



Annual Security Report

2023



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ANNUAL SECURITY REPORT

The Mt. SAC Annual Security Report is produced to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act. The report includes policy statements and specific information regarding Mt. SAC's safety and security programs. It includes three years of statistics for particular types of crimes that occurred on campus and on public property on or immediately adjacent to the campus.

NOTICE OF NON-DISCRIMINATION

Mt. SAC, in accordance with applicable Federal and State law and College policy, does not discriminate on the basis of race, color, national origin, religion, sex, gender identity, pregnancy (pregnancy includes pregnancy, childbirth, and medical conditions related to pregnancy or childbirth), physical or mental disability, medical condition (cancer related or genetic characteristics), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services (service in the uniformed services includes membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services). Mt. SAC also prohibits sexual harassment. This non-discrimination policy covers admission, access, employment, and treatment in College programs and activities. Please direct inquiries regarding Mt. SAC's nondiscrimination policies to the Director of EEO Programs and Title IX Coordinator at (909) 274-6830.

Mt. SAC prohibits retaliation against individuals for exercising their rights or responsibilities under the Clery Act and/or other college policies governing sexual harassment and sexual or gender violence. Students, faculty and staff, and non-affiliated individuals who report sexual assault, dating or domestic violence, or stalking, assist someone with a report of sexual assault, dating or domestic violence, or stalking, or participate in any manner in an investigation or resolution of a sexual assault, dating or domestic violence, or stalking, are protected from retaliation.

COMPILING THE ANNUAL SECURITY REPORT

The Mt. SAC Police and Campus Safety Deputy Chief prepares this report to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act using

information maintained by Mt. SAC Police and Campus Safety and information provided by Student Life, other Campus Security Authorities, and by local law enforcement agencies. This report provides statistics for the previous three years (calendar years 2015, 2016, and 2017) concerning reported crimes that occurred on campus. This report also includes Mt. SAC policies and procedures about campus security, including policies regarding sexual and gender-based violence, alcohol and drugs, and maintaining a safe campus. Mt. SAC distributes a notice of the availability of this Annual Security Report by October 1 of each year to every member of the campus community with a link to the report. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting Mt. SAC Police and Campus Safety at (909) 274- 4555.

SECURITY OF AND ACCESS TO CAMPUS FACILITIES

Maintaining situational awareness will help you to avoid being the victim of crime. Evening classes, late study sessions, or work may keep you on campus late at night. If you find yourself on campus after hours and you would like someone to escort you safely to your car, we encourage you to contact Police and Campus Safety (909) 274-4555.

Mt. SAC is an open campus. Administrative buildings are open from 8:00 a.m. until 5:00 p.m., Monday through Friday. Academic buildings generally are open from 7:00 a.m. until 11:00 p.m. and are open on weekends only as needed. Some doors are electronically controlled. Any doors not controlled electronically are controlled with keys. Distribution of keys and electronic access devices to Mt. SAC buildings is limited to those with proper authorization. To limit access, only those with a demonstrated need are issued building keys and electronic access. Access to individual classrooms and laboratories is limited to those enrolled in the courses meeting there. Likewise, access to most programs is limited to those enrolled in the program. Many cultural and athletic events held on campus are open to the public. The bookstore and library are also open to the public.

Landscaping and outdoor lighting are designed with safety and security in mind. Sidewalks are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building. Grounds keeping personnel

regularly trim shrubs from sidewalks, walkways, and building entrances so the routes to buildings are kept in good repair. Campus walkways are inspected to ensure there is adequate lighting. Burned-out lights are replaced promptly. We encourage community members to promptly report any security concerns to Police and Campus Safety at (909) 274- 4555.

There is no on-campus housing at Mt. SAC. Mt. SAC Police and Campus Safety officers are on duty 24/7 and patrol the campus throughout the day.

LAW ENFORCEMENT AND JURISDICTION

The Mt. SAC Police and Campus Safety Department has the authority to enforce the Student Discipline Code of Conduct and the State of California Penal Code under Education Code Section 72330. The Mt. San Antonio College Board of Trustees has established the Police and Campus Safety Department as a community college police department under Education Code Section 72330(a), which authorizes the governing board of a community college district to establish a community college police department under the supervision of a community college chief of police. Although a designated police department, the Mt. SAC Police and Campus Safety Department has a memorandum of understanding with the Los Angeles County Sheriff's Department, which has jurisdiction to investigate all crimes occurring on campus.

Mt. SAC Clery Geography

The north boundary of campus is the north curb-line of Edinger Way and the north perimeter of the Farm. The south boundary is Lot M and the cross country course. The west boundary is the east curb-line of Grand Avenue (including the sidewalk). The east boundary is the property line between Mt. SAC and Cal Poly Pomona (north of Temple Avenue) and the cross country track (south of Temple Avenue). The Mt. SAC Flight Training Association (FTA) Building is located adjacent to Brackett Field at 1430 Puddingstone Avenue, La Verne. The Mt. SAC Early College Academy is located at 2226 E. Rio Verde Drive, West Covina, CA.

Authority to Arrest and Relationships

The Mt. SAC Police and Campus Safety Chief, Deputy Chief, and sergeants are sworn peace officers with arrest powers. Mt. SAC Police and Campus Safety Officers have the authority to enforce the Student Discipline Code of Conduct. Mt. SAC Parking Officers have the authority to enforce parking regulations.

Monitoring and Reporting of Criminal Activity (non-campus locations of student organizations)

Mt. SAC does not own or control any non-campus properties of student organizations.

Working Relationships with Local, State, and Federal Law Enforcement Agencies

Mt. SAC maintains a cooperative relationship with local law enforcement and fire agencies. This includes special events coordination, investigation of serious incidents, emergency response to crimes, medical response, fire response, alarm response, 911 response, explosive ordinance response, and tactical operations.

REPORTING CRIMES AND OTHER EMERGENCIES

All campus crimes should be reported to Mt. SAC Police and Campus Safety to ensure accurate and prompt reporting of criminal activity and emergencies. Doing so will ensure that an effective investigation takes place and appropriate follow-up actions, including issuing Timely Warnings or emergency notifications, if necessary. To reduce the likelihood of being a victim of crime, you are encouraged to develop a strong sense of community with others on campus and to look out for one another. It is important to maintain a keen sense of awareness and to use good judgment whenever you are on campus.

Reporting To Other Campus Security Authorities

The Clery Act recognizes certain campus officials and offices as Campus Security Authorities (CSA's). CSA's are, "officials of an institution who have significant responsibility for student and campus activities, including, but not limited to, student discipline and campus judicial proceedings who have the authority and the duty to take action or respond to particular issues on behalf of the institution." CSAs are required to report all crimes to the Mt. SAC Police and Campus Safety Deputy Chief as soon as reasonably possible. An online form to assist CSAs in the prompt reporting of crimes is available on the Police and Campus Safety webpage. Campus Security Authority reports can be made at:

Mt. SAC Police and Campus Safety Building 23 (909) 274-4555

Vice President of Student Services Building 9B (909) 274-4505

Vice President of Human Resources Building 4 (909) 274-4225

Director of Student Life Building 9C (909) 274-4525

Dean of Counseling Building 9B (909) 274-4380

Dean of Athletics Building 744 (909) 274-4630

Voluntary, Confidential Reporting

We encourage Mt. SAC community members to report crimes promptly and accurately, and to participate in and support crime prevention and safety awareness efforts. Mt. SAC is safer when all community members participate in safety and security initiatives. Depending upon the circumstances of the crime you want to report, you may be able file a report and maintain your confidentiality. The purpose of a confidential report is to comply with your wish to keep your personal identifying information confidential, while taking steps to ensure your safety and the safety of others. Confidential reports also allow Mt. SAC to compile accurate records on the number and types of incidents occurring on campus, which are disclosed in the Annual Security Report. Because police reports are public record under California

law, confidentiality of these reports cannot be guaranteed. Exceptions exist for sexual assaults and crimes where victims or witnesses would be at risk should their names be released to the public.

Pastoral and Professional Counselors

According to the Clery Act, credentialed pastoral and professional counselors hired by Mt. SAC to serve in counseling roles are not considered Campus Security Authorities when they are acting in the counseling role. As a matter of policy, Mt. SAC encourages pastoral and professional counselors to notify those whom they are counseling of the many available reporting options, including the voluntary, confidential reporting process. A pastoral counselor is a person who is associated with a religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. A professional counselor is a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of the counselor's license or certification.

Emergency "Blue Light" Phones

There are emergency phones on campus and in outlying parking areas. There is a blue light atop each phone to make it more visible, especially at night. Pushing the circular button on the panel will directly connect you to Police and Campus Safety Dispatch who will know your location and will send help if you need it. Text-a-Tip Anonymous Message Line

You can use Text-a-Tip to anonymously report crimes or suspicious behavior on campus. The anonymous tip line is checked regularly but should not be used for emergency purposes. Text tips to (909) 610-9139.

TIMELY WARNINGS, EMERGENCY NOTIFICATIONS, AND EVACUATIONS

In an effort to provide timely notice to the campus community in the event of a Clery Act crime that poses a serious or ongoing threat to members of the community, Mt. SAC typically issues Timely Warnings for the crimes of criminal homicide, sexual assault, robbery, aggravated assault, arson, burglary, and hate crimes. The purpose of these warnings is to notify the campus community of the incident and to provide information that may enable community members to protect themselves. Mt. SAC will issue these warnings when a crime is committed, the perpetrator has not been apprehended, and there is a substantial and on-going risk to the physical safety of the campus community.

