



# **WEST LOS ANGELES COLLEGE 2020 ANNUAL SECURITY REPORT**

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## A MESSAGE FROM THE PRESIDENT



Dear Students, Parents, Employees and Visitors,

At West Los Angeles College, the safety and security of all who set foot on our campus is of utmost importance. Our hope is to make your experience with us free from worry about personal safety so we can all focus on the job of helping students learn and reach their educational goals.

It is with that in mind that West LA College has prepared this 2020 Annual Security Report. At the same time, effective safety and security is the product of a collective effort by the entire college community, not just the sharing of a report. For this reason, we ask that you help us by being vigilant as you go about your business on campus and report any incidents or security issues to the campus Sheriff or the college administration. In short, **“See Something, Say Something.”**

The Sheriff can be reached at (310) 287- **4314/4315** or by picking up any blue emergency phone on campus. College administrators can be reached at the phone numbers you will find inside this report.

For yet another year, West LA College has remained one of the safest college campuses around. Thank you for your interest and efforts in helping maintain that proud tradition.

**James M Limbaugh**

James M. Limbaugh, Ph.D. President  
West Los Angeles College

## CAMPUS SAFETY AND THE JEANNE CLERY ACT

This report is published in compliance with the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act”, which requires U.S. Colleges and Universities that participate in federal student financial aid programs to disclose information about crime on and around their campuses.

### **Who is Jeanne Clery?**

Jeanne Ann Clery was a 19-year-old Lehigh University freshman who was raped and murdered in her dorm room on April 5, 1986. Her parents later found out about 38 violent crimes on the Lehigh campus in the three years before her murder. They joined other victims of campus crime and persuaded Congress to enact this law, which was originally known as the “Crime Awareness and Campus Security Act of 1990”.

### **Clery Act Summary**

Schools must publish an annual report disclosing campus security policies and **three (3) years’** worth of specified crime and arrest statistics.

Schools must make this report available to students, faculty/staff, and applicants for employment.

Schools must make timely warnings to the campus community about crimes that pose an ongoing threat to students and employees.

Each institution with a police or security department must have a public crime log.

The U.S. Department of Education centrally collects and disseminates the reported statistics <https://ope.ed.gov/campussafety/>.

Campus sexual assault victims are assured of certain basic rights.

Schools that fail to comply can be penalized by the U.S. Department of Education.

The U.S. Department of Education conducts reviews to evaluate an institution's compliance with the Clery Act requirements. A review may be initiated when a complaint is received, a media event raises certain concerns, the school's independent audit identifies serious non-compliance, or through a review selection process that may also coincide with state reviews performed by the FBI's Criminal Justice Information Service (CJIS) Audit Unit.

Once a review is completed, the Department issues a Final Program Review Determination. In addition, the Department conducts general assessment compliance reviews and audits which may also result in fine actions taken by the Department against an institution for violations of the Clery Act.

### **U.S. Department of Education Higher Education Opportunity Act (HEOA)**

In accordance with the Higher Education Opportunity Act of 2008 (HEOA), by October 29, 2011, each postsecondary institution in the United States that participates in Title IV student aid programs must post a net price calculator on its Web site that uses institutional data to provide estimated net price information to current and prospective students and their families based on a student's individual circumstances. To assist institutions in meeting this obligation, The National Center for Education Statistics, in cooperation with the Office of Postsecondary Education and IT Innovative Solutions Corp., has designed and developed a fully functional net price calculator available to all Title IV postsecondary institutions for use on their institutional Web sites.

### **Violence Against Women Reauthorization Act of 2013**

On March 7, 2013, President Obama signed the Violence against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4), which, among other provisions, amended section 485(f) of the Higher Education Act of 1965, as amended (HEA), otherwise known as the Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act (Clery Act). The Clery Act requires institutions of higher education to comply with certain campus safety and security related requirements as conditions of participating in the Federal student financial aid programs authorized by Title IV of the HEA. Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking, and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports (ASRs). The statute requires institutions to include this new information in the ASR beginning with the ASR that must be provided to students, employees, and prospective students and employees by October 1, 2014.

- Website: <https://www2.ed.gov/policy/highered/leg/hea08/index.html>

### **Student Aid Clery Act Reports**

- <https://studentaid.gov/data-center/school/clery-act-reports>

### **Violation Fines: Department of Education**

Fines: Up to **\$57,317** per violation

Website: <https://www.federalregister.gov/documents/2020/01/14/2020-00413/adjustment-of-civil-monetary-penalties-for-inflation>

## CAMPUS LAW ENFORCEMENT

### **Authority of the Los Angeles County Sheriff Community College Bureau**

The LACCD contracts with the Los Angeles County Sheriff's Department<sup>1</sup> to provide security services at West L.A. College. The Sheriff's Department has authority to apprehend and arrest individuals involved in illegal activity on campus and areas immediately adjacent to the campus.  
<sup>2</sup> Ed. Code 67381 <sup>3</sup>

The Sheriff's Deputies are peace officers as defined in Penal Code section 830.1. <sup>4</sup> <sup>5</sup>

The Sheriff's Security Officers are public officers as defined in Penal Code section 831.4 and have received training pursuant to Penal Code section 832.

Crimes occurring on campus are investigated by the Sheriff's Department.

The prosecution of criminal offenses, both felonies and misdemeanors, occurs at the Los Angeles Superior Court<sup>6</sup> (*for violations of state law*) or the United States District Court, Central District of California <sup>7</sup>(*for violations of federal law*).

Sheriff's Department personnel work as appropriate with local<sup>8</sup>, state and federal law enforcement agencies, and have access to national crime databases.<sup>9</sup>  
LASD Sheriff officers enforce LACCD policies, municipal codes (on designated property), California state laws and Federal laws.

The Sheriff's Department maintains a daily crime log of criminal incidents and alleged criminal incidents which are reported to the Sheriff's Department.

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<sup>1</sup> <https://lasd.org/>

<sup>2</sup> <http://shq.lasdnews.net/pages/tgen1.aspx?id=CCS>

<sup>3</sup> [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=67381.&lawCode=EDC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=67381.&lawCode=EDC)

<sup>4</sup> <https://post.ca.gov/>

<sup>5</sup> <https://post.ca.gov/le-agencies>

<sup>6</sup> <https://www.lacourt.org/>

<sup>7</sup> <https://www.cacd.uscourts.gov/>

<sup>8</sup> <https://www.lapdonline.org/>

<sup>9</sup> <https://www.culvercitypd.org/>

Reports involving students in violation of the law or the WLAC/LACCD Student Conduct Policy<sup>10</sup> are forwarded to the Dean of Student Services for review and potential action.

**Citizens Database**

You can also obtain data on Citizens' Complaints Against Peace Officers at the State of California's Open Justice website at: <https://openjustice.doj.ca.gov/>.

**Los Angeles County Sheriff - Community College Bureau**

1055 Corporate Center Drive

Room 106A

Monterey Park, CA 91754

Office Phone: (323) 669 – 7555

Website: <http://shq.lasdnews.net/pages/tgen1.aspx?id=CCS>

**Los Angeles County Civilian Oversight Commission**

World Trade Center 350 S. Figueroa St.

Suite 288

Los Angeles, CA 90071

(213) 253-5678

Website: <https://coc.lacounty.gov/>

**County of Los Angeles Inspector General**

500 W. Temple St., Suite 383

Los Angeles, CA 90013

(213) 974-6100

Website: <https://oig.lacounty.gov/>

**Los Angeles County Sheriff**

211 W Temple St, Los Angeles, CA 90012

(213) 229-1700

Website: <https://lasd.org>

**Sheriff Procedures for Public Complaint/Commendation**

Los Angeles County Sheriff's Department, Professional Standards Division

211 West Temple Street

Los Angeles, CA 90012

Website: <https://lasd.org/public-complaint/>

Website: <https://post.ca.gov/POST-Commission>

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<sup>10</sup> <http://www.wlac.edu/policies/index.aspx>

## 2020 Annual Security Report – West Los Angeles College

### **Police Records Notice**

Police reports are considered public records under state law, and reports of crime cannot be held in complete confidence.

Access to public records may require disclosure of certain information concerning the report of Sexual Violence. In such cases, every effort is made to redact or limit the record as appropriate to protect the privacy of all parties and witnesses of the college.

However, victims of sexual violence may request to law enforcement that their names not become a matter of public record. (Penal Code section 293.) <sup>11</sup>

### **Los Angeles Community College Bureau Records Release:**

<https://lasd.org/records-faq/#1551810609957-d0a6d45a-1d4e>

All Public Records Act requests can be submitted by mail or via email.

Alex Villanueva, Sheriff

Attention: Public Records Act Request

211 West Temple Street

Los Angeles, California 90012

Phone: (562) 345-4426

Email: [PRARRequests@lasd.org](mailto:PRARRequests@lasd.org)

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<sup>11</sup>

[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?division=7.&chapter=3.5.&lawCode=GOV&title=1.&article=1](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=7.&chapter=3.5.&lawCode=GOV&title=1.&article=1).

## INFORMATION REGARDING SEX OFFENDERS

Registered sex offenders must register with campus law enforcement within five working days **(5) of enrollment or employment at West L.A. College.** (Penal Code section 290.)

Information regarding registered sex offenders may be obtained at The California Department of Justice, Office of Attorney General's "Megan's Law" website: <http://www.meganslaw.ca.gov>

If you are doing a search on the **Megan's Law** site for sex offenders residing in the local area: West LA College's zip code is 90230.

## WEAPONS ON CAMPUS

### What Is A Weapon?

A weapon is anything that can be used to hurt or injure someone. Weapons could be but are not limited to the following:

- Knives
- Guns
- Pepper Spray
- Hands, Fists, Feet
- Any object used to hurt or injure another

### Weapons Related Laws<sup>12</sup>

#### **Gun Free School Zone - California Penal Code 626.9(h)**

Any person who brings any person who brings or possesses a loaded firearm loaded upon the grounds of a campus or buildings owned as public or private college/university without written permission from Campus Police and the College Vice President of Administrative Services is subject to arrest and prosecution for a felony crime.

#### **California Penal Code 12020 Unlawful Carrying and Possession of Weapons**

The manufacture, import, sale, supply or possession of certain weapons and explosives are arrestable offenses. These weapons include, but are not limited to: a concealed firearm, cane or wallet gun, zip gun, belt buckle knife, blackjack, billy or a concealed dagger. Conviction for any offense under this code is punishable by imprisonment in county jail or state prison.

#### **California Penal Code 653(k) Possession of Switch Blade Knife**

Every person who possesses on his or her person (or in the driver or passenger area of a motor vehicle) a switchblade knife having a blade exceeding 2 1/2 inches is guilty of a misdemeanor.

#### **California Penal Code 417 Brandishing a Deadly Weapon**

Any person who exhibits a firearm or any deadly weapon in a rude, angry or threatening manner, or who in any manner, unlawfully uses the same in any fight or quarrel is subject to prosecution and imprisonment in accordance with the specific subsections of this law.

#### **California Penal Code 417.25 Aiming Laser Pointer**

Every person who aims a laser scope or pointer at another person in a threatening manner with the specific intent to cause a reasonable person fear of bodily harm is guilty of a misdemeanor. For purposes of this section, the laser need not be attached to a firearm.

#### **California Penal Code 417.4 Imitation Firearm**

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<sup>12</sup> <https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=PEN>

Every person who draws or exhibits an imitation firearm in a threatening manner against another in such a way as to cause harm to a reasonable person, apprehension or fear of bodily harm is guilty of a misdemeanor.

**California Senate Bill 1828**

Any person who openly displays or exposes an imitation firearm (**including a BB or pellet device**) in a public place is guilty of an infraction for a first or second offense and a misdemeanor for a third or subsequent offense. Certain exceptions apply to manufacturers/importers/distributors and theatrical productions.

**California Penal Code 245 Assault with a Deadly Weapon**

Any person who commits an assault upon another person with a firearm or other deadly weapon or instrument likely to produce great bodily harm is subject to prosecution and imprisonment in accordance with the specific subsection of this law.

**Note:**

There are special circumstances when certain weapons may be authorized on campus. Some examples include for use by ROTC, theatrical performances, movie shoots, class instruction, etc.

- Prior to the event, **written authorization** to possess a firearm/weapon on campus must be obtained through West L.A College Vice President of Administrative Services/President and Campus Sheriff.

## SECURITY AND ACCESS TO CAMPUS FACILITIES

No visitor on campus shall attend a college activity limited to college personnel without prior approval of the college president or his/her authorized representative. Any visitor on campus may attend a college event which is authorized as open to the public (LACCD Board Rule 91202).

All visitors must adhere to the Code of Conduct, LACCD Board Rules, Chapter IX, Article VIII (“Conduct on Campus”), available at:

<http://www.laccd.edu/Board/Documents/BoardRules/Ch.IX-ArticleVIII.pdf>

College premises shall not be used later than **11:00 p.m.**, except upon special permission of the College President/Vice President, Administrative Services.

**LACCD Board Rule 7200.32.**<sup>13</sup>

### **Parking**

The CA Vehicle Code Laws, Ordinances of Los Angeles County and the Traffic and Parking Regulations of the Los Angeles Community College District are in effect 24 hours per day, 7 days per week including weekends and holidays, and are enforced by the WLAC Sheriff Department pursuant to **California Vehicle Code 2113 (a)**<sup>14</sup>

All parking and traffic regulations are enforced through citations issued by the WLAC Sheriff. WLAC/LACCD reserves the right to restrict the use of any parking stall, area, structures, or lot at any time.

Authorized College/LACCD parking permits are required in all parking lots.

Vehicles parked on campus or in parking lots in **excess of 72 hours** may be considered abandoned and may be subject to impound (**22651 (k) CVC**).

### **Overnight Parking**

Overnight parking is not allowed unless express consent is granted by campus ***President/Vice President Administrative Services and Campus Sheriff***.

Campus security is provided by the **Los Angeles County Sheriff’s Department**, which staffs the campus **24 hours a day, seven days a week, year-round**.

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<sup>13</sup> [https://www.laccd.edu/board\\_rules/documents/Ch.VII-ArticleII.pdf](https://www.laccd.edu/board_rules/documents/Ch.VII-ArticleII.pdf)

<sup>14</sup> [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=21113.&lawCode=VEH](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=21113.&lawCode=VEH)

In addition to assigning its own officers to the campus, the ***Sheriff/Vice President of Administrative Services*** supervises a corps of LACCD police cadets. ***Police cadets*** provide college paraprofessional administrative support and parking enforcement.

Entrances to campus buildings are secured by door locks and, in some cases, intrusion alarms. Entrances to buildings accessed by employees, students and visitors are **unlocked during business hours and locked during non-business hours**.

**WLAC Keys**<sup>15</sup> are issued to college/LACCD employees and the Sheriff. <sup>16</sup>

**Gates** at vehicle entrances to the main campus are closed and locked on weekends and holidays.

**Security cameras** are located at various points on campus and images are displayed, monitored and recorded in the Sheriff's station located in parking lot 5.

At any given time, several security cameras on campus may be non-functioning, and camera monitors are not continuously scanned in the Sheriff's station.

### **Emergency Phones**

**Emergency phones** are located throughout the campus and may be used to connect directly with the Sheriff's Station.

There are no cameras connected to the emergency phones.

### **Non-Emergency Procedures & Reports**

For non-emergency assistance, please call WLAC Sheriff at (310) 287-4314, or report incidents in person.

Individuals are encouraged to report all crimes directly to the WLAC Sheriff.

WLAC Sheriff Department is located in **Parking Lot 5, 9000 Overland Ave Culver City, CA 90230**.

Reported crimes are investigated by LASD Sheriff Officers and if necessary, follow-up investigations are conducted by detectives of the department who may involve other law enforcement agencies.

### **WLAC does not have campus residences.**

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<sup>15</sup> [http://www.wlac.edu/WLAC/media/documents/administrative/Admin\\_Services/KeyRequest.pdf](http://www.wlac.edu/WLAC/media/documents/administrative/Admin_Services/KeyRequest.pdf)

<sup>16</sup> <https://www.laccd.edu/Board/Pages/Board-Rules.aspx>

## 2020 Annual Security Report – West Los Angeles College

### Maintenance of Campus Facilities

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. The WLAC Sheriff regularly patrols the campus and reports malfunctioning lights and other unsafe physical conditions to Plant Facilities Department<sup>17</sup> for correction.

