

GENERAL INSTITUTION

AP 3515 REPORTING OF CRIMES

References:

Education Code Sections 212, 67380, 67383, and 87014;
Penal Code Sections 245 and 422.55;
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998;
20 U.S. Code Section 1232g;
34 Code of Federal Regulations Part 99.31(a)(13) and (14);
34 Code of Federal Regulations Part 668.46;
Campus Security Act of 1990

Members of the Palomar Community College District included but not limited to employees or students, who are witnesses or victims of a crime should immediately report the crime to the Palomar College Police Department.

The District shall annually collect and distribute statistics concerning crimes on campus. All Campus Security Authorities as defined in the Clery Act with significant responsibility for student and campus activities shall report crimes about which they receive information.

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

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

The District shall publish warnings to the campus community about the following crimes that are considered to represent a continuing threat to other students and employees in a manner that is timely and will aid in the prevention of similar crimes:

- Criminal homicide – murder and non-negligent manslaughter
- Criminal homicide – negligent manslaughter
- Sex offenses – forcible and non-forcible sex offenses
- Domestic violence, dating violence and stalking

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(Replaces all previous versions of AP 3515.)

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

In the event that a situation arises, either on or off campus, that, in the judgment of the Chief of Police or their designee, constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be issued through the college e-mail system to students, faculty, staff and the campus' student newspaper. The information shall be disseminated by the Director of Communications, Marketing and Public Affairs in a manner that aids the prevention of similar crimes.

Anyone with information warranting a timely warning should report the circumstances to the Palomar College Police Department, by phone 760-744-1150 Ext. 2289, or 760-744-7753 or in person at the Palomar College Police Department, located at 1140 W. Mission Road, San Marcos, CA 92069.

The District shall not be required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor.

If there is an immediate threat to the health or safety of students or employees occurring on campus, the District shall follow its emergency notification procedures.

The District shall publish an Annual Security Report every year by October 1 that contains statistics regarding crimes committed on campus and at affiliated locations for the previous three years. The Annual Security Report shall also include policy statements pertaining to campus security, alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, victims' assistance program, student discipline, campus resources, and other matters. The District shall make the report available to all current students and employees. The District will also provide prospective students and employees with a copy of the Annual Security Report upon request. A copy of the

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Annual Security Report can be obtained by contacting the Palomar College Police Department located at 1140 W. Mission Road, San Marcos, CA 92069 or at the website address published in the Annual Security Report and semester class schedules.

To Report a Crime:

Contact the Palomar College Police Department at 760-891-7273 (non-emergencies) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen in the parking lots or loitering around vehicles or inside buildings should be reported to the Police Department. In addition, you may report a crime to Campus Security Authorities, including but not limited to Vice Presidents, Deans, Directors, Department Heads, Director of Student Affairs, Advisors to Students/Student Organizations, Athletic Coaches, and Assistant and Volunteer Coaches.

If you are the victim of a crime and do not want to pursue action within the District's System or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Palomar College Police Department and/or a Campus Security Authority can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the District can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

The Palomar College Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because the Palomar College Police Department's media log is a public record under state law, the Palomar College Police Department cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other Campus Security Authorities, including but not limited to Vice Presidents, Deans, Directors Department Heads, Director of Student Affairs, Advisors to Students/Student Organizations, Athletic Coaches, and Assistant and Volunteer Coaches.

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

- Arson
- Assault offenses
- Burglary
- Criminal homicide--manslaughter by negligence

- Criminal homicide--murder and non-negligent manslaughter
- Destruction/damage/vandalism of property
- Kidnapping/abduction
- Robbery
- Forcible sex offenses
- Non-forcible sex offenses

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

Required Reports to Local Law Enforcement Agency

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

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

Office of Primary Responsibility: Student Services