Additionally, Police and Campus Safety may issue warnings when there is a pattern of crimes against persons or property. The Mt. SAC Police and Campus Safety

Chief or designee, in consultation with other Mt. SAC offices, will make that determination.

Timely warnings are developed by Mt. SAC Police and Campus Safety and Marketing & Communication personnel at the direction of the Mt. SAC Police and Campus Safety Chief or designee. Text messages and emails will be sent to those who have registered to receive them via the Emergency Notification System as soon as pertinent information is available. In addition to the Emergency Notification System, Mt. SAC will use social media sites, on-campus message boards, public address systems, and signage to disseminate timely warnings to the campus community.

Mt. SAC will make an Emergency Notification containing timely, accurate, and useful information in the event of a significant emergency or dangerous situation on campus that poses an immediate threat to the health and safety of campus community members. An Emergency Notification will be made without delay to the campus community unless notification will compromise efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency.

Emergency Notifications are developed by Mt. SAC Police and Campus Safety and Marketing & Communication personnel at the direction of the Mt. SAC Police and Campus Safety Chief or designee. Text messages and emails will be sent to those who have registered to receive them via the Emergency Notification System as soon as pertinent information is available. In addition to the Emergency Notification System, Mt. SAC will use social media sites, on-campus message boards, public address systems, and signage to disseminate Emergency Notifications to the campus community. Please report any dangerous condition to Police and Campus Safety (909) 274-4555. Your notification could be a critical step in initiating the Emergency Notification process.

Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System

Emergencies are usually discovered by Police and Campus Safety personnel or reported to them. Police and Campus Safety personnel will investigate any reported emergency or dangerous situation. Confirmation of an emergency is determined when Police and Campus Safety personnel, Los Angeles County Fire Department officials, or the Los Angeles County Sheriff's Department have assessed the situation to confirm that it represents an immediate threat to the health or safety of the campus community.

Emergency Response and Evacuation Procedures

Mt. SAC Emergency Management is responsible for the campus Emergency Operations Plan (EOP). This plan is designed to be an all-hazards disaster response and emergency management plan that complies with FEMA guidelines for higher education that includes planning, mitigation, response, and recovery actions. You

can find more information on Mt. SAC's EOP and other preparedness information at <http://www.mtsac.edu/emergency/index2.html>. Information on how to enroll in Mt. SAC's emergency notification system can be found at <http://www.mtsac.edu/emergency/>.

When a situation poses an immediate threat, the Emergency Notification System, Mt. SAC's e-mail system, verbal announcements on the public address systems in Police and Campus Safety patrol cars, social media sites, electronic message boards, and in-person notifications will be used as appropriate to immediately notify the campus community of the threat. Some of or all of these methods of communication will be used depending on the nature of the emergency. Marketing & Communication and Police and Campus Safety personnel are the authorized representatives to initiate an emergency notification message. Mt. SAC will also post applicable messages about any dangerous condition on its homepage describing the emergency and steps to take to stay safe.

Determining the Contents of the Emergency Notification

Marketing & Communication and Mt. SAC Police and Campus Safety personnel determine the contents of the notifications based on each situation. Emergency message templates have been developed to expedite the release of information to the campus community. The goal of an emergency notification is to provide information so everyone can take steps to protect themselves.

Procedures for Disseminating Emergency Information to the Greater Community

Marketing & Communication facilitates crisis communications with the greater Mt. SAC community through social media, national, regional, and local news and radio outlets.

Drills, Exercises, and Training

Annually, Mt. SAC conducts emergency management exercises to test emergency procedures. The scenarios for these exercises change from year-to-year and include departments from across campus. These exercises may include drills, tabletop exercises, emergency operations center exercises, or campus-wide emergency response exercises. Mt. SAC conducts after-action reviews of all emergency management exercises. In conjunction with at least one emergency exercise each year, Mt. SAC will notify the community of the exercise and remind the community of the information included in the publicly available information regarding emergency response procedures at Mt. SAC.

Enrolling in the Mt. SAC Emergency Notification System

We encourage members of the campus community to enroll in the Campus

Emergency Notification System by visiting <http://www.mtsac.edu/emergency/> and to regularly update their information at the same site. Members of the campus community can report an emergency to Police and Campus Safety at (909) 274-4555 or by calling 911. Mt. SAC updates student contact data in its Blackboard Connect Emergency Notification System at the start of each term.

Evacuating Campus

In the event of a fire alarm activation, an actual fire, a gas leak, or circumstances that require a building to be evacuated, everyone in the affected building must evacuate to a safe area and wait for the building to be cleared. Affected persons are to wait in an assembly area until the building is declared safe to reoccupy. Unaffected areas of campus will continue to operate normally.

In the event of a campus-wide evacuation, all buildings will be evacuated in the same orderly manner as would be used if only one building was being evacuated. The increased volume of people leaving campus all at once however, will have a significant negative impact on traffic conditions around campus. Unlike a school with on-campus housing where many students walk or ride bikes to class, most Mt. SAC students drive here and park in one of the student lots. In addition, most faculty and staff members drive to campus and park in one of the staff lots. As a result, the parking lots are usually filled to capacity throughout the day. Emptying every parking lot at the same time represents a significant challenge and it will take much longer to leave campus in your car than it normally does.

Remember to put your safety first. If you need to get away from campus due to an active shooter, a hazardous material spill, a fire, or any other significant emergency that is an immediate threat to your safety, leave your car behind and walk away from the danger. Do not go to your car and attempt to drive away because you will be stuck in traffic. If you can, walk in a safe direction away from campus. You can come back at a later time, when the campus is safe, to retrieve your vehicle. If you do attempt to leave campus in your vehicle be prepared for it to take much longer than it normally does.

Disabled persons or anyone with mobility challenges should call Dispatch (909) 274-4555 or 911 and request assistance. Someone will respond to your location and help you get to a safe location.

SECURITY AWARENESS PROGRAMS

Mt. SAC Police and Campus Safety officers patrol campus throughout the day and respond to calls for service anywhere on campus. If for any reason you feel uncomfortable walking to your car, Mt. SAC Police and Campus Safety will provide you an escort to your car. Call Police and Campus Safety at (909) 274-4555 for additional information about getting an escort. The Blue Light phones on campus and outlying parking areas will connect you to a Police and Campus Safety dispatcher who will send you help if you need it.

CRIME PREVENTION PROGRAMS

In an effort to promote safety awareness, Mt. SAC personnel present a variety of programs designed to educate and inform students and employees on a variety of issues. The programs include general safety presentations, first year student orientation, new employee orientation, and Student Health Services Health Education Events such as Preventing Sexual Violence, Bystander Intervention, and Sexual Assault Self-Defense Classes.

Mt. SAC Police and Campus Safety personnel present, “Surviving an Active Shooter” and “Surviving Acts of Mass Violence” training throughout the year to students, faculty, and staff. Anyone interested in receiving active shooter training should contact Police and Campus Safety at (909) 274-4555 for additional information. Mt. SAC provides educational programs to promote the awareness and prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. These programs are offered annually to the college community and at new student and employee orientations.

Mt. SAC New Student Orientation includes material developed by Student Health Services, including sexual violence information and consent cards. The decision to use Student Health Services materials was done to ensure the information was consistent across campus. During orientation, incoming students are educated on specific definitions of stalking, dating violence, domestic violence, and sexual harassment. The following sexual awareness presentations are presented each semester:

- Sexual Assault Prevention Education – Arm yourself with tools to prevent a sexual assault!
- Every 2 Minutes – Preventing Sexual Assault: Provides definitions and statistics of sexual assault and rape. Discusses myths and facts, rape culture, as well as common reactions and options for sexual assault survivors.
- Welcome to the Party: A Sexual Assault Prevention Education addresses sexual assault through PowerPoint, group discussion, and video in a two-part presentation.

In addition to educational programs, Mt. SAC disseminates the following information campus wide for students, faculty, and staff throughout the academic year:

- Sexual Assault Awareness and Prevention event flyers
- Sexual Assault Awareness and Prevention Month Campaign (April)
- “Stop Sexual Violence” and Consent “Get Some” Cards
- Mountie Consent Challenge

Mt. SAC’s Behavior and Wellness Team deals with cases of threatening, harassing, or aberrant behavior. It investigates, assesses, and manages such incidents. The Behavior and Wellness Team in conjunction with Student Health, gives safety presentations and educates and advises on how to recognize and report behavior

that could lead to violence. Do not ignore or downplay threats, even indirect threats, as they could escalate into serious incidents. If you are the victim of a threat, report the incident to Police and Campus Safety so immediate steps can be taken to protect you and address the problem behavior. If you need help assessing a situation, contact Police and Campus Safety (909) 274-4555.

Daily Crime Log

Police and Campus Safety maintains and publishes a Daily Crime Log of all reported crimes. The log is available online at <http://www.mtsac.edu/safety/> or at Police and Campus Safety in Building 23 during regular business hours. This log identifies the type, location, and time of each criminal incident reported.