The campus community is encouraged to report any safety concerns, exterior lighting, or emergency telephone malfunctions to **Physical Plant Facilities at (310) 287-4307** or to the **WLAC Sheriff at (310) 287-4314**.

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<sup>17</sup> <http://www.wlac.edu/Faculty-Staff/Plant-Facilities.aspx>

## PREPARATION OF CRIME STATISTICS

The following crime statistics for West LA College have been compiled by the Los Angeles County Sheriff's Department, in conjunction with local law enforcement agencies surrounding the campus. Campus crime, arrest and referral statistics include those reported to the Los Angeles County Sheriff's Department, campus security authorities (**CSA's**), and local law enforcement agencies.

West LA College has certain mandatory crime reporting obligations under California Law.

### **California Mandatory Reporting Laws**

As outlined by **Penal Code 368 and Welfare and Institutions Code 15600 et al.**, the California Legislature enacted recent laws to require elderly and dependent adult care custodians, health practitioners, Adult Protective Services staff, law enforcement, and other designated agencies to report and to investigate incidents of abuse/neglect.

**The categories of abuse and neglect that must be reported by mandated parties now include:** Physical, Sexual, Financial, Isolation, Abandonment, Abduction, Neglect, Mental Suffering, and Self-Neglect.

**California Penal Code 11160**<sup>18</sup> requires prompt, mandatory reporting to the campus (local) law enforcement agency by **Healthcare Practitioners (such as those at the Student Health Center, Health Sciences Faculty/Students)** When they provide medical services to a person they know or reasonably suspect the below:

**(1)** A person suffering from any wound or other physical injury inflicted by the person's own act or inflicted by another where the injury is by means of a ***firearm***.

**(2)** A person suffering from any wound or other physical injury inflicted upon the person where the injury is the result of ***assaultive or abusive conduct***.

### **The Child Abuse Neglect and Reporting Act (CANRA)**<sup>19</sup>

**Penal Code section 11164 et seq.**

Requires staff to report known or suspected instances of child abuse or neglect to law enforcement.

Website: <https://oag.ca.gov/childabuse/forms>

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<sup>18</sup> [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PEN&sectionNum=11160](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=11160).

<sup>19</sup> [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=11164.&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11164.&lawCode=PEN)

## 2020 Annual Security Report – West Los Angeles College

### **Penalties for Failure to Report (CANRA)**

A person who fails to make a required report is guilty of a misdemeanor **punishable by up to six months in county jail and/or up to a \$1000 fine (P.C. 11166[c]).**

He or she may also be found civilly liable for damages, especially if the child-victim or another child is further victimized because of the failure to report (Landeros vs. Flood (1976) 17C.3d399).

Furthermore **PC 11166.01[b]** states that “any mandated reporter who willfully fails to report abuse or neglect, or any person who impedes or inhibits a report of abuse or neglect... where that abuse or neglect results in death or great bodily injury, shall be punished by not more than one year in a county jail, by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment.”<sup>20</sup>

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<sup>20</sup> [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PEN&sectionNum=11166](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=11166)

# THE ANNUAL SECURITY REPORT DISCLOSURE

## **Preparing the Annual Security Report**

The campus Vice President of Administrative Services<sup>21</sup> confers with campus sheriff, and officials to compile and report crimes, arrests, and student disciplinary information contained in this report.

Campus employees, who hold significant responsibilities for students and campus activities, also provide reportable crime incident information for this report (**CSA's**)

Crime analysts from the Los Angeles Sheriff Department ensure the statistics are placed in the appropriate geographic and crime categories pursuant to the Clery Act.

All information obtained is then reviewed by the campus Vice President of Administrative Services. Parties providing the information necessary for the Clery Report are contacted when necessary for clarification.

Revisions to the report are made based on feedback provided when necessary, and the final report is submitted.

An annual email notification is sent to the campus community from the Administrative Services Vice President reminding constituents that safety is a priority and referring them to the West LA College website to review the complete report.

We also submit these statistics to the US Department of Education.

### **WLAC - ADMINISTRATIVE SERVICES DEPARTMENT**

<b>ADMINISTRATIVE SERVICES</b>				
<b>TITLE</b>	<b>NAME</b>	<b>PHONE</b>	<b>EMAIL</b>	<b>CAMPUS LOCATION</b>
VICE PRESIDENT	SILVIA BARAJAS	(310) 287-4367	BARAJAS2@WLAC.EDU	SSB - 430
SENIOR ADMINISTRATIVE ASSISTANT	ELYSE WEBB-WILSON	(310) 287-4369	WEBBWIEA@LACCD.EDU	SSB - 430
ADMINISTRATIVE ANALYST	HELEN LIN	(310) 287-4516	LINH@WLAC.EDU	SSB - 430
<b>PERSONNEL/PAYROLL</b>				
ADMINISTRATIVE ANALYST	HANSEL TSAI	(310) 287-4338	TSAIH@LACCD.EDU	SSB - 430
PAYROLL ASSISTANT	LUIZA PETROSYAN	(310) 287-4339	PETROSL@WLAC.EDU	SSB - 430
<b>PROCUREMENT</b>				

<sup>21</sup> <http://www.wlac.edu/Administrative-Services/index.aspx>

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ADMINISTRATIVE AIDE	KENNY LAWAL	(310) 287-4368	LAWALKT@WLAC.EDU	SSB - 415
ADMINISTRATIVE AIDE	TAMARA WASHINGTON	(310) 287-4468	WASHINTS@WLAC.EDU	SSB - 415
<b>BUSINESS OFFICE</b>				
CHIEF FINANCIAL ADMINISTRATOR	RASEL MENENDEZ	(310) 287-4379	MENENDRM2@WLAC.EDU	SSB - 230
ACCOUNTANT	VERA BRODETSKAYA	(310) 287-4326	BRODETV@LACCD.EDU	SSB - 230
<b>BOOKSTORE</b>				
BOOKSTORE MANAGER	OLGA PECH	(310) 287-4425	PECHOL@WLAC.EDU	SSB - 108
<b>PLANT FACILITIES</b>				
DIRECTOR OF COLLEGE FACILITIES	KIM MORERA	(310) 287-4499	MORERAJJ@WLAC.EDU	A15
OPERATIONS MANAGER	BRUCE HICKS	(310) 287-4490	HICKSBL@WLAC.EDU	A15
GENERAL FOREMAN	BRUCE JUSTICE	(310) 287-4351	JUSTICEB@WLAC.EDU	A15
LOCKSMITH	TONY GOMEZ	(310) 287-4363	GOMEZMA@LACCD.EDU	A15
FACILITIES ASSISTANT	LORRAINE PATRIARCA	(310) 287-4307/ 4492	PATRIALK@WLAC.EDU	A15
<b>REPROGRAPHICS</b>				
LEAD SUPPORT SERVICES ASSISTANT	ALBERT WILLIAMS	(310) 287-4331	WILLIAAB@WLAC.EDU	B1
REPROGRAPHICS EQUIPMENT OPERATOR	MARIA PINEDA	(310) 287-4239	PINEDAMM@WLAC.EDU	B1
<b>WLAC/LASD SHERIFF</b>				
LASD TEAM LEADER	DEPUTY GONZALEZ	(310) 287-4557/4314	R11GONZA@LASD.ORG	C3 - TRAILER
LASD DEPUTY	DEPUTY SANDERS	(310) 287-4583/4314	ELSANDER@LASD.ORG	C3 - TRAILER
LASD DEPUTY	DEPUTY RICHARDSON	(310) 287-4583/4314	LRICHAR@LASD.ORG	C3 - TRAILER
SENIOR OFFICE ASSISTANT	CHA-ZETTE SMITH	(310) 287-4314	SMITHCI@LACCD.EDU	C3 - TRAILER

## STATISTICAL REPORTS

Statistic Reports	
Agency	Website
U.S. Department of Education	<a href="https://ope.ed.gov/campussafety/#/">https://ope.ed.gov/campussafety/#/</a>
	-
West LA College	<a href="http://www.wlac.edu/Sheriff/Clery-Act-Info.aspx">http://www.wlac.edu/Sheriff/Clery-Act-Info.aspx</a>
	-
LA County Sheriff (LASD)	<a href="http://shq.lasdnews.net/CrimeStats/LASDCrimeInfo.html">http://shq.lasdnews.net/CrimeStats/LASDCrimeInfo.html</a>
	-
Culver City Police Department	<a href="https://www.culvercitypd.org/office-of-the-chief-police/monthly">https://www.culvercitypd.org/office-of-the-chief-police/monthly</a>
	-
LA Police Department (LAPD)	<a href="https://www.lapdonline.org/statistical_data">https://www.lapdonline.org/statistical_data</a>

## 2020 LASD COMMUNITY COLLEGE BUREAU CRIME STATISTICS



LOS ANGELES COUNTY SHERIFF'S DEPARTMENT  
 COMMUNITY COLLEGE BUREAU  
 2017 TO 2019 CLERY ACT CRIME STATISTICS  
 WEST LOS ANGELES COLLEGE



OFFENSE	ON CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
MURDER / NON-NEGLIGENT MANSLAUGHTER	0	0	0				0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0				0	0	0
SEXUAL ASSAULT (SEX OFFENSES)	0	1	1	0	0	0	0	0	0
Rape	0	0	1				0	0	0
Fondling	0	1	0				0	0	0
Incest	0	0	0				0	0	0
Statutory Rape	0	0	0				0	0	0
ROBBERY	0	0	0				0	0	0
AGGRAVATED ASSAULT	0	1	0				0	0	0
BURGLARY	1	0	0				0	0	0
MOTOR VEHICLE THEFT	1	1	0				0	0	0
ARSON	0	0	0				0	0	0
DOMESTIC VIOLENCE	1	2	0				0	0	0
DATING VIOLENCE	0	0	0				0	0	0
STALKING	0	0	0				0	0	0
WEAPONS: Carrying, Possessing, Etc. - ARRESTS	0	0	0				0	0	0
WEAPONS: Carrying, Possessing, Etc. - DISCIPLINARY REFERRALS	0	1	0				0	0	0
DRUG ABUSE VIOLATIONS - ARRESTS	0	0	0				0	0	0
DRUG ABUSE VIOLATIONS - DISCIPLINARY REFERRALS	2	2	2				0	0	0
LIQUOR LAW VIOLATIONS - ARRESTS	0	0	0				0	0	0
LIQUOR LAW VIOLATIONS - DISCIPLINARY REFERRALS	1	0	0				0	0	0

<b>HATE CRIMES</b>
2017 - There were no reported hate crimes.
2018 - There were no reported hate crimes.
2019 - There were no reported hate crimes.

Date: 11/2/2020

Data Sources: LASD LARCIS, LASD Arrest Query Tool, Culver City P.D., and Campus Security Authorities.

Note: There are no Residential Facilities or Non-Campus locations associated with West Los Angeles College. Statistics presented on this report were gathered in accordance with the Clery Act. They may vary from LASD, CCS YIR, UCR, and other reports.

## CLERY ACT DEFINITIONS – LOCATIONS AND CRIME CATEGORIES

### LOCATIONS

**On Campus:** Any building or property owned or controlled by the institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes. Additionally, this includes any building or property within the same reasonably contiguous geographic area of the main campus that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (e.g., a food or other retail vendor).

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

**Public Property:** All public property; including thoroughfares, streets, sidewalks, parking facilities, and public parks; that is within the campus, or immediately adjacent to and accessible from the campus. Generally, this property consists of a public sidewalk that borders the campus, the public street along the sidewalk and the public sidewalk on the other side of the street (i.e., sidewalk, street, sidewalk). Public property does not include anything beyond the second sidewalk (e.g., businesses, residences, etc.).

**On-campus Student Housing Facility:** Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. *Note that the category does not appear in the crime statistics page because there are no on-campus student housing facilities.*

**Separate Campus:** A location that meets the following criteria: The institution owns or controls the site; it is not reasonably geographically contiguous with the main campus; it has an organized program of study; and there is at least one person on-site acting in an administrative capacity. An **organized program of study** means that the location offers courses in educational programs leading to a degree, certificate, or other recognized credential.

### CRIME CATEGORIES

**Murder/Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Sexual Assault (Sex Offenses):** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Includes rape, fondling, incest, and statutory rape.

**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. This offense includes the rape of both males and females.

**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:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

**Robbery:** The taking or attempting to take anything from value of 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.

**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.

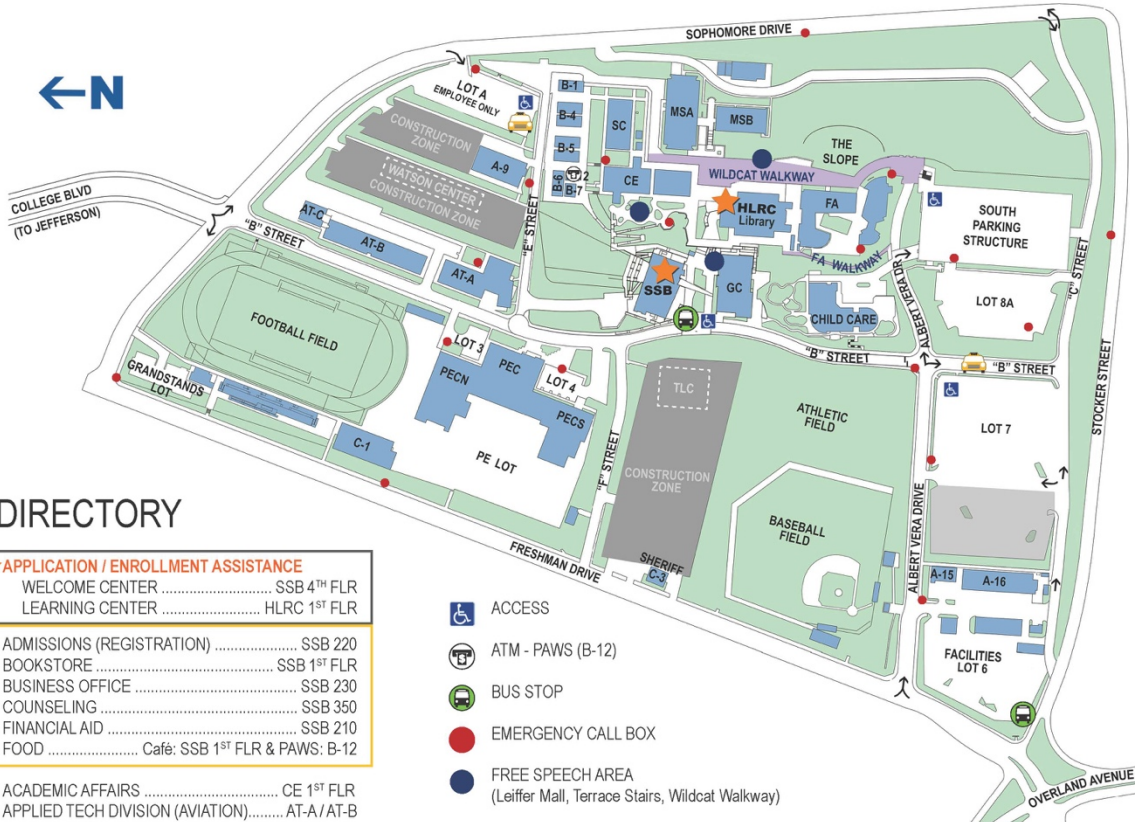
### CRIME CATEGORIES (cont.)

