;
- Motor vehicle theft;
- Arson;

- Arrests for liquor law violations, drug law violations, and illegal weapons possession;
- Persons who were not arrested for liquor law violations, drug law violations, and illegal weapons possession, but who were referred for campus disciplinary action;
- Crimes that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability and involve larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property, or any other crime involving bodily injury;
- Those that are considered to represent a continuing threat to other students and employees.

The Daily Crime Log shall be available at the Public Safety office for public inspection during regular business hours.

To report a crime:

For non-emergencies, contact the District Public Safety Department. Dial 9-1-1 for emergencies only. Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside buildings should be reported to the District Public Safety Department.

In addition you may report a crime, for both Grossmont and Cuyamaca Colleges, to the following campus security authorities:

- Vice President of Student Services
- Associate Dean of Student Affairs
- Dean of Counseling and Enrollment Services
- Chief Human Resources Officer located at the District Offices
- Campus Deans
- Dean's Administrative Assistants
- Director of Public Safety
- Campus and Parking Services Personnel
- Sheriff's Deputies

If a victim of a crime does not want to pursue action within the District's system or the criminal justice system, the victim may still want to consider making a confidential report.

With the victim's permission, the District Public Safety Department can file a report on the details of the incident without revealing the victim's identity. The purpose of a confidential report is to comply with the victim's wish to keep the matter confidential, while taking steps to ensure the future safety of the victim and others. With such information, the District can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

The District Public Safety Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the District Public Safety Officers cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other campus security authorities as identified in this procedure.

Required Reports to Local Law Enforcement Agency

Any report of willful homicide, forcible rape, robbery, aggravated assault, sexual assault, or hate crime, committed on or off campus, that is received by a campus security authority and made by the victim for the purposes of notifying the institution or law enforcement must be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency. The report shall not identify the victim, unless the victim consents to being identified after the victim has been informed of his/her right to have his/her personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency unless the institution determines that both of the following apply, in which case the institution shall disclose the identity of the alleged assailant to the local law enforcement agency and notify the victim of the disclosure:

- the alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution; and
- the immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant.

District Notice of Continuing Threat

In the event that a situation arises, either on campus or off campus, that, in the judgment of the District Public Safety Department, constitutes a continuing threat, a campus-wide “timely warning” will be issued through the District e-mail system to students, faculty, and staff in compliance with the Jeanne Clery Act and associated federal regulations. The information shall be disseminated by the District Public Safety Department. Anyone with information warranting a timely warning should report the circumstances to the District Public Safety Department, by phone or in person at the District Public Safety Office. The District shall not be required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

The issuance of a Crime Alert is determined on a case-by-case basis for Clery Act crimes (arson, homicide, burglary, robbery, Sex Offenses (rape, fondling, incest, and statutory rape) , aggravated assault, motor vehicle theft, domestic violence, dating violence, stalking and hate crimes) occurring on campus property, on public property within or immediately adjacent to the campus, or in/on non-campus buildings and property controlled by the District where the District determines, in its judgment, that the allegations present a serious and/or continuing threat to the campus community.

The District shall always consider the well-being of crime victims/survivors, and seek to maintain a balanced approach to timely warning situations, ensuring compliance with applicable law while considering the needs and concerns of both the campus community and the victim/survivor. When reasonably practicable, the victim/survivor of a crime against person(s) should be notified in advance that a “Crime Alert” will be issued to the

campus community, and the content of the “Crime Alert” described and explained to the victim/survivor.

If there is an immediate threat to the health or safety of students or employees occurring on campus, the District shall follow its emergency notification procedures included in the District Emergency Preparedness and Management Plan.

District Reporting Statistics

The District shall annually collect and distribute statistics concerning crimes on District facilities. All District staff with significant responsibility for student and campus activities shall report crimes about which they receive information.

The District shall publish an Annual Security Report every year by October 1 that contains statistics regarding crimes committed on campus and at affiliated locations for the previous three years. The Annual Security Report shall also include policies pertaining to campus security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, victims’ assistance program, student discipline, campus resources, and other matters. The District will provide students and employees with a copy of the Annual Security Report upon request. The Annual Security Report can be obtained by contacting the District Public Safety Office and is posted on the District website.

District Disclosure of Disciplinary Proceeding Results

The District may disclose to the victim of a crime of violence or a non-forcible sex offense the final results of the disciplinary proceeding against an alleged perpetrator, regardless of the outcome. The District may also disclose to anyone the final results of a disciplinary proceeding in which it concludes that a student violated District policy with respect to a crime of violence or non-forcible sex offense. The offenses that apply to this permissible disclosure are:

- Arson
- Assault offenses
- Burglary
- Criminal homicide–manslaughter by negligence
- Criminal homicide–murder and non-negligent manslaughter
- Destruction, damage, or vandalism of property
- Kidnapping or abduction
- Robbery
- Forcible sex offenses

The disclosure may only include the final result of the disciplinary proceeding with respect to the alleged criminal offense. The District shall not disclose the name of any other student, including a victim or witness, unless the victim or witness has waived his or her right to confidentiality.