DRUGS, ALCOHOL, AND SUBSTANCE ABUSE

Mt. SAC Board Policy 3550 prohibits the possession, use, or distribution of illicit drugs or alcohol by students or employees on College property during any College-sponsored field trips, activities, or workshops. Mt. SAC will impose disciplinary sanctions on students and employees, consistent with local, state and federal law. Mt. SAC strives to maintain campus communities and worksites free from illegal use, possession, or distribution of alcohol or of controlled substances as defined in schedules I through V of the Controlled Substances Act, 21 United States Code Sec. 812, and by regulation at 21 Code of Federal Regulations Sec.1308. Unlawful manufacture, distribution, dispensing, possession, use, or sale of alcohol or of controlled substances by Mt. SAC employees and students in the workplace, or school premises, at official College functions, or on College business is prohibited. In addition, employees and students shall not use illegal substances or abuse legal substances in a manner that impairs work performance, scholarly activities, or student life. Employees found to be in violation of this policy, including student employees if the circumstances warrant, may be subject to corrective action, up to and including dismissal, under applicable policies.

Students found to be in violation of this policy may be subject to corrective action, up to and including dismissal, as set forth in Board Policy 3550. Any student who violates this policy is subject to disciplinary action including sanctions as outlined in the Student Code of Conduct in addition to any penalties resulting from violating local, state, and or federal law. Disciplinary sanctions include Disciplinary Warnings, Disciplinary Probation, Suspension, or Expulsion from Mt. SAC.

Alcohol

The possession, sale, manufacture, distribution, or consumption of alcohol by persons under the age of 21 is prohibited and illegal under state law, federal law, and College policy. It is illegal for anyone under 21 years of age to attempt to purchase, purchase, consume, possess, or knowingly and intentionally transport any liquor, malt, or brewed beverage in California. Mt. SAC has a zero tolerance policy

for students under the age of 21 possessing or consuming alcoholic beverages. It is both against the law and a violation of the student code of conduct. Violators are subject to disciplinary action, criminal prosecution, and imprisonment. It is unlawful to sell, furnish, or provide alcohol to a person under the age of 21. The inability to exercise care for one's own safety or the safety of others due in whole or in part to alcohol consumption is considered a violation of policy. Violation of any other policy while under the influence of alcohol is considered an additional violation.

Alcohol poisoning is a medical emergency. Call for help (909) 274-4555 or 911 immediately to get help for an extremely intoxicated person. Signs of alcohol poisoning are cold, clammy skin, unconsciousness, slowed or irregular breathing, and vomiting (particularly while passed out). Stay with the person and put them in the recovery position to prevent them from choking on their own vomit. Cooperate with first responders and don't obstruct the police when they get there.

Controlled Substances

Consumption of illegal and/or dangerous drugs is prohibited and illegal under state and federal laws, and is a violation of College policy. Possession of paraphernalia containing controlled substances, or residue of controlled substances, is prohibited. Violation of any other policy while under the influence of a controlled substance is considered an additional violation. The inability to exercise care for one's safety or the safety of others due in whole or in part to being under the influence of a controlled substance is considered a violation of policy. Employees who violate this policy are subject to Mt. SAC sanctions, including dismissal, as well as criminal sanctions provided by federal, state or local law.

Employees may be required to participate in a drug abuse or drug rehabilitation program.

Drug and Alcohol Abuse Education Programs

Mt. SAC recognizes dependency on alcohol and other drugs as a treatable condition and offers programs and services for Mt. SAC employees and students with substance dependency problems. Employees (including student employees) and students are encouraged to seek assistance as appropriate from Employee Support Programs, Student Health, and counseling or psychological services available through Human Resources. Information obtained regarding an employee or student during participation in such programs or services will be treated as confidential, in accordance with federal and state laws.

SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

Mt. SAC is committed to providing a safe learning and working environment, and in compliance with federal law has adopted policies and procedures to prevent and

respond to incidents of sexual violence including sexual assault, domestic violence, dating violence and stalking. These guidelines apply to all students, faculty, staff, contractors, and visitors.

Mt. SAC is committed to increasing the awareness of and prevention of sexual violence. All incoming students and new employees are provided with information intended to prevent sexual assault, domestic violence, dating violence, and stalking before it occurs. New students and employees are informed that Mt. SAC prohibits such acts, what the definition of each act is, the definition of consent, options for bystander intervention, information about risk reduction, and our policies and procedures for responding to these incidents. Ongoing prevention and awareness campaigns are also offered throughout the year.

Preventing sexual and gender violence is not the responsibility of the survivor of the violence. Preventing sexual violence cannot be achieved by recommending that people restrict their activities in order to avoid being victimized. Risk reduction is not prevention. Instead, all of us can take a stand to prevent violence by confronting violent beliefs and attitudes before violence occurs.

If you experience sexual assault or other forms of gender-based violence, it is important that you seek help immediately. Mt. SAC has provided a number of ways for you to get immediate assistance, and you can choose the help you are most comfortable with.

Our Efforts to Prevent and Respond to Sexual and Gender Violence, including Dating Violence, Domestic Violence, Sexual Assault, and Stalking

All forms of sexual violence and harassment, including the acts described and defined in this Report, violate Mt. SAC policy on Sexual Violence and Sexual Harassment, the Student Code of Conduct, the Faculty Code of Conduct, and other College policies and may violate federal and state laws. Violations of these policies are subject to disciplinary sanctions. When an incident is disclosed to any College official, the person to whom the report is made shall inform the individual of their option to notify local law enforcement authorities. The official will also notify the reporting party of institutional personnel who can assist the individual in notifying the authorities of the incident, if and when the survivor elects to report the incident to law enforcement. The survivor retains the right to not report to law enforcement throughout the reporting process. The individual shall be informed of the importance of preserving evidence required for proof of possible criminal activity. The individual shall also be informed how to get off-campus counseling, mental health, and other student services. On-campus counseling services are available through Student Health.

Preserving Evidence Following an Incident of Sexual Assault, Dating

Violence, Domestic Violence, or Stalking

When an incident of sexual assault, dating violence, domestic violence, or stalking occurs, it is important to preserve evidence to aid in the possibility of a successful criminal prosecution or obtaining a protection order. In cases of sexual assault avoid washing, douching, using the toilet, or changing clothing prior to a medical exam. Any clothing removed should be placed in a paper bag. Evidence of violence, such as bruising or other visible injuries, should be documented. Evidence of stalking, such as written notes, voice mails, social media postings, or other electronic communications should be saved and not altered in any way.

Reporting Options

In the case of an emergency or ongoing threat, get to a safe location and report the incident to Mt. SAC Police and Campus Safety at (909) 274-4555. Any student, faculty, staff, or visitor who is a victim of sexual violence, dating violence, domestic violence, or stalking should immediately report it. But, they can choose not to if they do not want to. Any person impacted by sexual harassment, sexual violence, including sexual assault, dating violence, domestic violence, or stalking may also report it to the Director of EEO Programs and Title IX Coordinator at (909) 274-6830.

Confidentiality

Personally identifying information will not be included in timely warnings, emergency notifications, the daily crime log, or other publicly available documents. Mt. SAC recognizes the sensitive nature of sexual violence and is committed to protecting the privacy of any individual who reports an incident of sexual violence, dating violence, domestic violence or stalking. Officials on campus are, however, able to offer varying levels of privacy protection to complainants. Reports made to law enforcement may be made public and shared with the respondent, unless the report is subject to victim confidentiality per California Penal Code section 293 and Government Code sections 6253 and 6254.

Confidential Support

Confidential advocates at the Student Health Center provide affirming, empowering, and confidential support for those that have experienced sexual and gender violence, including sexual harassment, emotional abuse, dating and intimate partner violence, sexual assault, stalking, and sexual exploitation. Advocates bring a non-judgmental, caring approach to exploring all options, rights, and resources. The Student Health Center is in Building 67B.

Accommodations and Interim & Protective Measures

Any student, faculty, or staff member who reports sexual or gender violence, including sexual assault, domestic violence, dating violence, or stalking, whether the offense occurred on or off campus, shall receive a written explanation of their rights from Human Resources. This written explanation identifies existing counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, and other services available for victims, both within the institution and in the community. It describes options for available assistance and indicates how to get help with requesting changes to academic, living, transportation, and working situations or protective measures. Requested accommodations or protective measures will be made if they are reasonably available, regardless of whether the survivor chooses to report the incident to Police and Campus Safety or local law enforcement. Police and Campus Safety can assist survivors in obtaining an emergency protective order and is committed to protecting victims from any further harm.

Reports made to certain Mt. SAC officials will be kept confidential, and identifying information about the victim shall not be made public per California Penal Code section 293.

Information can be requested via the California Public Records Act, but some details may be redacted. Reports made to medical professionals and licensed mental health counselors will not be shared with third parties except in cases of imminent danger to the victim or a third party.

Confidentiality in the Completion of Publicly Available Recordkeeping

Mt. SAC will not release the names of victims in its Timely Warning notices, Campus Alerts, Emergency Notifications, or the Daily Crime Log, each of which are required by the Clery Act.

Confidentiality of Accommodations and Protective Measures

Mt. SAC will maintain the confidentiality of any accommodation or protective measure unless it substantially interferes with implementation of the Clery Act.

Support Resources On & Off Campus

Mt. SAC offers other important resources to the survivors of sexual and gender violence including medical treatment, counseling, and advocacy.