## 2020 Annual Security Report – West Los Angeles College

<p><b>Hate Crimes:</b> A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For Clery Act purposes, Hate Crimes include any of the above criminal offenses as well as crimes involving <a href="#">larceny-theft</a>, <a href="#">intimidation</a>, <a href="#">simple assault or destruction/damage/vandalism of property</a>. Bias categories include race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability.</p>
<p><b>Larceny-Theft:</b> The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. <b>Constructive possession</b> is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.</p>
<p><b>Simple Assault:</b> 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.</p>
<p><b>Intimidation:</b> 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.</p>
<p><b>Destruction/Damage/Vandalism of Property:</b> 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.</p>
<p><b>Domestic Violence:</b> 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; 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.</p>
<p><b>Dating Violence:</b> 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. 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.</p>
<p><b>Stalking:</b> 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.</p>
<p><b>Arrest:</b> Persons processed by arrest, citation, or summons.</p>
<p><b>Referred for disciplinary action:</b> The referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.</p>
<p><b>Weapons: Carrying, Possessing, Etc.:</b> 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. This classification encompasses weapons offenses that are regulatory in nature.</p>
<p><b>Drug Abuse Violations:</b> 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. The relevant substances include: opium or cocaine and their derivatives (Morphine, Heroin, Codeine); marijuana; synthetic narcotics—manufactured narcotics that can cause true addiction (Demerol, Methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).</p>
<p><b>Liquor Law Violations:</b> 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.</p>
<p><b>Unfounded Crime:</b> A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.</p>

LASD CCS (04/2020)

# WLAC CAMPUS MAP



## DIRECTORY

★ APPLICATION / ENROLLMENT ASSISTANCE	
WELCOME CENTER	SSB 4 <sup>TH</sup> FLR
LEARNING CENTER	HLRC 1 <sup>ST</sup> FLR
ADMISSIONS (REGISTRATION)	SSB 220
BOOKSTORE	SSB 1 <sup>ST</sup> FLR
BUSINESS OFFICE	SSB 230
COUNSELING	SSB 350
FINANCIAL AID	SSB 210
FOOD	Café: SSB 1 <sup>ST</sup> FLR & PAWS: B-12

ACADEMIC AFFAIRS	CE 1 <sup>ST</sup> FLR
APPLIED TECH DIVISION (AVIATION)	AT-A/AT-B
ARTS & PERFORMANCES DIV.	AT-A 115 & FA 102
ASO (ASSOCIATED STUDENT ORG)	A-9
ATHLETICS	PECN
AVIATION TECH COMPLEX	AT-A, AT-B, AT-C
BEHAVIORAL SCIENCE	GC 380
BOOKSTORE	SSB 1 <sup>ST</sup> FLR
BUSINESS DIVISION	CE 212
CALWORKS	B-4
CAMPUS COMMUNITY PROGRAMS	
BLDG B1: Upward Bound - Math/Science	
BLDG B4: CalWORKS, Talent Search, Upward Bound	
BLDG B5: Educational Opportunity Center, TRIO Student Support Services, YearUp	
CHILD DEVELOPMENT CENTER	CDC
CINEMA/FILM PRODUCTION	ATA & ATB
COMPUTER SCIENCE DIVISION	CE 229
COUNSELING	SSB 350
DENTAL HYGIENE	MSB 101
DISABLED STUDENT SERVICES	SSB 320

- ACCESS
- ATM - PAWS (B-12)
- BUS STOP
- EMERGENCY CALL BOX
- FREE SPEECH AREA (Leiffer Mall, Terrace Stairs, Wildcat Walkway)
- GENDER NEUTRAL BATHROOMS can be found in: SSB - 1st, 2nd & 3rd Floors; GC - 1st, 2nd, 3rd Floors; MSB - 1st & 2nd Floors
- LACTATION ROOM - HLRC Library, 3rd Floor (327A)
- TAXI, UBER, LYFT Pickup / Drop Off Zone

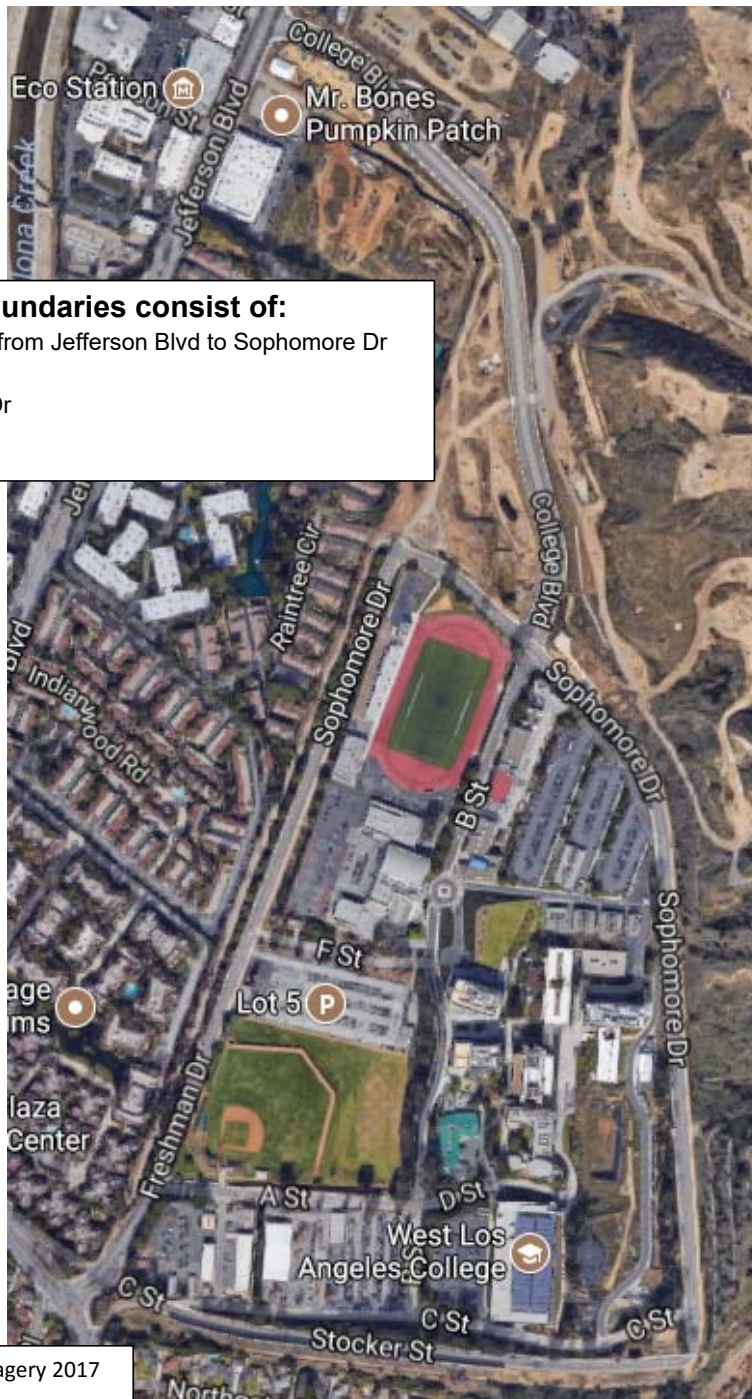
DISTANCE (ONLINE) LEARNING	HLRC 4 <sup>TH</sup> FLR
DREAM CENTER	SSB 1 <sup>ST</sup> FLR
EOPS/CARE	SSB 330
FINANCIAL AID	SSB 210
FINE ARTS COMPLEX	FA
FOOD	Café: SSB 1 <sup>ST</sup> FLR & PAWS: B-12
HEALTH CENTER	A-9
HEALTH SCIENCES DIVISION	MSB 101
HIGH SCHOOL OUTREACH	FA 102
INTERNATIONAL STUDENTS	SSB 415
KINESIOLOGY / PE DIVISION	PEC
LANGUAGE ARTS DIVISION	GC 280

LIBRARY	HLRC 2 <sup>ND</sup> FLR
MATHEMATICS DIVISION	MSB 214
MEN'S PE	PECN
SCIENCE DIVISION	MSB 211
SHERIFF'S OFFICE (POLICE)	C-3 (IN LOT 5)
SOCIAL SCIENCE DIVISION	GC 380
STUDENT SERVICES	CE 1 <sup>ST</sup> FLR
TRANSFER CENTER	SSB 340
TUTORING CENTER	HLRC 1 <sup>ST</sup> FLR
VETERANS CENTER	FA 300
WESTSIDE EXTENSION	FA 202
WOMEN'S PE	PECS

9000 Overland Avenue, Culver City, CA 90230 | (310) 287-4200 | [www.WLAC.edu](http://www.WLAC.edu)  
**second entrance at 10100 Jefferson Blvd (Between Overland & La Cienega)**

## GEOGRAPHIC/PATROL JURISDICTION MAP

### Map of WLA College

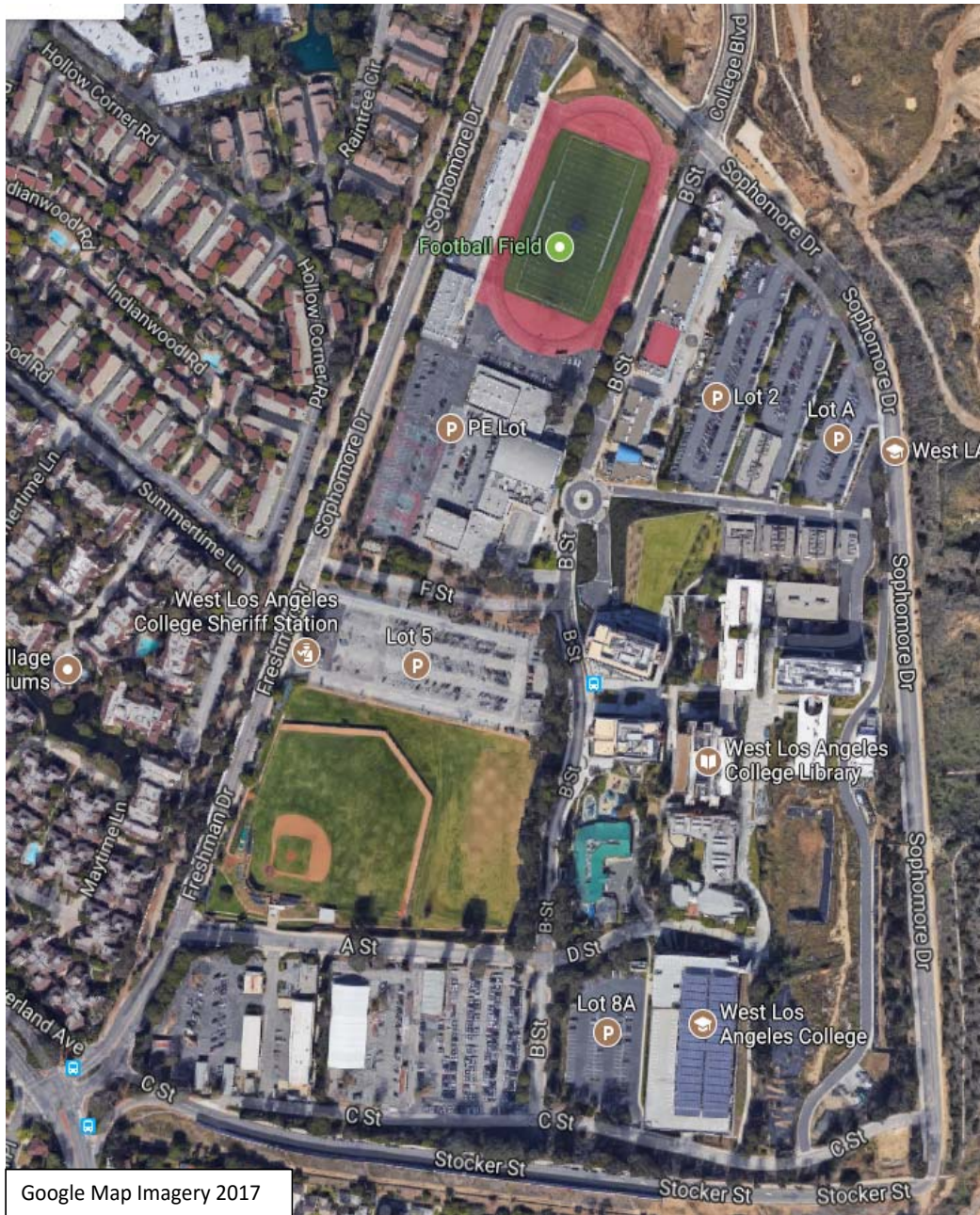


**The Clery boundaries consist of:**

- College Blvd from Jefferson Blvd to Sophomore Dr
- Freshman Dr
- Sophomore Dr
- Stocker St

Google Map Imagery 2017

# Close-up Map of WLA College Campus



## CAMPUS SECURITY AUTHORITY REPORTING (CSA’S)

Campus Security Authority (**CSA**) is a Clery specific term that encompasses four groups of individuals and organizations associated with an institution.<sup>22</sup>

Under the Clery Act **CSA’s** are required to immediately report crimes and incidents to campus sheriff that occur on the West Los Angeles College Campus, affiliated public areas bordering campus, and in certain non-campus buildings owned or controlled by college/LACCD.

A crime is **“reported”** when it is brought to the attention of a campus security authority, the institution’s police department or campus safety office, or local law enforcement personnel by a victim, witness, other third party or even the offender.

The intent of including non-law enforcement personnel in the CSA role is to acknowledge that some community members and students, in particular, may be hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals.

Campus police department or a campus security department of an institution. All individuals who work for that department are campus security authorities. Includes police cadets, and administrative staff who work in a campus police department. A security department can be as small as one person.<sup>23</sup>

Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).

Including individuals such as those who provide security at a campus parking kiosk, monitor access into a campus facility, act as event security, such as for sporting events or large, registered parties, or escort students around campus after dark (including other students).

Staff who lead, direct, and/or supervise student employees, ambassadors, interns, or work study recipients.

A student employee is a person who is hired as an employee or work study recipient, is currently enrolled with any number of credits, non-credit, or not for credit units, and has a valid student ID number.

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<sup>22</sup> <https://www2.ed.gov/admins/lead/safety/handbook.pdf>

<sup>23</sup> <https://clerycenter.org/wp-content/uploads/2017/01/handbook-2.pdf>

Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses. Reporting criminal incidents to anyone or any organization in addition to police or security-related personnel, that individual or organization is a campus security authority.

An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

**“An official”** is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. . (34 CFR 668.46(a)).<sup>24</sup>

**CSAs include but are not limited to the following individuals:**

- College Administration/Assistants
- LA County Sheriff Personnel
- Title IX Coordinator
- Athletic Coaches
- Divisional Deans

When CSA receives a report, he or she must include it as a crime report using whatever procedure has been specified by **West LA College/LACCD**.

It does not matter whether or not the individuals involved in the crime, or reporting the crime, are associated with West LA College/LACCD.

CSA's need to document incidents, should not investigate the crime or attempt to determine whether a crime took place and should not try to apprehend the alleged perpetrator a crime- that is the ***responsibility of Campus Law Enforcement***.

It is not the CSA's responsibility to try and convince a victim to contact law enforcement if the victim chooses not to do so.

- CSA's should support the victim's choice, and, if the victim is a student, offer to accompany the victim to make a report either to Campus Police or other police with jurisdiction. (If the CSA cannot accompany the student, the CSA can help find a Campus Administrator who can help the student by contacting the Dean of Student Services.)

**CSA must report even if the information regarding the incident was shared with him or her in confidence (*confidentially*)**

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<sup>24</sup> <https://www2.ed.gov/admins/lead/safety/campus.html>

## 2020 Annual Security Report – West Los Angeles College

CSAs are notified annually of their status and reporting obligations by West LA College **Vice President of Administrative Services/President**.

### **Non – Campus Security Authorities**

**Non-CSA** positions and functions include, but are not limited to, administrative staff members who are not responsible for students, clerical staff (**those who do not work in a student-driven environment**), individual faculty **with no student activity duties outside the classroom**, pastoral, medical staff, and etc.