Resources on Campus

Police and Campus Safety (909) 274-4555

Police and Campus Safety Text-a-Tip Hot Line (909) 610- 9139 textatip.mtsac.edu

Student Life Office, Building 9C (909) 274-4525 Student Health Center, Building 67B (909) 274-4400 Title IX Coordinator, Building 4 (909) 274-6830

Hotlines and Community Resources

Pacific Clinics (877) 722-2737

Project Sister Family Services (24-hr. rape hotline)

(909) 626-4357

East LA Women's Center

(24-hr. rape & battering hotline, Spanish) (800) 585-6231 Riverside Area Rape Crisis Center (24-hr. rape hotline) (951) 686-7273

National Sexual Assault Hotline 800 656-HOPE Victim-Witness Assistance Program (800) 380-3811

(Victims may be eligible for compensation through victims- witness programs)

RAINN (Rape, Abuse, & Incest National Network)

www.rainn.org

Domestic Violence Resources:

House of Ruth (24-hr. crisis helpline) (877) 988-5559 YWCA-WINGS (24-hr. domestic violence help line) (626) 967-0658

Option House Shelter (24-hr. domestic violence hotline) (909) 381-3471

National Domestic Violence Hotline (800) 799-SAFE National Coalition Against Domestic Violence www.ncadv.org

Not Alone: Together Against Sexual Assault www.notalone.gov

What to do if you or a friend experience sexual assault, dating violence, or stalking

- Get to a safe place as soon as you can.
- Call Mt. SAC Police and Campus Safety or call 911
- Get medical attention as soon as possible.
- Call National Sexual Assault Hotline 800 656-HOPE
- Call the Title IX Coordinator (909) 274-6830

Bystander Intervention and Risk Reduction

Bystander intervention is a way to prevent violence by helping someone who is danger of being assaulted by becoming active bystanders who care for one another. Being an active bystander means that you TAKE ACTION when you see a situation that could be potentially harmful to another person. Every step you take to help counts, no matter how small you think it is. Depending on the situation at hand and your personal style for intervening, there is always an option for taking action while keeping yourself safe.

Bystander Intervention Tips

- Step in and offer assistance.
- Ask if the person needs help.
- Call Police and Campus Safety at (909) 274-4555 or 911
- Don't leave. If you remain at the scene and are a witness, the perpetrator is less likely to do anything.
- Be an ally. When you go to a party, go with a group of friends. Arrive together, check in with each other frequently, and leave together.
- Have a buddy system. Don't be afraid to let a friend know if you are worried about his or her safety.

Campus Prevention Approaches

Student groups, Student Health, and Student Life collaborate on prevention programs to:

- Educate the campus community about sexual violence in the context of a college setting and engage people in a commitment to get involved when they observe risky situations.
- Confront oppressive stereotypes that lead to interpersonal violence.
- Talk about healthy relationships and healthy sexuality, emphasizing the importance of communication and respecting personal boundaries.
- Coordinate campus-wide awareness efforts to promote dialogue on sexual violence.

STUDENT, STAFF, AND FACULTY DISCIPLINARY PROCEEDINGS

Mt. SAC strictly prohibits all acts of sexual assault, domestic violence, dating violence, and stalking. In addition to facing criminal action, students, employees and other affiliates may also face disciplinary action by the College. Employees found responsible for having committed such a violation face discipline up to and including termination of employment.

Students face disciplinary action up to, and including dismissal. Other sanctions may include a period of suspension, no-contact directives, or training. Student Life handles incidents involving accused students and Human Resources handles incidents involving accused employees or affiliates. In addition to Board Policy and Administrative Procedures, The Faculty Code of Conduct governs matters involving faculty accused of misconduct.

Student Life

Responsibility for pursuing campus disciplinary actions involving students rests with Student Life, which reports to the Dean of Student Services. The Standards of Conduct process is used to determine if a student or student organization is engaged in behavior that violates the Standards of Conduct. Student Life supports the mission of Mt. SAC by objectively and efficiently administering the Standards of Conduct; promoting academic integrity; balancing individual and community interests in order to encourage student accountability; and connecting students to resources that foster student success.

Full text of the Standards of Conduct can be found at:

<http://www.mtsac.edu/studentlife/standards-of-conduct.pdf>

Student Proceedings

All conduct and disciplinary proceedings involving students and employees, whether the conduct is reported to have occurred on or off campus, as appropriate, shall provide a prompt, fair and impartial investigation and resolution by officials who have received annual training on the nature of the types of cases they are handling and on how to conduct a trauma-informed investigation and hearing in a manner that protects the safety of victims and promotes accountability. Determination of responsibility for violating the Code of Student Conduct is made using the preponderance of the evidence standard (which means that it is more likely than not that the alleged misconduct occurred).

In all student proceedings, including any related meetings, both the respondent and the complainant are entitled to the same opportunities to have others present including the right to be accompanied by an advisor of their choice. Both the respondent and the complainant shall simultaneously be informed in writing of the outcome of the proceedings, the procedures for appealing the results, and of case progression through the conduct process. Disclosure of the outcome shall be made to both parties unconditionally, simultaneously, and each shall be free to share or not share the details with any third parties. For additional information about student conduct proceedings, please consult the Code of Student Conduct available at <http://www.mtsac.edu/studentlife/standardsconduct.html>.

Students

In all cases, regardless of the location of the crime, Mt. SAC will provide the complainant with the Survivor Support Handout which explains the various rights and options when reporting an incident of sexual harassment, sexual assault, dating violence, domestic violence, and stalking. Wherever possible, Mt. SAC will provide the complainant with access to medical care, emotional support, information regarding the confidential survivor advocate, and, when requested, any academic or housing accommodations. Mt. SAC will assess the immediate safety needs of the complainant, including, for example, assisting with acquiring protective orders or other protective measures, including no contact orders. Mt. SAC will provide information for reporting to Police and Campus Safety, the Los Angeles County Sheriff's Department, or the appropriate local police department when applicable and will assist the complainant with contacting law enforcement if the complainant requests.

Student Life, in consultation with Police and Campus Safety, will assess the need to implement interim or long-term protective measures, such as interim suspensions, exclusions from areas of campus, changes in class schedule and no-contact directive between both parties. Student Life will provide complainants and respondents an outline of Mt. SAC's Sexual Harassment and Sexual Violence investigation procedures, as well as an outline of the subsequent adjudication process.

If an investigation is to be conducted, a letter to both the complainant and the respondent will be sent notifying them of the investigation. The Director of EEO Programs and Title IX Coordinator, or designee, will conduct a prompt, fair, and impartial investigation of the allegations. They will use the preponderance of evidence standard to make a recommendation regarding whether Mt. SAC's Policy on Sexual Violence and Sexual Harassment has been violated.

The Director of EEO Programs and Title IX Coordinator, or designee, will make an Administrative Determination based on the findings of the investigation and simultaneously notify the complainant and respondent of the outcome of the investigation, and notify the Complainant that they can request a redacted copy of the written investigation report.

Student Life reviews the Administrative Determination and offers to meet with the complainant and the respondent to discuss potential sanctions. After reviewing the Administrative Determination and, if applicable, meeting with the parties, the preponderance of evidence standard will be used to render a decision regarding responsibility for violating the Mt. SAC Policy on Sexual Violence and Sexual Harassment and the Student Code of Conduct. Student Life will issue an outcome letter to both parties notifying them of the decision as well as applicable sanctions. This letter will also notify students of their appeal rights. The complainant and respondent have the ability to appeal Student Life's decision. If no one chooses to appeal the case, the case is closed.

If either party appeals the finding, the Appeal Officer will determine whether the appealing party met the grounds for appeal. If so, the Appeal Officer will convene a hearing in order to consider the appeal. The Appeal Officer has the ability to uphold, reject, or modify the findings and sanctions. If the Appeal Officer modifies Student Life's decision in any way, the non-appealing party and/or Student Life may submit a written appeal to the Vice President of Student Services within 10 days. There is no further right to appeal.

Available Sanctions

The following sanctions can be applied depending on the outcome of the investigation and/or hearing process: No sanction, notification, warning, probation, suspension, and dismissal. Educational sanctions such as completing workshops or attending counseling assessments may also be applied.

Anticipated Timelines

All "days" referred to in this timeline are "work days," defined as Monday through Friday, when the College is officially open for classes. The Director of EEO Programs and Title IX Coordinator, or designee, investigates complaints and makes findings as promptly as possible. In most cases this will occur within 60 days. Extensions to this timeline can be made for good cause. If extensions are made, all parties will be notified. Upon completion of the investigation, Student Life will meet

with students and issues an outcome letter within 10 days. Extensions to this timeline can be made for good cause. If extensions are made, the parties will be notified. Either party may submit an appeal of the case outcome within 10 days of the issuance of the case outcome letter. If the Appeal Officer determines that the appeal meets the grounds, a hearing will be convened in order to resolve the issue brought forth. The appealing party may appeal the Appeal Officer's decision to within 5 days of the issuance of the appeal outcome letter.

Faculty and Staff Proceedings

All disciplinary proceedings involving staff and faculty shall follow a prompt, fair, and impartial investigation and resolution by officials who have received annual training on the nature of the types of cases they are handling, on how to conduct an investigation, and shall follow the specific personnel policies or academic code of conduct policies that govern that individual's employment or academic appointment status. As in the disciplinary process for students, individuals accused of sexual misconduct or gender violence can bring representatives or support persons to their interviews and disciplinary meetings. As is the case with students, complainants and respondents shall be informed of the outcome of the disciplinary process.

Filing a Complaint with the College

Cases involving a complaint of sexual assault, sexual harassment, and/or gender discrimination are first assessed and explored for possible policy violations by the Director of Equal Employment Opportunity and Title IX Coordinator, (909) 274-6830, Building 4, Room 1460.

College Disciplinary Procedures in Sexual and Gender Violence Incidents

Mt. SAC's disciplinary processes for students and employees are designed to afford a complainant (the person who is bringing a charge) and a respondent (the person who is answering a charge) a fair, prompt, and appropriate resolution process. The process is designed to help people who need support as they address these incidents. The Mt. SAC Policy on Sexual Violence and Sexual Harassment, which applies to students, faculty, and staff states that complainants and respondents may have an adviser present when personally interviewed and at any related meeting during the investigation process. Other support persons may be allowed under other policies, e.g., personnel policies or collective bargaining agreement. Other witnesses in the investigation may have an adviser present at the discretion of the investigator or as required by Mt. SAC policy or collective bargaining agreement. In determining whether the alleged conduct constitutes sexual harassment or assault, dating or domestic violence or stalking, the full context in which the alleged incident occurred must be considered. In all cases, both the complainant and the respondent are entitled to the same opportunities to have others present during any disciplinary proceeding. Both the complainant and the respondent will be informed of the

outcome of any proceeding, including any changes to the outcome as a result of an appeal.

Staff

In all cases, Mt. SAC will provide the complainant with the Survivor Support Handout which explains the various rights and options when reporting an incident of sexual harassment, sexual assault, dating violence, domestic violence, and stalking. When possible, Mt. SAC will provide the complainant with access to medical care, emotional support, and necessary workplace accommodations.

Human Resources and/or Police and Campus Safety will assess the immediate safety needs of the complainant, such as assisting with acquiring protective orders. Human Resources or Police and Campus Safety will assist the complainant with contacting local police if the complainant requests. The Director of EEO Programs and Title IX Coordinator will assess the need to implement other interim measures, such as administrative leave, work reassignments, or a “no-contact” directive between both parties. The Director of EEO Programs and Title IX Coordinator will provide all complainants and respondents a copy of the campus Policy on Sexual Violence and Sexual Harassment that includes an outline of the administrative investigation procedures.

The Director of EEO Programs and Title IX Coordinator will conduct a prompt, fair, and impartial investigation of the allegations to determine if the Mt. SAC policy on Sexual Harassment and Sexual Violence has been violated, using a preponderance of the evidence standard. The Director of EEO Programs will simultaneously notify the complainant and respondent of the outcome of the investigation, and notify the Complainant that they can request a redacted copy of the written investigation report. The Director of EEO Programs and Title IX Coordinator will forward that report to Human Resources for review under the appropriate

disciplinary procedures for the responding employee, depending on the applicable personnel policy or labor agreement. Human Resources will then determine appropriate disciplinary and/or remedial measures.

Available Sanctions

The following sanctions are available depending on the outcome of the investigation and/or hearing process: No discipline, remedial education or training, written warning, corrective salary decrease, suspension, demotion, or termination.

Anticipated Timelines

The Director of EEO Programs and Title IX Coordinator, or designee, investigates allegations and makes findings as promptly as possible and in most cases, within 60 working days. The review and discipline process follows timelines determined by

applicable policies or labor agreements that cover the terms and conditions of the responding employee.

Faculty

In all cases, regardless of the location of the crime, Mt. SAC will provide the complainant with the Survivor Support Handbook that explains the various rights and options when reporting an incident of sexual harassment, sexual assault, dating violence, domestic violence, and stalking. The Director of EEO Programs and Title IX Coordinator, will assess the immediate safety needs of the complainant, including assisting with acquiring protective orders or other measures. The Director of EEO Programs and Title IX Coordinator will assess the need to implement other interim measures, such as administrative leave, work reassignment, or a “no contact” directive between both parties. The Director of EEO Programs and Title IX Coordinator, will provide complainants and respondents a copy of the applicable Mt. SAC Policy on Sexual Violence and Sexual Harassment that includes an outline of the administrative investigation procedures. The Director of EEO Programs and Title IX Coordinator, or designee, will conduct a prompt, fair, and impartial investigation of the allegations and determine whether the Mt. SAC Policy on Sexual Violence and Sexual Harassment has been violated, using the preponderance of the evidence standard. Human Resources will simultaneously notify the complainant and respondent of the outcome of the investigation, and notify the Complainant that they can request a redacted copy of the written investigation report. The Vice President of Human Resources will oversee the disciplinary process and remedial measures.

Available Sanctions

The following sanctions are available depending on the outcome of the investigation:

Written censure, reduction in salary, demotion, suspension, dismissal, and written warning.

Anticipated Timelines

Human Resources investigates and makes findings as promptly as possible. In most cases, findings are made within 60 working days. The review and discipline process follows timelines determined by applicable policies, labor agreement, or code of conduct that covers the terms and conditions of the responding academic employee.

Definitions of Covered Offenses

Dating violence means violence committed by a person who is or has been in a romantic or intimate relationship with the victim. Conduct by a person who is or has been in a romantic or intimate relationship with the Complainant that intentionally, or recklessly, causes bodily injury to the Complainant or places the Complainant in reasonable fear of serious bodily injury. The nature of the relationship between the

Complainant and Respondent is determined by the length, type, and frequency of interaction between them.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim. Conduct by a current or former spouse or intimate partner of the Complainant; or a person with whom the Complainant shares a child in common, that intentionally, or recklessly, causes bodily injury to the Complainant or another, or places the Complainant or another in reasonable fear of serious bodily injury.

Sexual assault is any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent, as well as incest or statutory rape. Without the consent of the complainant, touching an intimate body part (genitals, anus, groin, breast, or buttocks) unclothed or clothed. *Note: As this definition encompasses a broad spectrum of conduct, not all of which constitutes sexual violence, the Title IX Coordinator will determine whether the allegation should be treated as sexual violence or sexual harassment.* Sexual assault is aggravated when it includes the following:

- Force (the use of physical force or inducing reasonable fear of immediate or future bodily injury)
- Violence (the use of physical force to cause harm or injury)
- Menace (a threat, statement, or act showing intent to injure)
- Duress (a direct or implied threat of force, violence, danger, hardship, or retribution that is enough to cause a reasonable person of ordinary sensitivity, taking into account all circumstances including age and relationship, to do or submit to something that they would not otherwise do)
- Deliberately causing a person to be incapacitated (through drugs or alcohol) and intentionally taking advantage of the other person's incapacitation (including voluntary intoxication)
- Recording, photographing, transmitting, or distributing intimate or sexual images without the prior knowledge and consent of the parties involved

Sex offenses are any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Fondling is the touching of the private body parts of another person for the purpose 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 sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

Rape is penetration, no matter how slight, of the vagina, anus, or mouth by a penis; or the vagina or anus by any body part or object.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. The repeated conduct (e.g., following, monitoring, observing, surveilling, threatening, communicating, or interfering with property) of a sexual or romantic nature or motivation, that would cause a reasonable person to fear for their safety, or the safety of others, or to suffer substantial emotional distress.

Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of both persons an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence, do not alone constitute consent.

Affirmative consent must be ongoing and can be revoked at any time during sexual activity. The existence of a dating relationship or past sexual relations between the persons involved should never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct).

Sexual harassment is unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal or physical conduct of a sexual nature when:

- Quid Pro Quo: a person's submission to such conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a College program; or
- Hostile Environment: such conduct is sufficiently severe or pervasive that it unreasonably denies, adversely limits, or interferes with a person's participation in or benefit from the education, employment or other programs and services of the College and creates an environment that a reasonable person would find to be intimidating or offensive.

Consideration is given to the totality of the circumstances in which the conduct occurred. Sexual harassment may include incidents between any members of the College community, including faculty and other academic appointees, staff, student employees, students, coaches, interns, and non-student or nonemployee participants in College programs (e.g., vendors, contractors, visitors, and patients).

Other Prohibited Behavior:

- Without a person's consent, watching or enabling others to watch that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy;
- Without a person's consent, making photographs (including videos) or audio recordings, or posting, transmitting or distributing such recorded material depicting that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy; or
- Using depictions of nudity or sexual activity to extort something of value from a person.
- Sexual intercourse with a person under the age of 18.
- Exposing one's genitals in a public place for the purpose of sexual gratification.
- Failing to comply with the terms of a no-contact order, a suspension of any length, or any order of exclusion issued under Mt. SAC's Sexual Violence and Sexual Harassment Policy.
- Retaliation includes threats, intimidation, reprisals, and/or adverse employment or educational actions against a person based on their report of prohibited conduct or participation in the investigation, report, remedial, or disciplinary processes provided for in the Mt. SAC policy Sexual Violence and Sexual Harassment.

SEX OFFENDER REGISTRATION – CAMPUS SEX CRIMES PREVENTION ACT

California State law (Megan's Law) requires sex offenders to register with the police in the jurisdiction in which they reside, and also that they specifically register with Mt. SAC Police and Police and Campus Safety if they are employees (including contractors) of the College, attend classes, or frequent any area associated with the College.