You may also report crime to the following campus officials who are designated as **Campus Security Authorities (CSA's)**:

<u>TITLE</u>	<u>NAME</u>	<u>PHONE NUMBER</u>	<u>EMAIL</u>	<u>CAMPUS LOCATION</u>
<b>STUDENT SERVICES</b>				
DEAN	Angeles Abraham	310-287-4399	<a href="mailto:ABRAHAA@LACCD.EDU">ABRAHAA@LACCD.EDU</a>	SSB-330
DEAN	Michael Goltermann	310-287-4501	<a href="mailto:GOLTERJM@LACCD.EDU">GOLTERJM@LACCD.EDU</a>	SSB-220
DEAN - DISABLED STUDENT PROGRAMS & SERVICES	Angel Viramontes	310-287-4473	<a href="mailto:VIRAMOA@LACCD.EDU">VIRAMOA@LACCD.EDU</a>	SSB-420E
ASSOCIATE DEAN - TRIO	Celena Burkhardt	310-287-4290	<a href="mailto:ALCALAC@LACCD.EDU">ALCALAC@LACCD.EDU</a>	B4-2nd Flr
DIRECTOR - FINANCIAL AID/ <i>TITLE IX COORDINATOR</i>	Glenn Schenk	310-287-4275	<a href="mailto:SCHENKGA@LACCD.EDU">SCHENKGA@LACCD.EDU</a>	SSB-210
DIRECTOR - ATHLETICS	Ricardo Hooper	310-287-4513/ 310-287-4577	<a href="mailto:HOOPERRA@LACCD.EDU">HOOPERRA@LACCD.EDU</a>	PEC South -132
DEPARTMENT CHAIR/COUNSELOR - COUNSELING	Eric Wagner	310-287-7263	<a href="mailto:WAGNEREP@LACCD.EDU">WAGNEREP@LACCD.EDU</a>	SSB-330
ATHLETIC COUNSELOR	Lily Mozafari	310-287-4273	<a href="mailto:MOZAFAL@LACCD.EDU">MOZAFAL@LACCD.EDU</a>	PECN 127
HEAD COACH - BASEBALL	Murphy Sua	310-287-4536/ 310-287-4577	<a href="mailto:SUAMS@LACCD.EDU">SUAMS@LACCD.EDU</a>	PEC North - 108
HEAD COACH - FOOTBALL	Marguet Miller	310-287-4453/ 310-287-4577	<a href="mailto:MILLERM@LACCD.EDU">MILLERM@LACCD.EDU</a>	PEC North - 131
HEAD COACH - MEN'S & WOMEN'S COUNTRY/TRACK & FIELD	Daniel Fitzpatrick	310-287-4587	<a href="mailto:FITZPADJ@LACCD.EDU">FITZPADJ@LACCD.EDU</a>	C1 - 103
HEAD COACH - MENS BASKETBALL	Anthony Jones	310-287-4555	<a href="mailto:JONESAD2@LACCD.EDU">JONESAD2@LACCD.EDU</a>	PEC North - 108
HEAD COACH - WOMEN'S BASKETBALL	Veintwain Herron	310-287-7208/ 310-287-4577	<a href="mailto:HERRONCD@LACCD.EDU">HERRONCD@LACCD.EDU</a>	PEC South -132
HEAD COACH - WOMEN'S VOLLEYBALL	John Anselmo	310-287-4553/ 310-287-4557	<a href="mailto:ANSELMJ@LACCD.EDU">ANSELMJ@LACCD.EDU</a>	PEC North - 131
COACH – SOCCER	Robert Looyen	310-287-4293/ 310-287-4577	<a href="mailto:LOOYENR@LACCD.EDU">LOOYENR@LACCD.EDU</a>	PEC North - 130
HEAD COACH - CHEERLEADING	Shawntae Murray	<del>213-458-3577</del> / 310-287-4399	<a href="mailto:MURRAYSM2@LACCD.EDU">MURRAYSM2@LACCD.EDU</a>	
ATHLETIC TRAINER	Victor Pulido	310-287-4456	<a href="mailto:PULIDOV@LACCD.EDU">PULIDOV@LACCD.EDU</a>	C1
ATHLETIC TRAINER	Allison Castillo	310-287-4456	<a href="mailto:CASTILAD@LACCD.EDU">CASTILAD@LACCD.EDU</a>	C1 - 109
ATHLETIC SR. OFFICE ASSISTANT	JoAnn Haywood	310-287-4263	<a href="mailto:HAYWOOJH@LACCD.EDU">HAYWOOJH@LACCD.EDU</a>	PEC North - 128
FACILITIES ASSISTANT - MEN'S	Richard Johnson	310-287-4498	<a href="mailto:JOHNSRL@LACCD.EDU">JOHNSRL@LACCD.EDU</a>	PEC North
FACILITIES ASSISTANT- WOMEN'S	Zulma Mena	310-287-4281/ 310-287-4577	<a href="mailto:MENAZJ@LACCD.EDU">MENAZJ@LACCD.EDU</a>	PEC South
STUDENT SERVICES AIDE - ASSOCIATED STUDENT ORGANIZATION (ASO)	Susi Dovlatian	310-287-4375/ 310-287-4426	<a href="mailto:DOVLATS@LACCD.EDU">DOVLATS@LACCD.EDU</a>	A9

ACADEMIC AFFAIRS				
DEAN - COLLEGE & CAREER PREP	Allison Tom-Miura	310-287-4431	<a href="mailto:TOMMIUA@LACCD.EDU">TOMMIUA@LACCD.EDU</a>	SC-108
DEAN - DISTANCE LEARNING	Eric Ichon	310-287-4305/ 310-287-4558	<a href="mailto:ICHONEJ@LACCD.EDU">ICHONEJ@LACCD.EDU</a>	HLRC - 406
DEAN - INSTITUTIONAL EFFECTIVENESS	Patricia Quinones	310-287-4361	<a href="mailto:QUINONP@LACCD.EDU">QUINONP@LACCD.EDU</a>	CE-133
DEAN - TEACHING & LEARNING	Mary-Jo Apigo	310-287-9000/ 310-287-4410	<a href="mailto:APIGOMJ@LACCD.EDU">APIGOMJ@LACCD.EDU</a>	CE-115
DEAN - APPRENTICESHIPS	Tiffany Miller	310-287-9000	<a href="mailto:MILLERTS@LACCD.EDU">MILLERTS@LACCD.EDU</a>	CE-115
DEAN	Carmen Dones	310-287-9000	<a href="mailto:DONESCM@LACCD.EDU">DONESCM@LACCD.EDU</a>	CE-112
DEAN	Walter Jones	310-287-4244/ 310-287-9000	<a href="mailto:JONESWC@LACCD.EDU">JONESWC@LACCD.EDU</a>	CE - 113/ CE-115
DEAN	Kimberly Manner	310-287-9000	<a href="mailto:MANNERKE@LACCD.EDU">MANNERKE@LACCD.EDU</a>	CE-114
DIRECTOR - WESTSIDE EXTENSION	Cari Hildebrandt	310-287-4541	<a href="mailto:HILDEBCL@LACCD.EDU">HILDEBCL@LACCD.EDU</a>	FA - 202
DEPARTMENT CHAIR - APPLIED TECHNOLOGY	Rudolfo Triviso	310-287-4519/ 310-287-4511	<a href="mailto:TRIVISRY@LACCD.EDU">TRIVISRY@LACCD.EDU</a>	ATB 105/ATB 215
DEPARTMENT CHAIR - HEALTH SCIENCES	Carlos Sermeno	310-287-7224	<a href="mailto:SERMENC@LACCD.EDU">SERMENC@LACCD.EDU</a>	MSB - 107
DIRECTOR - DENTAL HYGIENE	Lisa Kamibayashi	310-287-4464/ 310-287-4457	<a href="mailto:KAMIBALT@LACCD.EDU">KAMIBALT@LACCD.EDU</a>	MSB - 105
INSTRUCTOR - ENGLISH & ESL	Timothy Welch	310-287-4334/ 310-287-4207	<a href="mailto:WELCHTE@LACCD.EDU">WELCHTE@LACCD.EDU</a>	GC - 210 G
INSTRUCTOR - LANGUAGE ARTS	Katherine Boutry	310-287-4470	<a href="mailto:BOUTRYK@LACCD.EDU">BOUTRYK@LACCD.EDU</a>	GC- 280
INSTRUCTOR - LANGUAGE ARTS	Margot Michels	310-287-4506/ 310-287-4590	<a href="mailto:MICHELMA@LACCD.EDU">MICHELMA@LACCD.EDU</a>	GC - 280A
INSTRUCTOR - PSYCHOLOGY	Payal Jain	310-287-4358/ 310-287-4221	<a href="mailto:JAINP@LACCD.EDU">JAINP@LACCD.EDU</a>	GC- 380S
INSTRUCTOR	Leslie Tejada	310-287-4254 / 310-287-4590	<a href="mailto:TEJADALA@LACCD.EDU">TEJADALA@LACCD.EDU</a>	GC - 280K/280M
ADJUNCT INSTRUCTOR - BUSINESS	Norma Boles	310-429-4972/ 310-287-4434	<a href="mailto:BOLESNK@LACCD.EDU">BOLESNK@LACCD.EDU</a> / <a href="mailto:KBOLES@HA.UCLA.EDU">KBOLES@HA.UCLA.EDU</a>	CE 2nd FL
ADJUNCT INSTRUCTOR - COLLEGE & CAREER PREP	Chase Selby	310-287-4228	<a href="mailto:SELBYC@LACCD.EDU">SELBYC@LACCD.EDU</a>	HLRC-137
ASSOCIATE PROFESSOR - ARTS & PERFORMANCE	Rick Mayock	310-287-4208/ 310-287-4571	<a href="mailto:MAYOCKR@LACCD.EDU">MAYOCKR@LACCD.EDU</a>	FA-303
INSTRUCTIONAL ASSISTANT - INFORMATION TECHNOLOGY	Diane Matsuno	310-287-4283	<a href="mailto:MATSUND@LACCD.EDU">MATSUND@LACCD.EDU</a>	HLRC- 320

CSAs are required, immediately or as soon as possible upon being informed of a crime, to report the crime in the following procedures listed below:

## CA Police Records Notice:

Police reports are considered public records under state law, and reports of crime cannot be held in complete confidence.

Access to public records may require disclosure of certain information concerning the report of Sexual Violence. In such cases, every effort is made to redact or limit the record as appropriate to protect the privacy of all parties and witnesses of the college.

However, victims of sexual violence may request to law enforcement that their names not become a matter of public record. **(Penal Code section 293.)**

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Los Angeles Community College Bureau Records Release:  
<https://lasd.org/records-faq/#1551810609957-d0a6d45a-1d4e><sup>25</sup>

All Public Records Act requests can be submitted by **mail or via email**.

Alex Villanueva, Sheriff  
211 West Temple Street  
Los Angeles, California 90012  
Attention: **Public Records Act Request**  
Phone: (562) 345-4426  
Email: [PRRequests@lasd.org](mailto:PRRequests@lasd.org)

### **The California Student Safety and Violence Prevention Act of 2000** Pursuant to **California Education Code 67380 - 67383**<sup>26</sup>

Campus officials must report immediately or as soon as practicably possible to campus police, all reports received by a CSA of any Part 1 violent crime, sexual assault, or hate crime, committed on or off campus.

This includes reports victims make directly to CSAs as well as reports victims make to other employees that are then conveyed to the campus police or other CSAs.

- Such reports will include, when the victim has consented to being identified:
- The name and characteristics of the victim
- The name and characteristics of the perpetrator if known
- Description of the incident, including location and date and time; and
- Any report number assigned to the police incident report documenting the investigation being conducted by the campus police/jurisdictional agency.

Upon confirmation of conditions that present an emergency or dangerous situation posing an immediate threat to the health or safety of some or all members of the campus community, the College Administrative Vice President will immediately initiate its **mass warning policy** and activate the campus emergency notification systems.

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.

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<sup>25</sup> <https://lasd.org/records-faq/#1551810609957-d0a6d45a-1d4e>

<sup>26</sup> [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=EDC&sectionNum=67380](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=67380).

## REPORTING CRIMINAL OFFENSES, EMERGENCIES, & OTHER INCIDENTS

Crimes in progress and crimes that have just occurred should be reported to Campus Sheriff as soon as possible by dialing from any campus phone extension **4314/4315** or outside campus phone **(310) 287 – 4314/4315**

**Dialing 9-1-1** from any cellular or campus phone for non-emergency calls may delay help for people caught in real emergencies, non-emergency crime reports and security or public safety-related matters should be reported to Campus Police by dialing **(310) 287- 4314** or by using extension **4314** within the campus phone system.

There are **Blue Emergency Phones** located throughout campus, which directly dials the Campus Sheriff.

When the call button is pushed, the blue strobe light flashes from the top of the phone tower and the police dispatcher is notified immediately and an officer is sent to the location of the call.

- **If the call was accidental, please inform the dispatcher.**

### **An officer will be dispatched to your location.**

Crimes or incidents occurring outside college campus police jurisdiction should be reported to the agency having jurisdiction where the incident occurred.

### **Reasons to Report to Police**

WLAC recognizes it is a victim's choice to report a crime. If a victim chooses not to report the crime immediately, the report can be made at a later time, however immediate reporting may allow the

WLAC Sheriff:

- To take action which may prevent further victimization, including issuing a Timely Warning or Emergency Notification to the campus community.
- To assist in the apprehension of a suspect.
- To assist in the collection and preservation of evidence that may be lost if not recovered soon after a crime. Such evidence may assist in the administrative as well as criminal investigations.
- To assist in proper documentation for criminal prosecution and administrative investigation.
- To have the incident recorded for purposes of reporting statistics about incidents that occur on campus.

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Members of LACCD, guests, and the general public are strongly encouraged/should to immediately report all crimes and public safety related incidents to the Campus Sheriff.

Reporting timely information assists in developing Emergency Notifications, Timely Warnings, and/or Crime Advisories regarding potential danger on campus.

Reporting crimes also aids in the collection of crime statistics for this report.

Crimes or incidents occurring outside college campus police jurisdiction should be reported to the agency having jurisdiction where the incident occurred.

**If you need assistance contact campus police.**

**WLAC Sheriff (310) 287-4314/4315**

( <https://oag.ca.gov/report-crime> )<sup>27</sup>

Upon receiving the report, the Police Department will make the determination whether the nature of the crime being reported is one that Clery requires be included in the annual statistics and whether it occurred on or within the College's campus or an area required to be reported in the annual statistical report under the Clery Act.

The Police Department interfaces continually with local police agencies for the monitoring and recording of criminal activity, including any that may have occurred at non- campus locations but are related to the West Los Angeles College Campus.

Campus Police obtains and publishes annual crime statistics from other police agencies for off-campus locations.

The Campus Police Department works as a team with College Administration, Counseling and Student Psychological Services in dealing with sensitive situations.

Personal counseling sessions, in Student Health Services and Student Psychological Services, are considered privileged and the holder of the privilege is the client. Crime information can be forwarded confidentially at the request of the client, and if there is an immediate threat to safety.

Any reporting of statistics to comply with the Clery act is done by reporting numbers without names so that the information provided by clients is **confidential**.

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<sup>27</sup> <https://oag.ca.gov/report-crime>

## **When calling to report a Crime or Incident, please be ready to provide detailed information:**

1. Answer the Campus Police Dispatcher's questions about the emergency.
2. Brief description of the incident, when and location the incident occurred, description of the victim(s) or suspect(s).
3. Weapons the suspect(s) carried, where and when the suspect(s) was last seen and any other relevant information.
4. If possible, the actual victim or witness of the crime should call directly.
5. Stay on the call until Campus Police arrives to the location.
6. The Campus Police Dispatcher on the call, will advise you when to hang up.
7. Reported crimes are investigated campus police officers and if necessary, follow-up investigations are conducted by detectives of the police department who may involve other law enforcement agencies.
8. Examples of Emergencies that take priority over Non-Emergency calls includes Life threatening, Child and Campus Safety.
9. Non-Emergency calls will be responded to in order and may take longer than expected.

**\*\***Witnesses calling to report crimes are routinely asked for their names, and phone numbers. This is done so that they can be contacted later if necessary, during the investigation of the crime. Witnesses desiring to remain anonymous should inform the campus police responding to the call.**\*\***

### **Examples of What to Report:**

- See someone committing a crime
- See anyone or anything suspicious
- Someone is injured or ill
- See fire or smell smoke
- Knowledge of a chemical spill
- Need to report an old crime

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- To report a crime, please contact the Sheriff's Department at (310) 287-**4314/4315** or use the blue emergency telephones located throughout the campus (*Refer to Campus Map*).<sup>28</sup>
- To use the emergency phones, simply press the button on the front of the phone box to be connected to the College Sheriff.
- If you cannot speak, Press the button to activate the line and the dispatcher will identify your location and Campus Police will report to the location.
- Campus Police Department located in **Parking Lot 5**  
Address: 9000 Overland Ave, Culver City CA 90230.  
*(Refer to campus map/website for updates)*<sup>29</sup>
- Contact: **Title IX Coordinator**  
**Glen Schenk**  
Phone: **(310) 287- 4532** or Email: [SchekNGA@LACCD.edu](mailto:SchekNGA@LACCD.edu).