Members of the campus community may, by appointment with Police and Campus Safety, view information gathered about campus affiliated registered offenders if they:

- Are a member of the Mt. SAC campus community
- Are at least 18 years of age
- Have a valid California driver's license or identification card
- Are not a registered sex offender, and
- Can clearly state their reason for viewing the Campus registered sex offender data file (mere curiosity is not a valid reason to view the information).

Campus community members will be required to establish their campus community connection to Mt. SAC, show a photo ID, and sign a statement attesting that they are not a registered sex offender, understand the purpose of the release of information, and understand that it is unlawful to use the information obtained to commit a crime against any sex offender registrant or engage in illegal discrimination or harassment of any registrant. The statement is confidential and is not subject to disclosure under the Public Records Act. A copy of the statement may be made available to law enforcement agencies for law enforcement purposes.

For more information about the Megan's Law Data Program, the campus-affiliated registered sex offender data, or to make an appointment to view the data contact Police and Campus Safety (909) 274-4555. The general public can view sex offender registration information at the Megan's Law website at www.meganslaw.ca.gov/

Weapons Policy

The possession, carrying and use of weapons, ammunition, or explosives is prohibited on Mt. SAC owned or controlled property. The only exception to this policy is for authorized law enforcement officers or others specifically authorized by Mt. SAC. Failure to comply with the Mt. SAC weapons policy will result in disciplinary and/or criminal action against violators.

CALIFORNIA CRIME VICTIM'S BILL OF RIGHTS

Marsy's Law significantly expands the rights of victims in California. Under Marsy's Law, the California Constitution article I, § 28, section (b) provides victims with the following enumerated 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 pre-sentence 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).

ANNUAL DISCLOSURE OF CRIME STATISTICS

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crime on and around their campuses. Police and Campus Safety collects the crime statistics through a number of methods. Dispatchers and officers enter all reports of crime incidents made directly to the department through an integrated computer aided- dispatch and records management system. After an officer enters the report in the system, a department administrator reviews the report to ensure it is appropriately classified in the correct crime category. The Department examines the data monthly to ensure that all reported crimes are recorded properly. In addition to the crime data that Police and Campus Safety maintains, the statistics also include crimes that are reported to various Campus Security Authorities, as defined in this report. The statistics reported here reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub categories on liquor laws, drug laws, and weapons offenses represent the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.

Definitions of Reportable Crimes

Murder/Manslaughter – The willful killing of one human being by another.

Negligent Manslaughter – The killing of another person through gross negligence.

Sex Offenses – Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape – 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 – The touching of the private body parts of another person for the purpose 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 - 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.

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

Aggravated Assault – An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary – The unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft – The theft or attempted theft of a motor vehicle.

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

Hate Crimes – includes all of the crimes listed above that manifest evidence that the victim was chosen based on one of the categories of bias listed below, plus the following crimes:

- Larceny/Theft — includes, pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.
- 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.
- Vandalism (except Arson)—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.

Hate Crime Categories of Bias

Race – A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

Gender – A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

Gender Identity – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender nonconforming individuals.

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.

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.

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.

National Origin – A preformed negative opinion about a group of persons based upon them being from a particular country or part of the world.

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.

CLERY ACT CRIME STATISTICS

Criminal Homicide

| Offense | Year | On Campus | Public Property | Off Campus | Unfounded |
|---|------|-----------|-----------------|------------|-----------|
| <i>Murder and Non-negligent Manslaughter</i> | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| | 2022 | 1 | 0 | 0 | 0 |
| <i>Negligent Manslaughter</i> | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| | 2022 | 0 | 0 | 0 | 0 |

New Sex Offense Reporting Categories as of October 20, 2014

| Offense | Year | On Campus | Public Property | Off Campus | Unfounded |
|------------------------------|------|-----------|-----------------|------------|-----------|
| <i>Rape</i> | 2020 | 0 | 0 | 0 | 0 |
| <i>Fondling</i> | 2020 | 0 | 0 | 0 | 0 |
| <i>Incest</i> | 2020 | 0 | 0 | 0 | 0 |
| <i>Statutory Rape</i> | 2020 | 0 | 0 | 0 | 0 |
| <i>Rape</i> | 2021 | 0 | 0 | 0 | 0 |
| <i>Fondling</i> | 2021 | 0 | 0 | 0 | 0 |
| <i>Incest</i> | 2021 | 0 | 0 | 0 | 0 |
| <i>Statutory Rape</i> | 2021 | 0 | 0 | 0 | 0 |
| <i>Rape</i> | 2022 | 3 | 0 | 0 | 0 |
| <i>Fondling</i> | 2022 | 0 | 0 | 0 | 0 |
| <i>Incest</i> | 2022 | 0 | 0 | 0 | 0 |
| <i>Statutory Rape</i> | 2022 | 0 | 0 | 0 | 0 |

| Offense | Year | On Campus | Public Property | Off Campus | Unfounded |
|---------------------|------|-----------|-----------------|------------|-----------|
| Robbery | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| | 2022 | 0 | 0 | 0 | 0 |
| Aggravated Assault | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| | 2022 | 0 | 0 | 0 | 0 |
| Burglary | 2020 | 3 | 0 | 1 | 0 |
| | 2021 | 4 | 0 | 0 | 0 |
| | 2022 | 5 | 0 | 0 | 0 |
| Motor Vehicle Theft | 2020 | 2 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| | 2022 | 3 | 0 | 0 | 0 |
| Arson | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| | 2022 | 0 | 0 | 0 | 0 |

VAWA Offenses

| Offense | Year | On Campus | Public Property | Off Campus | Unfounded |
|-------------------|------|-----------|-----------------|------------|-----------|
| Dating Violence | 2020 | 0 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| | 2022 | 0 | 0 | 0 | 0 |
| Domestic Violence | 2020 | 1 | 0 | 1 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| | 2022 | 0 | 0 | 0 | 0 |
| Stalking | 2020 | 2 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 | 0 |
| | 2022 | 0 | 0 | 0 | 0 |

| Other Offenses | | On Campus | Non campus Building or Property | Public Property |
|--|------|-----------|---------------------------------|-----------------|
| <i>Liquor Law Violations</i> | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |
| | 2022 | 0 | 0 | 0 |
| <i>Drug Abuse Violations</i> | 2020 | 0 | 0 | 0 |
| | 2021 | 1 | 0 | 1 |
| | 2022 | 1 | 0 | 0 |
| <i>Illegal Weapons Possession</i> | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |
| | 2022 | 0 | 0 | 0 |

Referred for Disciplinary Action

| Other Offenses | Year | On Campus | Non campus Building or Property | Public Property |
|--|------|-----------|---------------------------------|-----------------|
| <i>Liquor Law Violations</i> | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |
| | 2022 | 0 | 0 | 0 |
| <i>Drug Abuse Violations</i> | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |
| | 2022 | 0 | 0 | 0 |
| <i>Illegal Weapons Possession</i> | 2020 | 0 | 0 | 0 |
| | 2021 | 0 | 0 | 0 |
| | 2022 | 0 | 0 | 0 |

Occurrences of Hate Crimes Category of Bias for Crimes Reported in 2020

| Criminal Offense | Total | Race | Religion | Sexual Orientation | Gender | Gender Identity | Disability | Ethnicity | National Origin |
|---------------------|-------|------|----------|--------------------|--------|-----------------|------------|-----------|-----------------|
| Murder/Manslaughter | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fondling | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Incest | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Statutory Rape | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Robbery | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aggravated Assault | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burglary | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arson | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Simple Assault | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Larceny-theft | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Intimidation | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| Vandalism | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

DEFINITIONS/RELATED INFORMATION:

Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program. A nationwide, cooperative statistical effort in which city, university and college, county, State, Tribal, and federal law enforcement agencies voluntarily report data on crimes brought to their attention. The UCR program also serves as the basis for the definitions of crimes in Appendix A to this subpart and the requirements for classifying crimes in this subpart.

Hate crime. A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Hierarchy Rule. A requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense was committed during a single incident, only the most serious offense be counted.

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

All reported crimes must be recorded. (i) An institution must include in its crime statistics all crimes listed in paragraph (c) (1) of this section occurring on or within its Clery geography that are reported to a campus security authority for purposes of Clery Act reporting. Clery Act reporting does not require initiating an investigation or

disclosing personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)). An institution may not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar non-campus official. An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report. An institution must report to the Department and disclose in its annual security report statistics the total number of crime reports that were “unfounded” and subsequently withheld from its crime statistics during each of the three most recent calendar years.

Crimes must be recorded by calendar year. An institution must record a crime statistic for the calendar year in which the crime was reported to local police agencies or to a campus security authority.

Recording reports of stalking. When recording reports of stalking that include activities in more than one calendar year, an institution must record a crime statistic for each and every year in which the course of conduct is reported to a local police agency or to a campus security authority. An institution must record each report of stalking as occurring at only the first location within the institution’s Clery geography in which: A perpetrator engaged in the stalking course of conduct; or a victim first became aware of the stalking.

Identification of the victim or the accused. The statistics do not include the identification of the victim or the person accused of committing the crime.

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

Using the FBI’s UCR program and the Hierarchy Rule. (i) An institution must compile the crime statistics for murder and non-negligent manslaughter, negligent manslaughter, rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug law violations, and illegal weapons possession using the definitions of those crimes from the “Summary Reporting System (SRS) User Manual” from the FBI’s UCR Program.

An institution must compile the crime statistics for fondling, incest, and statutory rape using the definitions of those crimes from the “National Incident-Based Reporting System (NIBRS) User Manual” from the FBI’s UCR Program. An institution must compile the crime statistics for the hate crimes of larceny-theft, simple assault,

intimidation, and destruction/damage/vandalism of property using the definitions provided in the “Hate Crime Data Collection Guidelines and Training Manual” from the FBI’s UCR Program. In counting crimes when more than one offense was committed during a single incident, an institution must conform to the requirements of the Hierarchy Rule in the “Summary Reporting System (SRS) User Manual.

If arson is committed, an institution must always record the arson in its statistics, regardless of whether or not it occurs in the same incident as another crime. If rape, fondling, incest, or statutory rape occurs in the same incident as a murder, an institution must record both the sex offense and the murder in its statistics.

Statistics from police agencies. In complying with the statistical reporting requirements, an institution must make a reasonable, good-faith effort to obtain statistics for crimes that occurred on or within the institution’s Clery geography and may rely on the information supplied by a local or State police agency. If the institution makes such a reasonable, good-faith effort, it is not responsible for the failure of the local or State police agency to supply the required statistics.

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

Criminal Homicide—Manslaughter by Negligence The killing of another person through gross negligence.

Criminal Homicide—Murder and Non-negligent Manslaughter

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

Rape 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.

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

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

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

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

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

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

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

Sex Offenses Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- A. *Fondling*—The touching of the private body parts of another person for the purpose 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.
- B. *Incest*—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- C. *Statutory Rape*—Sexual intercourse with a person who is under the statutory age of consent.

Larceny-Theft (Except Motor Vehicle Theft) The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

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

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

Destruction/Damage/Vandalism of Property

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

Dating violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic violence. A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; By a person with whom the victim shares a child in common; By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; 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 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. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Sexual assault An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

Stalking Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—Fear for the person's safety or the safety of others; or suffer substantial emotional distress.

- A. *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- B. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- C. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

iii. For the purposes of complying with the requirements, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

CALIFORNIA DEFINITIONS OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

California Definition of Rape, Abduction, Carnal Abuse of Children, and Seduction
[261-269] Incest [285]

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. (Amended by Stats. 2013, Ch. 259, Sec. 1. Effective September 9, 2013.)

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. (Amended by Stats. 2011, Ch. 15, Sec. 302. Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

- 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. (Amended by Stats. 1994, Ch. 1188, Sec. 1. Effective January 1, 1995.)
- 261.7. In prosecutions under Section 261, 262, 286, 288 **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. (Amended by Stats. 1995, Ch. 177, Sec. 1. Effective January 1, 1996.)
- 261.9. (a) Any person convicted of seeking to procure or procuring the sexual services of a prostitute in violation of subdivision (b) of Section 647, if the prostitute is under 18 years of age, shall be ordered by the court, in addition to any other penalty or fine imposed, to pay an additional fine in an amount not to exceed twenty-five thousand dollars (\$25,000). (b) Every fine imposed and collected pursuant to this section shall, upon appropriation by the Legislature, be available to fund programs and services for commercially sexually exploited minors in the counties where the underlying offenses are committed. (Added by Stats. 2011, Ch. 75, Sec. 3. Effective January 1, 2012.)
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 apprising 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: (1) That the defendant make payments to a battered women's shelter, up to a maximum of one thousand dollars (\$1,000). (2) 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. (Amended by Stats. 2006, Ch. 45, Sec. 1.

Effective January 1, 2007.)

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. (Amended by Stats. 1979, Ch. 994.)

264. (a) Except as provided in subdivision (c), rape, as defined in Section 261 or 262, is punishable by imprisonment in the state prison for three, six, or eight years. (b) 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 Section 261 or 262 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. (c) (1) Any person who commits rape in violation of paragraph (2) of subdivision (a) of Section 261 upon a child who is under 14 years of age shall be punished by imprisonment in the state prison for 9, 11, or 13 years. (2) Any person who commits rape in violation of paragraph (2) of subdivision (a) of Section 261 upon a minor who is 14 years of age or older shall be punished by imprisonment in the state prison for 7, 9, or 11 years. (3) This subdivision does not preclude prosecution under Section 269, Section 288.7, or any other provision of law. (Amended by Stats. 2010, Ch. 219, Sec. 4. Effective September 9, 2010.)
- 264.1. (a) The provisions of Section 264 notwithstanding, in any case in which the defendant, voluntarily acting in concert with another person, by force or violence and against the will of the victim, committed an act described in Section 261, 262, or 289, either personally or by aiding and abetting the other person, that fact shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or if admitted by the defendant, the defendant shall suffer confinement in the state prison for five, seven, or nine years.
- (b) (1) If the victim of an offense described in subdivision (a) is a child who is under 14 years of age, the defendant shall be punished by imprisonment in the state prison for 10, 12, or 14 years. (2) If the victim of an offense described in subdivision (a) is a minor who is 14 years of age or older, the defendant shall be punished by imprisonment in the state prison for 7, 9, or 11 years. (3) This subdivision does not preclude prosecution under Section 269, Section 288.7, or any other provision of law. (Amended by Stats. 2010, Ch. 219, Sec. 5. Effective September 9, 2010.)
- 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
- (H) 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 hospital may notify the local rape victim counseling center, when the victim of the alleged violation of Section 261, 261.5, 262, 286, 288a, or 289 is presented to the hospital for the medical or evidentiary physical examination, upon approval of the victim. The victim has 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.

(Amended by Stats. 2015, Ch. 303, Sec. 385. Effective January 1, 2016.)

265. Every person who takes any woman unlawfully, against her will, and by force, menace or duress, compels her to marry him, or to marry any other person, or to be defiled, is punishable by imprisonment pursuant to subdivision (h) of Section 1170. (Amended by Stats. 2011, Ch. 15, Sec. 303. Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)
266. Every person who inveigles or entices any unmarried female, of previous chaste character, under the age of 18 years, into any house of ill fame, or of assignation, or elsewhere, for the purpose of prostitution, or to have illicit carnal connection with any man; and every person who aids or assists in such inveiglement or enticement; and every person who, by any false pretenses, false representation, or other fraudulent means, procures any female to have illicit carnal connection with any man, is punishable by imprisonment in the state prison, or by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000), or by both such fine and imprisonment. (Amended by Stats. 1983, Ch. 1092, Sec. 256. Effective September 27, 1983. Operative January 1, 1984, by Sec. 427 of Ch. 1092.)
- 266a. Each person who, within this state, takes any person against his or her will and without his or her consent, or with his or her consent procured by fraudulent inducement or misrepresentation, for the purpose of prostitution, as defined in subdivision (b) of Section 647, is punishable by imprisonment in the state prison, and a fine not exceeding ten thousand dollars (\$10,000). (Amended by Stats. 2014, Ch. 109, Sec. 1. Effective January 1, 2015.)
- 266b. Every person who takes any other person unlawfully, and against his or her will, and by force, menace, or duress, compels him or her to live with such person in an illicit relation, against his or her consent, or to so live with any other person, is punishable by imprisonment pursuant to subdivision (h) of Section 1170. (Amended by Stats. 2011, Ch. 15, Sec. 304. Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

266c. Every person who induces any other person to engage in sexual intercourse, sexual penetration, oral copulation, or sodomy when his or her consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, and which does induce fear, and that would cause a reasonable person in like circumstances to act contrary to the person's free will, and does cause the victim to so act, is punishable by imprisonment in a county jail for not more than one year or in the state prison for two, three, or four years. As used in this section, "fear" means the fear of physical injury or death to the person or to any relative of the person or member of the person's family. (Amended by Stats. 2000, Ch. 287, Sec. 4. Effective January 1, 2001.)

266d. Any person who receives any money or other valuable thing for or on account of placing in custody any other person for the purpose of causing the other person to cohabit with any person to whom the other person is not married, is guilty of a felony. (Amended by Stats. 1975, Ch. 996.)

266e. Every person who purchases, or pays any money or other valuable thing for, any person for the purpose of prostitution as defined in subdivision (b) of Section 647, or for the purpose of placing such person, for immoral purposes, in any house or place against his or her will, is guilty of a felony punishable by imprisonment in the state prison for 16 months, or two or three years. (Amended by Stats. 2011, Ch. 15, Sec. 304.5. Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

266f. Every person who sells any person or receives any money or other valuable thing for or on account of his or her placing in custody, for immoral purposes, any person, whether with or without his or her consent, is guilty of a felony punishable by imprisonment in the state prison for 16 months, or two or three years. (Amended by Stats. 2011, Ch. 15, Sec. 304.7. Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

266g. Every man who, by force, intimidation, threats, persuasion, promises, or any other means, places or leaves, or procures any other person or persons to place or leave, his wife in a house of prostitution, or connives at or consents to, or permits, the placing or leaving of his wife in a house of prostitution, or allows or permits her to remain therein, is guilty of a felony and punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three or four years; and in all prosecutions under this section a wife is a competent witness against her husband. (Amended by Stats. 2011, Ch. 15, Sec. 305. Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

266h. (a) Except as provided in subdivision (b), any person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person, is guilty of pimping, a felony, and shall be punishable by imprisonment in the state prison for three, four, or six years.