Contact: **LACCD's Office for Diversity, Equity, and Inclusion**

**Victoria Friedman**

Phone: **(213) 891 - 2125** or Email: [FriedMV@laccd.edu](mailto:FriedMV@laccd.edu)

### **Missing Person Report and Procedures**

The Campus Police does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until facts reveal otherwise. Campus Police gives missing person cases high priority over property and non-emergency cases and will not require any time frame to pass before beginning a missing person investigation. (**Penal Code 14205**)

If any person has reason to believe that a member of the college community is missing, they should immediately notify the college police at **310-287-4314/4315**.

Campus Police accepts reports, including telephonic report, of a missing WLAC student/staff and any child.

A report is accepted regardless of where the person was last seen, where the person resides, or any other question of jurisdiction.

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<sup>28</sup> <http://www.wlac.edu/Transportation/index.aspx>

<sup>29</sup> <http://www.wlac.edu/Transportation/index.aspx>

If the individual is not immediately located, campus police will enter the missing person into the appropriate missing person database.

When college police take a missing person report for a college student or staff member, then within the next 24 hours, Campus Police initiate an investigation that includes but not limited to the following:

- Notify the individual identified by the student to be contacted in such circumstances.
- Notify a parent or guardian if the student is less than 18 years old.
- Notify appropriate law enforcement officials in the Los Angeles or other appropriate areas with a Teletype message or other similar measure.

### **Amber Alert<sup>30</sup>**

The AMBER Alert Program<sup>31</sup> is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins **in child abduction cases.**

The following conditions must be met before activating an AMBER Alert [Government Code 8594(a)]:

- a. Abduction has been determined to have occurred.
- b. The victim is 17 years of age or younger, or has a proven mental or physical disability.
- c. The victim is in imminent danger of serious injury or death.
- d. There is information available that, if provided to the public, could assist in the child's safe recovery.

### **Professional Counselors & Pastoral Counselors**

Licensed counselors and campus clergy (pastoral counselors) are exempt from reporting requirements. 34 C.F.R. §668.46(b)(2)(iii)<sup>32</sup>

WLAC encourages counselors, to inform those they counsel of procedures for reporting crimes on a voluntary, confidential basis for inclusion in the Campus Security Report. (LACCD Board Rule 8302.10.)

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<sup>30</sup> <https://amberalert.ojp.gov/>

<sup>31</sup> <https://www.chp.ca.gov/news-alerts/amber-alert>

<sup>32</sup> <https://www.govinfo.gov/app/details/CFR-2011-title34-vol3/CFR-2011-title34-vol3-sec668-46>

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The Vice President of Administrative Services/President and the Campus Police coordinate with staff in these areas to discuss Federal Clery Act requirements and the importance of reporting for statistical purposes.

### **Confidential Reporting**

West L.A. College does not have procedures allowing victims and witnesses to report crimes on a confidential basis for inclusion in the annual disclosure of crime statistics.

### **Reporting Hate Crimes & Incidents**<sup>33</sup>

A criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim including disability, gender, nationality, race or ethnicity, religion, sexual orientation or association with a person or group with one or more of these actual or perceived characteristics. **Penal Code 422.55**

### **Victims Bill of Rights Act/Marsy's Law**<sup>34</sup>

**Marsy's Law** which is also known as the **California Victims' Bill of Rights Act of 2008**, created a number of personally held and enforceable constitutional rights for victims of crime.

Among the enumerated rights is the right to be notified of these rights.

The CA Attorney General has created a **Marsy's Rights** card<sup>35</sup> for distribution to crime victims. **Penal Code 679.026**

Copies of the card at the front counter of the Campus Police station.

Campus Police will provide a copy of **Marsy's Card** to every victim as well as anyone that requests a copy of the card.

A '**victim**' is now defined under the **California Constitution** as, "a person who suffers director threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act.

The term '**victim**' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated.

The term "**victim**" does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim."

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<sup>33</sup> <https://oag.ca.gov/hatecrimes>

<sup>34</sup> [https://oag.ca.gov/victimservices/content/bill\\_of\\_rights](https://oag.ca.gov/victimservices/content/bill_of_rights)

<sup>35</sup> <https://oag.ca.gov/victimservices/marsy>

**Marsy's card** contains specific sections of the Victims' Bill of Rights and resources.

Crime victims may obtain additional information regarding Marsy's Law and local Victim Witness Assistance Center information by contacting the Victims of Crime Resource Center at **800-VICTIMS or (800) 842-8467**.

Additional information regarding Victim Services and copies of the **Marsy's Rights** card are located at: <https://oag.ca.gov/victimservices> and [https://oag.ca.gov/victimservices/marsys\\_law](https://oag.ca.gov/victimservices/marsys_law)

### **Unfounded Crime Reports**<sup>36</sup>

A reported Clery Act crime to the WLAC Sheriff may not be withheld or subsequently removed from the Clery crime statistics data based on a decision by a court, coroner, jury, prosecutor, or other similar non-campus official.

However, a reported crime may be withheld or subsequently removed from the crime statistics in an rare situation where sworn law enforcement personnel have fully investigated the reported crime and, based on the results of a full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore **"unfounded."**

A crime is considered unfounded for *Clery Act* purposes **only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.**

### **Daily Crime Log**

Clery requires that each college campus maintain clear written policies for: how data entry will be done, who is responsible for doing the data entry, who is responsible for supervising & reviewing the data entry on a regular basis, & where the crime log will be maintained (**both internally & for the public**).

This document describes the policies & procedures that the Los Angeles Sheriff's Department utilizes for maintaining the Daily Crime Log at West Los Angeles College and the other colleges within the LA Community College District.

### **Purpose of the Daily Crime Log**

As part of the Jeanne Clery Act, each campus is required to maintain a daily log of criminal offenses that occur within the specified campus geography.

This document contains a record of all crimes reported to the campus police that have occurred on the Clery Act reportable geography of the campus.

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<sup>36</sup> <https://www.govinfo.gov/content/pkg/CFR-2018-title34-vol3/pdf/CFR-2018-title34-vol3-sec668-46.pdf>

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The purpose of the daily crime log is to record all criminal incidents and alleged criminal incidents that are reported to **CSA’S, LASD** or an outside law enforcement agency.

Campus Police maintains a combined Daily Crime and Non-Crime Log.

A crime is considered “reported” when it is brought to the attention of a Campus Security Authority (“**CSA**”) or Campus Police.

All crimes in the Daily Crime Log are recorded by the date the crime was reported to Campus Police.

The Campus Police may withhold information from the Daily Crime Log if there is clear and convincing evidence that the release of such information would jeopardize an on-going criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence.

The Campus Police will disclose any information withheld from the Daily Crime Log once the adverse effect is no longer likely to occur.

The crime log includes specific information about criminal incidents, not crime statistics. The log is designed to provide crime information on a timelier basis than the annual statistical disclosures.

### **What Crimes are Reported in the Log**

- All Part I Crimes
- Most Part II Crimes
- Suspicious Circs that do involve a possible crime

<b><i>Part I Crimes Included in Log</i></b>	<b><i>Part II Crimes Included in Log</i></b>	<b><i>Not Included in Log</i></b>
Homicide	Forgery, Fraud & NSF Checks	Suspicious Circs that don’t involve a crime
Rape	Sex Offenses: Felonies & Misd	Missing Persons
Robbery	Non-Aggravated Assaults	Commitments
Aggravated Assault	Weapon Law Violations	Misc Non-criminal
Burglary	Offenses Against Families	Suicide/Att Suicide
Theft: Grand & Petty	Narcotics Violations	Mentally Ill
Grand Theft Auto	Liquor law Violations	Traffic Accidents
Arson	Drunk – Alcohol/Drugs	Other Accidents
	Disorderly Conduct	Employee Injury
	Vagrancy	Persons Dead
	Gambling	Moving Viol Citations
	Drunk Driving Vehicle/Boat	Parking Tickets
	Vehicle/Boat Laws (hit & run)	Recovered Vehicles

	Vandalism/Graffiti	Lost & Found Property
	Warrants	
	Receiving Stolen Property	
	Federal Offenses with & w/o Money	
	Misc Felonies & Misdemeanors	
	Hate Crimes/Incidents	
	Suspicious Circs that do involve a possible crime	

**What is the Specified Campus Geography**

- All parking facilities & buildings leased/owned/used by the college
- All roadways contained within the campus boundaries or adjacent to school property
- All sidewalks adjacent to school property or immediately opposite
- There is an additional geographic location that applies exclusively to the crime log.

In addition to recording reported crimes that occurred on campus, in or on non-campus buildings or property or on public property within the campus or immediately adjacent to and accessible from the campus, **reports of crimes that occurred within the patrol jurisdiction of the campus police must also be entered into the crime log.**

A **patrol jurisdiction** (also referred to as a “**patrol zone**”) is any property that does not meet any of the Clery Act geographic area definitions, but which is regularly provided with police or security patrol services by the campus agency.

These services are typically performed by the campus agency pursuant to a formal agreement with the local or state government, a local civic association or other public entity.

College institution documents the security/patrol jurisdiction.

Consisting of a map of the patrol jurisdiction, a standard operating procedure (SOP) or a general order (GO) that describes the patrol jurisdiction.

Crime log entries **include all crimes reported to the campus police or security department for the required geographic locations**, not just Clery Act crimes.

**When to Enter Information the Log**

- Crimes must be entered **within 2 business days** of when it was reported to LASD.
  - This includes crimes that are reported directly to LASD, as well as crimes that are initially reported to college staff or to a local law enforcement agency, which subsequently reports them to LASD.
- Any updates on incidents **within 60 days of log entry**, such as arrests or court dispositions, must also be entered **within 2 business days** of the information becoming available. The

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updated information should be entered into the notes section of the original report record in the log.

- After 60 days have passed, it is unnecessary to enter case updates.
- **A business day is Monday through Friday**, except for days when the institution is closed (for example, closed for holidays or other scheduled breaks when no security personnel are present).
  - The only exceptions to this rule are:  
if the disclosure is prohibited by law; or  
if the disclosure would jeopardize the confidentiality of the victim.

### **What Report Information Must Be Entered into the Log**

<b>Date/Time Reported</b>	<b>Crime Classification(s)</b>	<b>Date/Time Occurred</b>	<b>Incident Number (URN)</b>	<b>Incident Location</b>	<b>Notes/Disposition</b>	<b>Clery Notice?</b>	<b>Date/Time of Clery Notice</b>

In order to comply with the law, the written log must be easily understood & contain certain categories & types of information.

The embedded template meets the reporting requirements.

#### **The Date & Time the Crime Was Reported**

Enter a crime into the log by the date it was reported to LASD or college staff; preferably in military time format.

A reported crime must be logged regardless of how much time has passed since it occurred.

Crime reports received from local law enforcement agencies (for example, in response to requests for annual statistics) that cannot be matched to other crimes already entered in the crime log should be entered into the log by the date LASD received the report from the local law enforcement agency.

#### **The Date and Time the Crime Occurred**

Enter the date and the time that the crime occurred; preferably in military time format.

If the exact date and time are not known, use a range or indicate that it is unknown.

#### **Crime Classification(s)**

The UCR Hierarchy Rule does not apply to the crime log.

If multiple Criminal Offenses are committed during a single incident, all offenses must be recorded in the log.

Enter each penal code that applies to the criminal event, followed by its definition (for example: 187 PC Homicide or 211 PC Robbery or 459 PC Burglary)

If a crime is reported and entered into the crime log but the resulting investigation shows that the initial description was inaccurate, do not delete the entry -- just update the description.

### **The General Location of the Crime**

Record any crime that occurs on your Clery Act geography: on campus, in or on non-campus buildings or property, on public property or within the patrol jurisdiction of LASD.

### **The Disposition of the Complaint, if Known**

#### **Withhold Information from the Log**

- Information may be withheld temporarily only if there is clear and convincing evidence that the release of information would:
- Jeopardize an ongoing investigation;
- Jeopardize the safety of an individual;
- Cause a suspect to flee or evade detection; or
- Result in the destruction of evidence

The college may withhold only that information that could cause a specifically identified adverse effect, and must disclose such information once the adverse effect is no longer present.

The individual making the judgment to withhold information should document the reason for doing so.

If a reported crime is fully investigated by **LASD**, and, based on the results of the investigation, they make a formal determination that the crime report is false or baseless, the log should indicate, as the disposition of the report, that the crime is **“unfounded.”**

**Only Sworn or Commissioned Law Enforcement Authorities** that investigate the crime can make this determination.

**A Campus Security Authority (CSA)** who is not a sworn or commissioned law enforcement authority cannot unfound a crime.

#### **Clery Notice & Date/Time of Clery Notice**

If it has been determined that the crime merits a Clery notification to the campus because the crime or the suspect poses a serious & ongoing threat to the campus community. Clery notice will be disseminated to the campus by notification procedures.

#### **Crime Log Availability**

Each campus must maintain a log & make its log available on-site.

The log will be posted in a visible location in or near the LASD station lobby.

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As new information is added to the spreadsheet, the most recent page will be printed out & attached to the log.

- **Format:** Currently, the log is accessible in a hard copy format.
  - **Availability:** WLAC Sheriff webpage provides information on the availability, contents & location of the log.

Notices about the log may be posted on college or LASD websites, in the campus police office, in student and employee handbooks or anywhere else it's likely to be seen.

- **Accessibility:** The crime log for the most recent 60-day period must be open to public inspection, free of charge, upon request, during normal business hours. Written request not required.
- Any portion of the log that is older than 60 days will be available within two business days of a request for public inspection.
- Archived logs should be kept for **7 years** in a location where they can be accessed if necessary.

As noted above, members of the public may request to review past logs.

Anyone, including the media, may have access to the log, whether or not they are associated with the college campus or LACCD.

### WRITTEN POLICIES REGARDING THE DAILY CRIME FOR CAMPUS POLICE STAFF

- Each staff person who is responsible for entering or reviewing information in the log shall be given a copy of the policies.
- A copy shall be prominently displayed on a bulletin board at each campus station.

### MAINTENANCE OF DAILY CRIME LOG

**The Team Leader** will designate the specific Deputy or Security Officer who will input the required crime information by the end of each shift.

- Each detective **must notify the Team Leader or Crime Analyst** of any updates on the case before the **60-day expiration period**, so that the designated Deputy or Security Officer can enter the updated information into the log.
- **The Team Leader or Acting Team Leader** will enter any incidents received as part of courtesy reports from outside agencies.

- **The Crime Analyst** will update the log based on reports from outside agencies that are discovered during the annual process of requesting Clery crimes or from other investigative work.

#### **DAILY CRIME LOG SUPERVISION**

- **The Team Leader or Acting Team Leader** will review & approve all entries by the end of their shift.
- **The Team Leader or Acting Team Leader** will review weekly statistical reports to ensure that all reports have been entered in the log.

## MONITORING OF OFF-CAMPUS CRIMINAL ACTIVITY

West L.A. College **does not** have recognized off campus locations of student organizations, such as off-campus housing facilities, and does not engage in monitoring of student criminal activity off campus.

However, students engaging in criminal activities off-campus, in conjunction with college sponsored activities, may be subject to disciplinary action by West LA College/Los Angeles Community College District. LACCD Board Rule CHAPTER IX-ARTICLE XI- STUDENT DISCIPLINE – 91101

<https://www.laccd.edu/Board/Pages/Board-Rules.aspx>

Crimes or incidents occurring outside WLAC Campus Police jurisdiction should be reported to the law enforcement agency having jurisdiction where the incident occurred.

# DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING

## **Disclosures to Alleged Victims of Crimes of Violence or Non-Forcible Sex Offenses**

Allegations of dating violence, domestic violence, and stalking are handled pursuant to the LACCD Board Rules, Chapter XV (“Prohibited Discrimination, Unlawful Harassment, and Sexual Misconduct (Title IX)”) and LACCD Administrative Regulation C-14 (“Procedures for Prohibited Discrimination, Unlawful Harassment, and Sexual Misconduct Complaints”), available at:

- <https://www.laccd.edu/Departments/DistrictResources/OfficeOfDiversity/Pages/default.aspx>
- <http://www.laccd.edu/Board/Documents/BoardRules/Chapter%20XV.docx>
- <http://www.laccd.edu/About/Documents/AdministrativeRegulations/C-14.docx>

**West Los Angeles College** will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the college against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the college will provide the results of the disciplinary hearing to the victim’s next of kin, such victim shall be treated as the alleged victim for purposes of the request.

As defined by Section 16 of Title 18 of the United States Code, a “crime of violence” is “(a) an offense that has an element the use, attempted use, or threatened use of physical force against the person or property of another, or (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.”

In 1968, the California Legislature enacted **the California Public Records Act (CPRA)**<sup>37</sup> under Government Code (GC) sections 6250-6270.

In its findings and declarations, mindful of the right of individuals' privacy, the Legislature declared it was the public’s right to access information concerning the people’s business.

Certain information from initial police reports is public record under California law, so confidentiality of reports cannot be guaranteed.

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<sup>37</sup>

[https://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?division=7.&chapter=3.5.&lawCode=GOV&title=1.&article=1](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=7.&chapter=3.5.&lawCode=GOV&title=1.&article=1).

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Exceptions exist for sexual assault and crimes where victims or witnesses would be at risk should their names be released to the public.

If you are the victim of a crime and do not want to pursue action within the university or the criminal justice systems, you may still want to consider making a confidential report.

This information will be disclosed in the annual report and used for statistical information to help prevent further crimes.

Confidential information may be shared with other law enforcement agencies to reduce further occurrences.

### **RESOURCES**

- <https://lasd.org/records-faq/#1551810609957-d0a6d45a-1d4e>
- [https://lapdonline.org/communications\\_division/content\\_basic\\_view/6427](https://lapdonline.org/communications_division/content_basic_view/6427)
- <https://www.culvercitypd.org/city-hall/city-government/city-departments/police/community-service-bureau/records>

Although we encourage the reporting of campus and related criminal activities directly to the campus police, in some instances members of the campus community may choose to file a report with another law enforcement agency by **dialing 911** or by reporting to one of the **Campus Security Authorities**.

### **CRIME STOPPERS**

Information may be shared at [www.lacrimestoppers.com](http://www.lacrimestoppers.com).

## PREVENTION, EDUCATION, & AWARENESS

### Security Procedure

West L.A. College maintains a 24/7 security and safety presence on the campus through its contract with the Los Angeles County Sheriff, which functions as the campus police department. The Sheriff proactively patrols the campus and engages individuals involved in suspicious activity or apparent criminal acts. The Sheriff alerts the college administration to potentially dangerous situations on or around the campus, which enables the college to notify the campus community. Written emergency procedures are posted in classrooms and offices throughout the campus to instruct students, employees and visitors what to do in response to various types of emergencies.

Periodically, the college administration and college council meet with the Campus Sheriff to discuss security concerns and review safety conditions, such as lighting, patrols and emergency communications.

### Prevention of Crime

The Campus Sheriff maintains a page on the college Website that provides crime prevention advice.

Included are suggestions for personal safety, neighborhood watch and business watch and tips for persons with disabilities.

Information is also offered to students and employees through security awareness packets available at the Student Health Center.

The campus Sheriff's page can be found at the following address:

<http://www.wlac.edu/Sheriff/Index.aspx>

- **Personal Safety:** Crime prevention tips and actions that individuals can take to make themselves less vulnerable to crime. Examples of topics include robberies, assaults, stalking, dealing with difficult individuals, active shooter, identity theft, and property theft.
- **Tips** for preventing assaults are also included in the "Personal Safety" section of the Sheriff's page listed under "Crime Prevention" on the College Website.
- **Sexual Assault Awareness & Prevention:** Crime prevention tips regarding actions that individuals can take to make themselves less vulnerable to a sexual assault, dating and domestic violence, or stalking. Topics include sexual assault prevention, cultural awareness, acquaintance rape, the role of alcohol, date-rape drugs such as Rohypnol and GHB, and bystander involvement.

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- **Hate Crimes:** Defines what constitutes a hate crime or hate incident, inclusion, relevant laws, how to report hate crimes and available resources.
- **Drug & Alcohol Awareness:** Designed to increase awareness and prevention of drug and alcohol use/abuse. Topics include drug and alcohol laws, alcohol consumption, impairment and driving under the influence.
- **Response to an Active Shooter:** Designed to address prevention, recognition of subjects of concern, options to take during an event (Run, Hide, Fight), and management after an event.

### **American Disabilities Act**<sup>38</sup>

Disabled persons face many physical challenges.

This could make them vulnerable to would-be assailants who assume the disabled are incapable of protecting themselves.

Follow safety procedures and tips listed on the WLAC Sheriff webpage:

<http://www.wlac.edu/Sheriff/Index.aspx>

### **WLAC ADA Coordinator**

Silvia Barajas, Vice President Administrative Services

**Phone:** (310) 287-4367 / 4369

**Email:** [BARAJAS2@WLAC.EDU](mailto:BARAJAS2@WLAC.EDU)

- WLAC ADA: <http://www.wlac.edu/ada/index.aspx>
- WLAC DSPS: <http://www.wlac.edu/dsps/index.aspx>
- WLAC ADMINISTRATIVE SERVICES: <http://www.wlac.edu/Administrative-Services/index.aspx>
- LACCD ADA: <https://www.laccd.edu/ADA/Pages/default.aspx>

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<sup>38</sup> <https://www.ada.gov/>

## POLICY REGARDING POSSESSION, USE, AND SALE OF ALCOHOLIC BEVERAGES AND ILLICIT DRUGS

LACCD is committed to drug-free and alcohol-free campuses.

Students and employees are prohibited from unlawfully possessing, using or distributing illicit drugs and alcohol on campus/LACCD premises, vehicles, or as part of any activity of the college campus/LACCD.

**LACCD Board Rule 9803.19**<sup>39</sup> prohibits the following: "Alcohol and Drugs."

Any possession of controlled substances which would constitute a violation of Health and Safety Code section 11350 or Business and Professions Code section 4230, any use of controlled substances the possession of which are prohibited by the same, or any possession or use of alcoholic beverages while on any property owned or used by the colleges/District or while participating in any college/District sponsored function or field trip.

"**Controlled substances**," as used in this section, include but are not limited to the following drugs and narcotics: (a) opiates, opium and opium derivatives; (b) mescaline; (c) hallucinogenic substances; (d) peyote; (e) **marijuana**; (f) stimulants and depressants; (g) cocaine."

In addition, LACCD also enforces state laws relating to underage drinking, pursuant to **Board Rule 9803.27**<sup>40</sup> ("**Performance of an Illegal Act**").

### **Penalties**

Federal and state laws regarding alcohol and illicit drugs allow for fines and/or imprisonment. Other legal problems include the loss of one's driver's license and limitations of career choices.

A summary of federal penalties for drug related offenses is available at:

<https://www.ussc.gov/research/research-reports/mandatory-minimum-penalties-drug-offenses-federal-system>

**The Federal Controlled Substances Act** is available at:

<https://www.dea.gov/controlled-substances-act>

**In addition to criminal prosecution**, violators are also subject to disciplinary action by West L.A. College.

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<sup>39</sup> <https://www.laccd.edu/Board/Pages/Board-Rules.aspx>

<sup>40</sup> <https://www.laccd.edu/Board/Pages/Board-Rules.aspx>

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**Student discipline actions** may include the following: warning, reprimand, disciplinary probation, suspension, and/or expulsion.

### **Health Risks**

Health risks associated with the abuse of controlled substances include malnutrition, damage to various organs, hangovers, blackouts, general fatigue, impaired learning, dependency, disability and death.

Both drugs and alcohol may be damaging to the development of an unborn fetus. Personal problems include diminished self-esteem, depression, alienation from reality, and suicide.

Social problems include alienation from and abuse of family members, chronic conflict with authority, and loss of friends, academic standing, and/or co- and extra-curricular opportunities.

A description of various drugs and their effects is available at: <https://www.dea.gov/factsheets>

### **Drug & Alcohol Prevention**

West L.A. College, through its Student Health Center, offers free short-term therapy for substance abuse to all registered students who have paid the health fee. For long-term assistance, the Health Center offers referral services to outside drug and alcohol prevention and treatment programs.

**WLAC Student Health & Wellness Center:** <http://www.wlac.edu/health-center/index.aspx>

**Mosaic Family Care:** <https://mfc.care/college-clinics>

### **Resources for Counseling, Treatment, and Rehabilitation**

The following counseling, treatment, and rehabilitation resources are available for the treatment of alcohol and drug dependence and abuse.

Los Angeles Community College District Employee Assistance Program (EAP)

<http://laccd.edu/Departments/HumanResources/Total-Wellness-Program/Pages/HR-ARFLbenefits.aspx>

Phone: (800) 327-0449

National Council on Alcoholism and Drug Dependence

<https://www.ncadd-sfv.org/>

Phone: (818) 997-0414

Substance Abuse & Mental Health Services Administration

<https://www.samhsa.gov/find-help/national-helpline>

Phone: (800)-662-HELP (4357)

Los Angeles County Public Health, Substance Abuse Prevention and Control

<http://publichealth.lacounty.gov/sapc/index.htm>

Phone: (844) 804-7500

Alcoholics Anonymous

[www.aa.org](http://www.aa.org)

[https://www.aa.org/pages/en\\_US/find-aa-resources](https://www.aa.org/pages/en_US/find-aa-resources)

Los Angeles County Alcohol Anonymous

<https://lacoaa.org/>

Phone: (323)936-4343

Cocaine Anonymous

<https://ca.org/contact-us/>

Phone: (888) 714-8341

Marijuana Anonymous

<https://marijuana-anonymous.org/service/ma-districts/>

Phone: (800) 766-6779

Narcotics Anonymous

<https://www.na.org/>

Phone: (800) 863-2962

Families Anonymous

[www.familiesanonymous.org](http://www.familiesanonymous.org)

Phone: (800) 736-9805

## LACCD GENDER EQUITY/TITLE IX<sup>41</sup>

### WLAC:

Glenn Schenk, WLAC Title IX Coordinator at

Phone: (310) 287-4275

Email: [Scheknga@laccd.edu](mailto:Scheknga@laccd.edu)

### LACCD:

Victoria Friedman, LACCD Title IX Coordinator

Phone:(213) 891-2125

Email: [Friedmv@laccd.edu](mailto:Friedmv@laccd.edu)

Cristy Passman, LACCD Title IX Coordinator

Phone: (213) 891-2267 or 2000 Ext. 3113

California Department of Education's Title IX<sup>42</sup>

Sharon Felix-Campos, Director

Phone: (916) 445-9174

Email: [Oeoinfo@cde.ca.gov](mailto:Oeoinfo@cde.ca.gov)

### LACCD OFFICE OF DIVERSITY & INCLUSION

- <https://www.laccd.edu/Departments/DistrictResources/OfficeOfDiversity/TitleIX/Pages/default.aspx>

### U.S. DEPARTMENT OF EDUCATION

- [https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html)
- <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>

### U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES – CIVIL RIGHTS

- <https://www.hhs.gov/civil-rights/for-individuals/index.html>

### Sex Discrimination

An adverse action taken against an individual because of **gender or sex** (including Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking) as prohibited by Title IX; Title IV; VAWA; California Education Code § 66250 et seq.; and/or California Government Code § 11135.

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<sup>41</sup> <https://www.laccd.edu/Departments/DistrictResources/OfficeOfDiversity/TitleIX/Pages/default.aspx>

<sup>42</sup> <https://www.cde.ca.gov/re/di/eo/genequitytitleix.asp>

See also **Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act** (Cal. Govt. Code § 12940 et seq.), and other applicable laws.

**Persons of all genders and gender identities can be victims of Sex Discrimination.**

## EDUCATIONAL PROGRAMS AND CAMPAIGNS TO PROMOTE THE AWARENESS OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL VIOLENCE AND STALKING

West LA College offers educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses through the Student Health & Wellness Center on campus.

Another resource is the **Jenesse Center (<https://jenesse.org/>)**, a year-round program available to West L.A. College students, faculty and staff. Their mission is to provide victims of domestic violence with a comprehensive, centralized base of support to assist them in addressing their immediate crisis and changing the patterns of their lives.

### Who to Contact

If you are the victim of sexual assault on campus, you should immediately contact the College Sheriff, Campus Violence Response Team, Title IX Coordinator, Behavioral Intervention Team.<sup>43</sup>

WLAC's Campus Violence Response Team includes the following members:

Name	Title	Email	Phone
Dr. James Limbaugh	President	<a href="mailto:LIMBAUJM@LACCD.EDU">LIMBAUJM@LACCD.EDU</a>	310-287-4325
Silvia Barajas	Vice President, Administrative Services	<a href="mailto:BARAJAS2@LACCD.EDU">BARAJAS2@LACCD.EDU</a>	310-287-4379/4367
Aracely Aguiar	Vice President, Academic Affairs	<a href="mailto:AGUIARA@WLAC.EDU">AGUIARA@WLAC.EDU</a>	310-287-4238
Dr. Roberto Gonzalez	Vice President, Student Services	<a href="mailto:GONZALRO@WLAC.EDU">GONZALRO@WLAC.EDU</a>	310-287-4321
Roberto Gonzalez	Deputy Sheriff/Team Leader/First Responder	<a href="mailto:R11GONZA@LASD.EDU">R11GONZA@LASD.EDU</a>	310-287-4314/4557
Glenn Schenk	Director, Financial Aid, <b><i>Title IX Coordinator</i></b>	<a href="mailto:SCHENKGA@WLAC.EDU">SCHENKGA@WLAC.EDU</a>	310-287-4275
Angel Viramontes	Dean of Student Services, DSPS	<a href="mailto:VIRAMOA@LACCD.EDU">VIRAMOA@LACCD.EDU</a>	310-287-4473
Angeles Abraham	Dean of Student Services	<a href="mailto:ABRAHAA@LACCD.EDU">ABRAHAA@LACCD.EDU</a>	310-287-4399
Dr. Lisa Ma	Director, Student Health & Wellness Center	<a href="mailto:LISAMD@MAC.COM">LISAMD@MAC.COM</a>	310-287-4478
Steven Lee	Clinical Supervisor, Student Mental Health	<a href="mailto:STEVELEEMFT@GMAIL.COM">STEVELEEMFT@GMAIL.COM</a>	310-287-4478

West L.A. College strongly encourages timely reporting of sexual assaults so that evidence may be collected and preserved. **Campus Law Enforcement, the Campus Violence Response Team, and/or Behavioral Intervention Team** can ensure that immediate medical attention is provided, assure the victim that confidentiality will be maintained (unless the victim otherwise consents), inform the victim of legal and disciplinary options, and provide the victim with appropriate referrals.

<sup>43</sup> <http://www.wlac.edu/Policies/bit.aspx>

Within 24 hours of being notified of a sexual assault, campus law enforcement shall, with the consent of the alleged victim, notify the College President of the sexual assault and the victim's name. (LACCD Board Rule 16200.30.)

The District prohibits dating violence, domestic violence, sexual assault, and stalking. These terms are defined by the Clery Act as follows:

- **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. (i) 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. (ii) For purposes of this definition—(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. (B) Dating violence does not include acts covered under the definition of domestic violence. (34 C.F.R. § 668.46.)
- **Domestic violence:** (i) A felony or misdemeanor crime of violence committed—(A) By a current or former spouse or intimate partner of the victim; (B) By a person with whom the victim shares a child in common; (C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (D) By a person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred; or (E) 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. (34 C.F.R. § 668.46.)
- **Sexual assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting ("UCR") program (see below).
  - **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.
  - **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.

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- **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. (34 C.F.R. § 668.46, Appendix A.)
- **Stalking:** (i) Engaging in a course of conduct directed at a specific person that cause a reasonable person to—(A) Fear for the person’s safety or the safety of others; or (B) Suffer substantial emotional distress. (ii) For the purposes of this definition—(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. (34 C.F.R. § 668.46.)