(b) Any person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person, when the prostitute is a minor, is guilty of pimping a minor, a felony, and shall be punishable as follows: (1) If the person engaged in prostitution is a minor 16 years of age or older, the offense is punishable by imprisonment in the state prison for three, four, or six years. (2) If the person engaged in prostitution is under 16 years of age, the offense is punishable by imprisonment in the state prison for three, six, or eight years.

(Amended by Stats. 2010, Ch. 709, Sec. 8. Effective January 1, 2011.)

266i. (a) Except as provided in subdivision (b), any person who does any of the following is guilty of pandering, a felony, and shall be punishable by imprisonment in the state prison for three, four, or six years: (1) Procures another person for the purpose of prostitution. (2) By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages another person to become a prostitute. (3) Procures for another person a place as an inmate in a house of prostitution or as an inmate of any place in which prostitution is encouraged or allowed within this state.

(4) By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages an inmate of a house of prostitution, or any other place in which prostitution is encouraged or allowed, to remain therein as an inmate. (5) By fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procures another person for the purpose of prostitution, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution. (6) Receives or gives, or agrees to receive or give, any money or thing of value for procuring, or attempting to procure, another person for the purpose of prostitution, or to come into this state or leave this state for the purpose of prostitution. (b) Any person who does any of the acts described in subdivision (a) with another person who is a minor is guilty of pandering, a felony, and shall be punishable as follows:

(1) If the other person is a minor 16 years of age or older, the offense is punishable by imprisonment in the state prison for three, four, or six years. (2) If the other person is under 16 years of age, the offense is punishable by imprisonment in the state prison for three, six, or eight years.

(Amended by Stats. 2010, Ch. 709, Sec. 9. Effective January 1, 2011.)

266j. Any person who intentionally gives, transports, provides, or makes available, or who offers to give, transport, provide, or make available to another person, a child under the age of 16 for the purpose of any lewd or lascivious act as defined in Section 288, or who causes, induces, or persuades a child under the age of 16 to engage in such an act with another person, is guilty of a felony and shall be imprisoned in the state prison for a term of three, six, or eight years, and by a fine not to exceed fifteen thousand dollars (\$15,000). (Amended by Stats. 1987, Ch. 1068, Sec. 1.)

266k. (a) Upon the conviction of any person for a violation of Section 266h or 266i, the court may, in addition to any other penalty or fine imposed, order the defendant to pay an additional fine not to exceed five thousand dollars (\$5,000). In setting the amount of the fine, the court shall consider any relevant factors including, but not limited to, the seriousness and gravity of the offense and the circumstances of its commission, whether the defendant derived any economic gain as the result of the crime, and the extent to which the victim suffered losses as a result of the crime. Every fine imposed and collected under this section shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs under Section 13837. (b) Upon the conviction of any person for a violation of Section 266j or 267, the court may, in addition to any other penalty or fine imposed, order the defendant to pay an additional fine not to exceed twenty-five thousand dollars (\$25,000). (c) Fifty percent of the fines collected pursuant to subdivision (b) and deposited in the Victim-Witness Assistance Fund pursuant to subdivision (a) shall be granted to community-based organizations that serve minor victims of human trafficking.

(d) If the court orders a fine to be imposed pursuant to this section, the actual administrative cost of collecting that fine, not to exceed 2 percent of the total amount paid, may be paid into the general fund of the county treasury for the use and benefit of the county. (Amended by Stats. 2014, Ch. 714, Sec. 1. Effective January 1, 2015.)

267. Every person who takes away any other person under the age of 18 years from the father, mother, guardian, or other person having the legal charge of the other person, without their consent, for the purpose of prostitution, is punishable by imprisonment in the state prison, and a fine not exceeding two thousand dollars (\$2,000).

(Amended by Stats. 1983, Ch. 1092, Sec. 258. Effective September 27, 1983. Operative January 1, 1984, by Sec. 427 of Ch. 1092.)

269. (a) Any person who commits any of the following acts upon a child who is under 14 years of age and seven or more years younger than the person is guilty of aggravated sexual assault of a child: (1) Rape, in violation of paragraph (2) or (6) of subdivision

(a) of Section 261. (2) Rape or sexual penetration, in concert, in violation of Section 264.1.

(3) Sodomy, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 286. (4) Oral copulation, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 288a. (5) Sexual penetration, in violation of subdivision (a) of Section 289. (b) Any person who violates this section is guilty of a felony and shall be punished by imprisonment in the state prison for 15 years to life. (c) The court shall impose a consecutive sentence for each offense that results in a conviction under this section if the crimes involve separate victims or involve the same victim on separate occasions as defined in subdivision (d) of Section 667.6.

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.

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). (Amended by Stats. 2002, Ch. 302, Sec. 1. Effective January 1, 2003.)

243 (e) (1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment. If probation is granted, or the execution or imposition of the sentence is suspended, it shall be a condition thereof that the defendant participate in, for no less than one year, and successfully complete, a batterer's treatment program, as described in Section 1203.097, or if none is available, another appropriate counseling program designated by the court. However, this provision shall not be construed as requiring a city, a county, or a city and county to provide a new program or higher level of service as contemplated by Section 6 of Article XIII B of the California Constitution.

273.5. (a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000), or by both that fine and imprisonment. (b) Subdivision (a) shall apply if the victim is or was one or more of the following: (1) The offender's spouse or former spouse. (2) The offender's cohabitant or former cohabitant.

(3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243. (4) The mother or father of the offender's child.

(c) Holding oneself out to be the husband or wife of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.

(d) As used in this section, "traumatic condition" means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. For purposes of this section, "strangulation" and "suffocation" include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck. (e) For the purpose of this section, a person shall be considered the father or mother of another person's child if the alleged male parent is presumed the natural father under Sections 7611 and 7612 of the Family Code.

(f) (1) Any person convicted of violating this section for acts occurring within seven years of a previous conviction under subdivision (a), or subdivision (d) of Section 243, or Section 243.4, 244, 244.5, or 245, shall be punished by imprisonment in a county jail for not more than one year, or by imprisonment in the state prison for two, four, or five years, or by both imprisonment and a fine of up to ten thousand dollars (\$10,000).

(2) Any person convicted of a violation of this section for acts occurring within seven years of a previous conviction under subdivision (e) of Section 243 shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to ten thousand dollars (\$10,000), or by both that imprisonment and fine. (g) If probation is granted to any person convicted under subdivision (a), the court shall impose probation consistent with the provisions of Section 1203.097. (h) If probation is granted, or the execution or imposition of a sentence is suspended, for any defendant convicted under subdivision (a) who has been convicted of any prior offense specified in subdivision (f), the court shall impose one of the following conditions of probation: (1) If the defendant has suffered one prior conviction within the previous seven years for a violation of any offense specified in subdivision (f), it shall be a condition of probation, in addition to the provisions contained in Section 1203.097, that he or she be imprisoned in a county jail for not less than 15 days. (2) If the defendant has suffered two or more prior convictions within the previous seven years for a violation of any offense specified in subdivision (f), it shall be a condition of probation, in addition to the provisions contained in Section 1203.097, that he or she be imprisoned in a county jail for not less than 60 days. (3) The court, upon a showing of good cause, may find that the mandatory imprisonment required by this subdivision shall not be imposed and shall state on the record its reasons for finding good cause. (i) If probation is granted upon conviction of a violation of subdivision (a), the conditions of probation may include, consistent with the terms of probation imposed pursuant to Section 1203.097, in lieu of a fine, one or both of the following requirements: (1) That the defendant make payments to a battered women's shelter, up to a maximum of five thousand dollars (\$5,000), pursuant to Section 1203.097. (2) (A) 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. (B) 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. An order to make payments to a battered women's shelter shall not be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. If 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. (j) Upon conviction under subdivision (a), the sentencing court shall also consider issuing an order restraining the defendant from any contact with the victim, which 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. This protective order may be issued by the court whether the defendant is sentenced to state prison or county jail,

or if imposition of sentence is suspended and the defendant is placed on probation.

(k) If a peace officer makes an arrest for a violation of this section, the peace officer is not required to inform the victim of his or her right to make a citizen's arrest pursuant to subdivision (b) of Section 836.

646.9. (a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison. (b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years. (c) (1) Every person who, after having been convicted of a felony under Section 273.5, 273.6, or 422, commits a violation of subdivision (a) shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or five years. (2) Every person who, after having been convicted of a felony under subdivision (a), commits a violation of this section shall be punished by imprisonment in the state prison for two, three, or five years. (d) In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006. (e) For the purposes of this section, "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose. (f) For the purposes of this section, "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct." (g) For the purposes of this section, "credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section.

Constitutionally protected activity is not included within the meaning of "credible threat." (h) For purposes of this section, the term "electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same

meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code. (i) This section shall not apply to conduct that occurs during labor picketing. (j) If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed. (k)

(1) The sentencing court also shall consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family. (2) This protective order may be issued by the court whether the defendant is sentenced to state prison, county jail, or if imposition of sentence is suspended and the defendant is placed on probation. (l) For purposes of this section, "immediate family" means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household. (m) The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.49

Campus Map