Violations of the LACCD’s Prohibited Discrimination, Unlawful Harassment, and Sexual Misconduct Policy may also be criminal offenses under California law. The definitions of dating violence, domestic violence, sexual assault, and stalking under the California Penal Code are included in **Appendix A** at the end of this report.

**The LACCD’s Prohibited Discrimination, Unlawful Harassment, and Sexual Misconduct Policy** uses the following definitions:

“**Dating Violence**” is included in Intimate Partner Violence, below. (C-14, Section II.I.)

“**Domestic Violence**” is included in Intimate Partner Violence, below. (C-14, Section II.M.)

The term “**Intimate Partner**” refers to a person with whom one has or had a close personal relationship that may be characterized by some or all of the following: the partners’ emotional connectedness, regular contact, ongoing physical contact and sexual behavior, identity as a couple, and familiarity with and knowledge about each other’s lives. Intimate Partner relationships include current or former:

- **Spouses** (married spouses, common-law spouses, civil union spouses, domestic partners)
- **Boyfriends/girlfriends**
- **Dating partners**
- **Ongoing sexual partners**

**Intimate Partners** may or may not cohabit. Intimate Partners can be opposite or same sex.

If the Alleged Victim and the Respondent have a child in common and a previous relationship but no current relationship, then by definition they fit into the category of former Intimate Partners. (C-14, Section II.R.)

**“Intimate Partner Violence”** refers to behavior involving physical force or intimidation of such force, intended to hurt, damage, or kill an Intimate Partner, as defined above; this frequently arises in the form of Sexual Misconduct. (C-14, Section II.S.)

**“Sexual Misconduct”** refers to non-consensual sexual activity, where clear, knowing, and voluntary Consent, as defined herein, both prior to and during the sexual activity is absent. Sexual misconduct includes “sexual harassment” as that term is defined herein.

**Sexual Misconduct** offenses include but are not limited to Non-Consensual Sexual Intercourse, defined as

- a. Any sexual penetration or intercourse (anal, oral, or vaginal)
- b. However slight
- c. With any object
- d. By a person upon another person
- e. That is without Consent and/or by force
- f. Sexual penetration includes vaginal, oral or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth or genital contact, or genital to mouth contact.
- g. Non-Consensual Sexual Intercourse includes but is not limited to rape, forced sodomy, forced copulation, or rape by foreign object.

**Sexual Misconduct** offenses also include Non-Consensual Sexual Contact, defined as

- a. Any intentional sexual touching
- b. However slight
- c. With any object
- d. By another person upon another person
- e. That is without Consent and/or by force.
- f. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
- g. Non-Consensual Sexual Intercourse includes but is not limited to sexual battery or threat of sexual assault.

In addition to those acts specified above, Sexual Misconduct also specifically includes Sexual Harassment, Stalking, Dating Violence, Domestic Violence, and Intimate Partner Violence. (C-14, Section II.DD.)

**“Sexual Violence”** refers to a forceful physical sexual act that is committed or attempted by another person without freely given Consent. (C-14, Section II.GG.)

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**“Consent”** when used regarding Sexual Misconduct matters refers to a mutual honest, direct agreement. Consent is never implied and cannot be assumed, even in the context of a relationship.

Consent must be:

- a. Informed (knowing)
- b. Voluntary (freely given)
- c. Active, (not passive)
- d. By clear words or actions, with regard to agreed-upon (sexual) activity, and
- e. Must indicate permission to engage in mutually agreed upon (sexual) activity.
- f. It must also be continuous throughout the sexual interaction.

Consent cannot be the result of:

- a. Force
- b. Physical Violence
- c. Threats
- d. Intimidation
- e. Coercion, including consideration of frequency, intensity, isolation and duration, or
- f. Incapacity as a result of drugs, alcohol, sleep, mental or cognitive impairment, injury, or other condition, which was or should have been known to the accused. Intoxication of the assailant shall not diminish the assailant’s responsibility for sexual assault or sexual misconduct.

The absence of “No” does not mean “Yes”. (C-14, Section II.H.)

**“Stalking”** refers to a course of conduct (two or more acts), directed at a specific person, on the basis of actual or perceived membership in a protected class that is unwelcome, and would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. Stalking is defined as the repeated following, watching, and harassing of another person. Stalking may include legal, appropriate behavior such as sending someone flowers or waiting outside someone’s workplace for her/him to appear. However, when these acts are coupled with an intent to instill fear or injury, they may be part of a pattern of stalking behavior. (C-14, Section II.HH.)

West LA College provides the following information regarding risk reduction:

- Awareness workshops and other educational demonstrations facilitated by the campus throughout the year on personal safety, dating violence, and sexual violence.
- Reading information contained on campus website regarding personal safety and awareness.
- Reporting questionable or suspicious activity to College Administration or Sheriff.

**Procedures Victims Should Follow in Cases of Alleged Dating Violence, Domestic Violence, Sexual Assault or Stalking**

West LA College strongly encourages the timely reporting of crimes of alleged dating violence, domestic violence, sexual assault or stalking, so that evidence may be collected and preserved.

It is important to preserve evidence that may assist in proving the alleged criminal offense occurred or may be helpful in obtaining a protection order.

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, you should contact: **LACCD Title IX Coordinator**, Brittany Grice at (213) 891-2000 ext. 2316 **and/or WLAC Title IX Coordinator**, Glenn Schenk at (310) 287-4275.

#### **Deputy Title IX Coordinators**

Dr. Genice Sarcedo-Magruder (213) 891-2315

Victoria Friedman (213) 891-2125

The Title IX Coordinator will inform the victim of his/her options to report the matter to either campus law enforcement or the local police department; be assisted by campus authorities in notifying law enforcement if the victim chooses; and decline to notify such authorities. (See C-14, Section IX.A.)

The Sheriff's Department on campus may be contacted at:  
(310) 287-4314/4315 or in person at Building C-3 located on Freshman Drive in Lot 5.  
<http://www.wlac.edu/Sheriff/index.aspx>

The Title IX Coordinator will also inform the victim of legal and disciplinary options, including criminal prosecutions, civil action, and relevant District disciplinary processes. (C-14, Section IX.A.)

A victim is entitled to pursue independently civil remedies, including but not limited to injunctions, restraining orders, or other orders. (C-14, Section XIV.) Information regarding domestic violence restraining orders is also available at: <http://www.courts.ca.gov/selfhelp-domesticviolence.htm>

The District may also seek a temporary restraining order on behalf of an employee, if the employee has suffered unlawful violence or a credible threat of violence from any individual that can reasonably be construed to be carried out at the workplace. (Code of Civil Procedure section 527.8.)

#### **Confidentiality of Victims and Other Necessary Parties**

All persons involved in investigations of complaints shall have a duty to maintain the confidentiality of matters discussed, except as may be required or permitted by law, including the rules and regulations of the District. (C-14, Section V.)

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The Title IX Coordinator will inform law enforcement of an incident for Clery Act reporting purposes, without providing any personally identifying information (e.g., name) of the victim. **(C-14, Section IX.A.)**

West LA College will maintain as confidential any accommodation or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The Title IX Coordinator will inform the victim of his/her options to report the matter to either campus law enforcement or the local police department; be assisted by campus authorities in notifying law enforcement if the victim chooses; and decline to notify such authorities. (See C-14, Section IX.A.)

The Sheriff's Department on campus may be contacted at:  
(310) 287-4314/4315 or in person at Building C-3 located on Freshman Drive in Lot 5.  
<http://www.wlac.edu/Sheriff/index.aspx>

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A victim is entitled to pursue independently civil remedies, including but not limited to injunctions, restraining orders, or other orders. (C-14, Section XIV.)

Information regarding domestic violence restraining orders is also available at:  
<http://www.courts.ca.gov/selfhelp-domesticviolence.htm>

The District may also seek a temporary restraining order on behalf of an employee, if the employee has suffered unlawful violence or a credible threat of violence from any individual that can reasonably be construed to be carried out at the workplace.  
(Code of Civil Procedure section 527.8.)

### **Requesting Changes to Academic, Transportation, and Working Situations or Protective Measures**

West LA College will comply with a victim's request for an academic situation change following an alleged offense, if such changes are reasonably available, and regardless of whether the victim chooses to report the crime to campus law enforcement.

For example, West L.A. College may, consistent with Board policy, provide the option of taking a **“withdrawal” or an “incomplete”** grade.

The College President or his/her designee shall refer an Alleged Victim to the Title IX Coordinator if he/she experiences academic difficulties as a result of the sexual assault.

The Title IX Coordinator, in cooperation with the Vice President of Academic Affairs and/or Student Services may provide temporary sanctions to alleviate the immediate impact of the sexual assault.

The President shall also refer a non-student Reporting Individual to the Title IX Coordinator for assistance with workplace or immediate difficulties that may arise. (C-14, Section IX.C.)

Temporary sanctions shall be implemented by the Title IX Coordinator, as required to separate the Alleged Victim and Respondent. Such temporary sanctions may include moving one party to another section of the same class or to a different online location, providing the Alleged Victim with an escort across campus, or permitting the Alleged Victim to take exams in a different location from the Respondent and/or alleged offender and any similar action(s) intended to separate the parties and reduce the stress on them arising from the incident and allegations. (C-14, Section IX.D.)

### **Procedures for Disciplinary Action for Cases of Alleged Dating Violence, Domestic Violence, Sexual Assault or Stalking**

Formal complaints regarding alleged sexual misconduct at West L.A. College are investigated by the District's Office for Diversity, Equity and Inclusion.<sup>44</sup>

A Compliance Officer shall complete an investigation and make a written report to the College President **in 60 days**. (C-14, Section X.A.)

The College President shall send a summary of the Compliance Officer's report to the parties, and the Alleged Victim and Respondent have a right to make an oral statement to the College President **within 15 days of receipt** of the summary of the report. (C-14, Section X.B.)

The College President shall send a Written Decision to the parties.

The Alleged Victim or Respondent may appeal within 15 days of the date of the Written Decision.

The District's Board of Trustees may review the matter and act within 45 days; if 45 days have elapsed without action by the Board of Trustees, the Written Decision is considered the final District decision. In cases not involving employment, there is also a right to file a written appeal to the CA State Chancellor<sup>45</sup> within 30 days after the final District decision is issued by the Board of Trustees, or the 45-day period has elapsed. (C-14, Section XI.)

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<sup>44</sup> <https://www.laccd.edu/Departments/DistrictResources/OfficeOfDiversity/TitleIX/Pages/default.aspx>

<sup>45</sup> <https://www.cccco.edu/About-Us/Chancellors-Office>

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If discipline is to be taken, the College President or his/her designee shall initiate the applicable disciplinary process within ten (10) business days of issuing the Written Decision, or, for good cause, as soon thereafter as is practical. (C-14, Section XII.)

### *Disciplinary Action for Students*

If the alleged perpetrator is a student, he/she may also be disciplined consistent with the procedures for campus disciplinary actions in LACCD Board Rules, Chapter IX, Article XI (“Student Discipline”), available at:

<http://www.laccd.edu/Board/Documents/BoardRules/Ch.IX-ArticleXI.pdf>

### *Disciplinary Action for Faculty and Staff*

If the alleged perpetrator is a **District employee**, disciplinary action shall be pursued in accordance with state law, the LACCD Board Rules, the LACCD Personnel Commission, and/or any applicable collective bargaining agreement or memoranda of understanding. (C-14, Section XII.C.)<sup>46</sup>

### **Standard of Evidence Used**

The LACCD uses a “preponderance of evidence” standard. (C-14, Section XI.B.1.)

### **Possible Sanctions Following a Disciplinary Proceeding for an Allegation of Dating Violence, Domestic Violence, Sexual Assault or Stalking**

Possible sanctions following a student disciplinary hearing include, but not are limited to, warnings, probation, suspension or expulsion from all of the District’s colleges. (C-14, Section XII.D.)

Disciplinary action against employees shall include, without limitation, verbal warnings, letters of reprimand, notices of unsatisfactory service, suspensions, demotions, or dismissals. (C-14, Section XII.C.)

### **Range of Protective Measures That May Be Offered to Victims Following an Allegation of Dating Violence, Domestic Violence, Sexual Assault or Stalking**

Temporary sanctions shall be implemented by the Title IX Coordinator, as required to separate the Alleged Victim and Respondent.

Such temporary sanctions may include moving one party to another section of the same class or to a different online location, providing the Alleged Victim with an escort across campus, or permitting the Alleged Victim to take exams in a different location from the Respondent and/or alleged offender and any similar action(s) intended to separate the parties and reduce the stress on them arising from the incident and allegations. (C-14, Section IX.D.)

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<sup>46</sup> <https://laccd.edu/Departments/HumanResources/Pages/Union-Contracts.aspx>

### **A Prompt, Fair, and Impartial Process**

Proceedings arising from an allegation of dating violence, domestic violence, sexual assault or stalking will include a prompt, fair, and impartial process from the initial investigation to the final result.

Proceedings will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

The Title IX Coordinator is responsible for organizing training opportunities for administrators and other employees regarding Title IX sexual misconduct issues. (C-14, Sections III.B.2, III.B.3.)

The accused and accuser may have others present during a campus disciplinary hearing, with the exception of representation counsel. (LACCD Board Rule 91101.14(c)(7).)

In sexual misconduct cases, all parties (Respondent and Alleged Victim) must receive the same notifications, mailed at the same time, regarding all steps of the disciplinary process. They must all be given equivalent rights to be heard and access to an Advocate and must receive comparable notification of the outcome of the disciplinary actions, subject to the legal and District limitations related to the privacy of the parties.

All parties must be notified that disciplinary action is being taken, with specific details sufficient to ameliorate concerns of the person who was the object of the violations, subject to legal and District limitations related to the privacy of the parties. (C-14, Section XII.B.) (An "Advocate" is someone trained by a Title IX coordinator, and an Advocate's assistance can include providing moral support as well as information regarding procedural issues, throughout the pendency of an investigation, through the last internal appeal. (C-14, Section II.A.))

When a student or employee reports to West L.A. College that he/she has been a victim of dating violence, domestic violence, sexual assault or stalking, whether the offense occurred on or off campus, West L.A. College will provide the student or employee a written explanation of the student's or employee's rights and options.

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## COMMUNITY RESOURCES/ORGANIZATIONS

Counseling, Health, Mental Health, Victim Advocacy, Legal Assistance, Visa and Immigration Assistance, Student Financial Aid and Other Services Available for Victims.

### ON-CAMPUS RESOURCES

College Sheriff	(310) 287- 4314	<a href="http://www.wlac.edu/sheriff/index.aspx">http://www.wlac.edu/sheriff/index.aspx</a>
Student Health & Wellness Center	(310) 287- 4478	<a href="http://www.wlac.edu/health-center/index.aspx">http://www.wlac.edu/health-center/index.aspx</a>

### OFF-CAMPUS RESOURCES

Resource:	Phone:	Website:
Jenesse Center	(800)-479-7328	<a href="https://jenesse.org">https://jenesse.org</a>
LA Commission on Assaults Against Women	(310)-392-8381	<a href="https://www.peaceoverviolence.org/">https://www.peaceoverviolence.org/</a>
Info Line of Los Angeles (LA County Comprehensive Community Services)	(310) 551-2929	<a href="http://www.laalmanac.com/social/so01z.htm">www.laalmanac.com/social/so01z.htm</a>

Los Angeles County Domestic Violence Hotline	(800)-978-3600	<a href="http://publichealth.lacounty.gov/dvcouncil/">http://publichealth.lacounty.gov/dvcouncil/</a>
National Domestic Violence Hotline	(800)-799-SAFE	<a href="https://www.thehotline.org/">https://www.thehotline.org/</a>
National Organization for Victim Assistance	(800)-TRY-NOVA	<a href="http://www.tynova.org">www.tynova.org</a>
National Sexual Assault Hotline	(800)-656-HOPE	<a href="https://www.rainn.org/">https://www.rainn.org/</a>
Hate Crime	(877) 433-9069	<a href="https://oag.ca.gov/hatecrimes">https://oag.ca.gov/hatecrimes</a>
Hate Crime Resources	(877) 433-9069	<a href="https://oag.ca.gov/civil/preeduc">https://oag.ca.gov/civil/preeduc</a>
Peace Over Violence	(213)955-9090	<a href="http://www.peaceoverviolence.org">www.peaceoverviolence.org</a>
Rape Treatment Center at UCLA Health <sup>47</sup>	(424) 259-7208	<a href="https://www.uclahealth.org/rtc/24-hr-emergency-care">https://www.uclahealth.org/rtc/24-hr-emergency-care</a>

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<sup>47</sup> <https://www.uclahealth.org/rtc/what-to-do>

## SAFETY POLICES & TIPS

Members of the WLAC community must take responsibility for their own personal safety, the safety of others, and their property (when possible), as they do when away from campus.

### **If You See Something-Say Something**

All students, faculty, staff and visitors are encouraged to report any emergency situation, crime, or suspicious behavior to WLAC Sheriff.

Members of the community are strongly encouraged and constantly reminded by the WLAC Sheriff throughout the year to:

- Promptly report all crimes and suspicious persons or activity to WLAC Sheriff.
- Always be aware of your personal safety and your surroundings.
- Never leave your property unattended and lock bicycles, doors and windows to your car, classroom(s) and office(s).
- Keep all valuables with you or leave them at home.
- Walk on well-traveled pathways and in well-lit and populated areas. Walk with friends or groups when possible.
- Call the WLAC Sheriff for a safety escort if you feel afraid or need to walk in isolated areas or at times when areas are unpopulated or closed. Contact: (310) 287-4314/4315.  
- ***Golf Cart transportation rides have been discontinued.***<sup>48 49</sup>
- Engrave owner identification numbers onto personal electronics and items of value, keep a list of serial numbers and description of property, and provide it to the WLAC Sheriff in the event your property is stolen.
- Use the internet wisely and never send money or provide personal identifying information, credit card information, or bank information to someone you do not know or to a company or person you did not initiate contact with on your own (such as Airlines, Department Stores, Amazon, etc.).
- Use good bicycle theft prevention measures. Use a combo or flat key U-lock. Most cable locks can be and are easily cut. Lock both the front and rear wheels when possible and make sure to put your lock(s) through a closed part of the bike frame. Wheels can easily be taken off. Although all bikes are prone to theft, the newer and more expensive a bike is, the more of a target it will be.

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<sup>48</sup> <http://www.wlac.edu/WLAC/media/documents/transportation/ShuttleDiscontinued.pdf>

<sup>49</sup> <http://www.wlac.edu/Transportation/Campus-Shuttle.aspx>

## TIMELY WARNINGS AND EMERGENCY NOTIFICATIONS

When a crime is reported to the Sheriff's Department on campus and/or the campus administration that, in the judgment of the college president or administrator-in-charge (**usually the Vice President of Administrative Services**), creates a serious or ongoing threat, a campus-wide "**timely warning**" will be issued.

The warning will be issued through the following college notification systems to students, faculty and staff:

**Blackboard Emergency Notification System** - A text message will be sent to mobile phones (on file) of students and employees. The message may also be sent to the City of Culver City. An opt-out process has been developed for message recipients.

**Email Blast** - A message will be sent to all WLAC employee email addresses.

**InformaCast IP Messenger** - An audio message will be sent through the desk phones to WLAC employees. The message will also be sent through the public address speakers in classrooms, corridors, and exterior common areas as the capability is developed.

**Updated warnings** will be issued through the methods specified above and via the following, as deemed appropriate by the college:

**Website** news post or message – Announcements will be posted on the college home page and at <http://www.wlac.edu/Sheriff> and through the campus Blackboard Emergency Notification System as deemed necessary (text, email, and phone).

**Flyers** - As practicable, flyers will be prepared and distributed/posted on campus

**Signage** - Signs will be placed in areas of high traffic and at closed entrances to the campus or buildings.

**Sheriff's Officers** - Will circulate the campus as practicable using patrol vehicle loudspeakers.

Anyone with information warranting a **timely warning** should contact the Sheriff's Department by phone to (310) 287-4314/4315 or in person at the Sheriff's Office in Building C-3 on Freshman Drive at the entrance to Lot 5 (**see campus map**).

## EMERGENCY RESPONSE AND EVACUATION PROCEDURES

### **Notification Procedures**

In case of emergency situations such as: fire, earthquake, active shooter, hazardous material spills, bomb threats, and mass evacuations, the ***Campus Blackboard Emergency Notification System*** will be in use.

Campus maps are updated annually to show evacuation routes and gathering areas. They are posted in all classrooms, buildings and the campus website:

<http://www.wlac.edu/WLAC/media/101013/CongregationAreas.pdf>

### **Emergency Operations Center (EOC)<sup>50</sup>**

Los Angeles Community College District has an Emergency Operations Center (EOC) comprised of staff from various departments representing critical functions of the community colleges to include those with resources necessary to support emergency response.

The EOC is activated when deemed appropriate by the Vice President of Administrative Services/President or the Director of the EOC, or as outlined in the Emergency Operations Plan.

EOC staff training and exercises are documented through attendance rosters, planning meeting agendas, and exercise documentation.

In conjunction with the LASD CCB Sheriff Captain<sup>51</sup>, the Emergency Manager will conduct an administrative review of the EOP on an annual basis or as needed.

### **Testing of Procedures**

West LA College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of the responsible authorities, compromise efforts to assist a victim or to contain, respond, or otherwise mitigate the emergency.

The entire campus community will be notified when there is a potential that a very large segment of WLAC is threatened. The college president, or his/her designee, will reassess the situation to determine whether additional notifications or updates need to be made.

If needed, the college will notify the surrounding community through its contact with the City of Culver City, which can notify residents through its mass email system.<sup>52</sup>

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<sup>50</sup> <http://www.laccd.edu/About/News/Pages/Recovery-Information.aspx>

<sup>51</sup> [https://lasd.org/wp-content/uploads/2020/07/LASD-Org-Chart-PUBLIC\\_072220.pdf](https://lasd.org/wp-content/uploads/2020/07/LASD-Org-Chart-PUBLIC_072220.pdf)

<sup>52</sup> <https://www.culvercity.org/>

The college publicizes its emergency response and evacuation procedures through publication on the college website and posting of written communications in classrooms and offices on campus.

West LA College will document each test by recording a description of the test, the date the test was held, the time the test started and ended, and whether the test was announced or unannounced.

Copies of test documentation are available from the Office of Vice President, Administrative Services.<sup>53</sup>

West LA College conducts tests of its emergency response and evacuation procedures at least monthly.

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<sup>53</sup> <http://www.wlac.edu/Administrative-Services/index.aspx>

## APPENDIX A

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

#### CALIFORNIA DEFINITION OF DATING VIOLENCE AND DOMESTIC VIOLENCE (Penal Code section 243(e) (1); Penal Code section 273.5)

##### § 243. Punishment for battery generally; Punishment for battery against specified officers or others

(a) A battery is 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.

(b) When a battery is committed against the person of a peace officer, custodial officer, firefighter, emergency medical technician, lifeguard, security officer, custody assistant, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of his or her duties, whether on or off duty, including when the peace officer is in a police uniform and is concurrently performing the duties required of him or her as a peace officer while also employed in a private capacity as a part-time or casual private security guard or patrolman, or a nonsworn employee of a probation department engaged in the performance of his or her duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that the victim is a peace officer, custodial officer, firefighter, emergency medical technician, lifeguard, security officer, custody assistant, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of his or her duties, nonsworn employee of a probation department, or a physician or nurse engaged in rendering emergency medical care, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

(c)

(1) When a battery is committed against a custodial officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, or animal control officer engaged in the performance of his or her duties, whether on or off duty, or a nonsworn employee of a probation department engaged in the performance of his or her duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that the victim is a nonsworn employee of a probation department, custodial officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, or animal control officer engaged in the performance of his or her duties, or a physician or nurse engaged in rendering emergency medical care, and an injury is inflicted on that victim, the battery is punishable by a fine of not more than two thousand dollars (\$2,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by imprisonment pursuant to subdivision (h) of Section 1170 for 16 months, or two or three years.

(2) When the battery specified in paragraph (1) is committed against a peace officer engaged in the performance of his or her duties, whether on or off duty, including when the peace officer is in a police uniform and is concurrently performing the duties required of him or her as a peace officer while also employed in a private capacity as a part-time or casual private security guard or

patrolman and the person committing the offense knows or reasonably should know that the victim is a peace officer engaged in the performance of his or her duties, the battery is punishable by a fine of not more than ten thousand dollars (\$10,000), or by imprisonment in a county jail not exceeding one year or pursuant to subdivision (h) of Section 1170 for 16 months, or two or three years, or by both that fine and imprisonment.

(d) When a battery is committed against any person and serious bodily injury is inflicted on the person, the battery is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(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.

(2) Upon conviction of a violation of this subdivision, if probation is granted, the conditions of probation may include, in lieu of a fine, one or both of the following requirements:

(A) That the defendant make payments to a battered women's shelter, up to a maximum of five thousand dollars (\$5,000).

(B) 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. 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 shall 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.

(3) Upon conviction of a violation of this subdivision, if probation is granted or the execution or imposition of the sentence is suspended and the person has been previously convicted of a violation of this subdivision or Section 273.5, the person shall be imprisoned for not less than 48 hours in addition to the conditions in paragraph (1). However, the court, upon a showing of good cause, may elect not to impose the mandatory minimum imprisonment as required by this subdivision and may, under these circumstances, grant probation or order the suspension of the execution or imposition of the sentence.

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(4) The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence so as to display society's condemnation for these crimes of violence upon victims with whom a close relationship has been formed.

(5) If a peace officer makes an arrest for a violation of paragraph (1) of subdivision (e) 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.

(f) As used in this section:

(1) "Peace officer" means any person defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) "Emergency medical technician" means a person who is either an EMT-I, EMT-II, or EMT-P (paramedic), and possesses a valid certificate or license in accordance with the standards of Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(3) "Nurse" means a person who meets the standards of Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(4) "Serious bodily injury" means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

(5) "Injury" means any physical injury which requires professional medical treatment.

(6) "Custodial officer" means any person who has the responsibilities and duties described in Section 831 and who is employed by a law enforcement agency of any city or county or who performs those duties as a volunteer.

(7) "Lifeguard" means a person defined in paragraph (5) of subdivision (d) of Section 241.

(8) "Traffic officer" means any person employed by a city, county, or city and county to monitor and enforce state laws and local ordinances relating to parking and the operation of vehicles.

(9) "Animal control officer" means any person employed by a city, county, or city and county for purposes of enforcing animal control laws or regulations.

(10) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations.

(11)

(A) "Code enforcement officer" means any person who is not described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 and who is employed by any governmental subdivision, public or quasi-public corporation, public agency, public service corporation, any town, city, county, or municipal corporation, whether incorporated or chartered, who has enforcement authority for health, safety, and welfare requirements, and whose duties include enforcement of any statute, rules, regulations, or standards, and who is authorized to issue citations, or file formal complaints.

(B) "Code enforcement officer" also includes any person who is employed by the Department of Housing and Community Development who has enforcement authority for health, safety, and

welfare requirements pursuant to the Employee Housing Act (Part 1 (commencing with Section 17000) of Division 13 of the Health and Safety Code); the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code); the Manufactured Housing Act of 1980 (Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code); the Mobile home Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code); and the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(12) "Custody assistant" means any person who has the responsibilities and duties described in Section 831.7 and who is employed by a law enforcement agency of any city, county, or city and county.

(13) "Search and rescue member" means any person who is part of an organized search and rescue team managed by a government agency.

(14) "Security officer" means any person who has the responsibilities and duties described in Section 831.4 and who is employed by a law enforcement agency of any city, county, or city and county.

(g) It is the intent of the Legislature by amendments to this section at the 1981-82 and 1983-84 Regular Sessions to abrogate the holdings in cases such as *People v. Corey*, 21 Cal. 3d 738, and *Cervantez v. J.C. Penney Co.*, 24 Cal. 3d 579, and to reinstate prior judicial interpretations of this section as they relate to criminal sanctions for battery on peace officers who are employed, on a part-time or casual basis, while wearing a police uniform as private security guards or patrolmen and to allow the exercise of peace officer powers concurrently with that employment.

**§ 273.5. Infliction of injury on present or former spouse, present or former cohabitant, present or former fiance/fiancee, present or former dating partner, or parent of child; Punishment; Conditions of probation; Issuance of restraining order**

(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 fiance or fiancee, 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 spouse 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

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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 person who is married or in a registered domestic partnership is caused in whole or in part by the criminal acts of his or her spouse or domestic partner in violation of this section, the community property may not be used to discharge the liability of the offending spouse or domestic partner for restitution to the injured spouse or domestic partner, 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 or domestic partner and dependents, required by this section, until all separate property of the offending spouse or domestic partner 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.

#### **CALIFORNIA DEFINITION OF SEXUAL ASSAULT**

The California criminal statutes regarding sexual battery (Penal Code section 243.4), rape (Penal Code section 261), statutory rape (Penal Code section 261.5) and incest (Penal Code section 285) are included below. In addition, "consent" is defined and discussed in Penal Code sections 261.6 and 261.7, below.

For reference, Chapter 1 ("Rape, Abduction, Carnal Abuse of Children, and Seduction") of Title 9 ("Of Crimes against the Person Involving Sexual Assault, and Crimes against Public Decency and Good Morals") of the Penal Code (i.e., Penal Code sections 261 through 269) is included in its entirety below.

#### **§ 243.4. Sexual battery; Seriously disabled or medically incapacitated victims**

(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).

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(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).

#### **§ 261. Rape; "Duress"; "Menace"**

(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.

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(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.

### **§ 261.5. Unlawful sexual intercourse with a minor; Misdemeanor or felony violation; Civil penalties**

(a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age.

(b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.

(c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(e)

(1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:

(A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000).

(B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000).

(C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000).

(D) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000).

(2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature.

(3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

#### **§ 261.6. "Consent"; Effect of current or previous relationship**

In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, "consent" shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288a, or 289.

Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.

#### **§ 261.7. "Consent"; Communication to use condom or other birth control device**

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.

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### § 261.9. Procuring sexual services of prostitute of specified age; Imposition and collection of fines

(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.

### § 262. Spousal rape

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

(1) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(2) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused.

(3) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(5) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, "menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.

(d) If probation is granted upon conviction of a violation of this section, the conditions of probation may include, in lieu of a fine, one or both of the following requirements:

(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.

### **§ 263. Penetration**

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.

#### **§ 263.1. Legislative findings and declarations**

(a) The Legislature finds and declares that all forms of nonconsensual sexual assault may be considered rape for purposes of the gravity of the offense and the support of survivors.

(b) This section is declarative of existing law.

### **§ 264. Punishment for rape; AIDS education fine; Punishment for rape of child or other minor**

(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.

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(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.

### **§ 264.1. Punishment for aiding or abetting rape**

(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.

### **§ 264.2. Provision of "Victims of Domestic Violence Card"; Notice to local rape victim counseling center; Right to sexual assault victim counselor and another support person**

(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.

#### **§ 265. Abduction**

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.

#### **§ 266. Procurement**

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.

#### **§ 266a. Procurement by force or fraud; Prostitution and human trafficking; Punishment**

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).

#### **§ 266b. Compelling an illicit relationship**

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.

#### **§ 266c. Inducing consent to sexual act by fraud or fear**

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.

#### **§ 266d. Causing cohabitation for profit**

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.

#### **§ 266e. Acquiring prostitute**

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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.

### § 266f. Selling prostitute

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.

### § 266g. Procurement of wife by husband

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.

### § 266h. Pimping

(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.

### § 266i. Pandering

(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.

#### **§ 266j. Procurement of child**

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).

#### **§ 266k. Additional fines; Use for child sexual abuse prevention and counseling and to serve minor victims of human trafficking**

(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).

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(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.

### § 267. Abduction of minor for prostitution

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).

### § 269. Aggravated sexual assault of child

(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. Incest

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.

## CALIFORNIA DEFINITION OF STALKING (Penal Code section 646.9)

### § 646.9. Stalking

(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.

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(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.