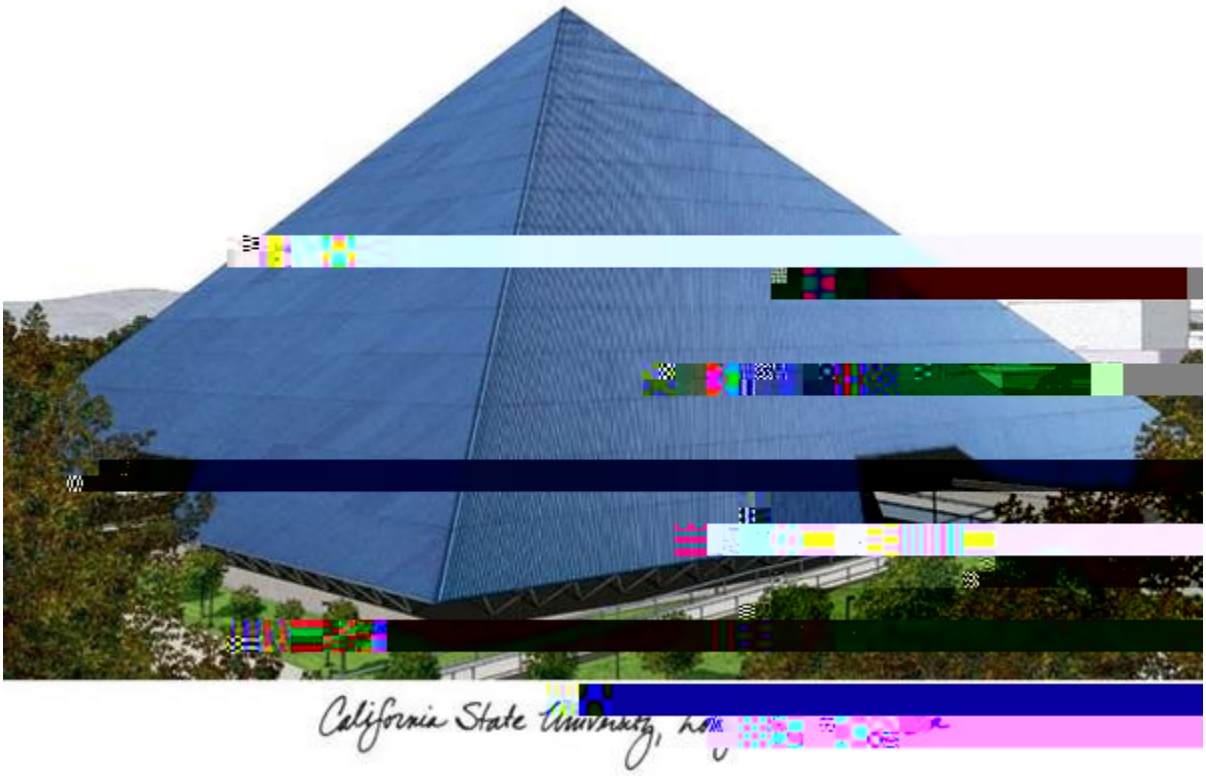
JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICIES & CAMPUS CRIME STATISTICS ACT (20 U.S.C. § 1092(F))
Clery Crime Statistics 2020-2022



CALIFORNIA STATE UNIVERSITY, LONG BEACH ANNUAL SECURITY REPORT

Clery Crime Statistics 2020 to 2022

Statutory Rape

Year

Referrals to Disciplinary Action for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	5	5	0	0
2022	8	8	0	0

Referrals to Disciplinary Action for Drug Law Violations

Year	Cal[illegible]

Procedures for Students and Others to Report Criminal Actions or Other Emergencies on Campus

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Additional Considerations

The Clery Director (or management designee) shall notify the Campus president, as soon as practicable, that a timely warning will be or has been issued.

The Chief of Police (or management designee) is responsible for collaborating with surrounding law enforcement agencies to encourage them to share information with University Police Department (UPD) about crimes reported to local law enforcement that occur in Clery Geography.

Nothing in this policy precludes Campuses from maintaining a Campus policy about informing, re-publicizing and/or sharing with the Campus community crimes or other informational notices, (e.g., traffic advisories, events, prevention information) the Campus deems may be of interest to the Campus community. Such a policy is separate and distinct from the Timely Warning Policy. Such notices must differ in appearance or be distributed in a manner that assures that members of the community understand such notices are different from a timely warning notification required by the Clery Act; members of the Campus community should not be misled to believe such notices are timely warnings.

Contents of a Timely Warning

When a timely warning is issued it shall be entitled "Timely Warning Crime Bulletin" and contain the following:

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- x Press Release

This list is not intended to be exhaustive or intended to prioritize the method of distribution. The Chief of Police will confer with the Clery Director (or management designee), if available, to determine the most appropriate method(s) to distribute a Timely Warning. In the absence of the Clery Director (or management designee), the Chief of Police will determine the appropriate method of distribution. Campuses are required to maintain a list of the methods of distribution for timely warnings and include said list in the Campus's Annual Security Report.

Emergency Notification Policy

This policy describes the procedures that will be used to immediately notify the Campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and/or employees occurring on the Campus, as required by the Clery Act.

Any member of the Campus community with information believed to constitute a significant emergency or a

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- •š š u vš} •Á Z}ŒÁ Z v]š]}v o]v(}uŒE Ç š}]}šv]v

The Chief of Police and/or Clery Director (or management designees) will provide updates to the emergency notification with pertinent updates or direction to persons for their safety when new information becomes available. Updates will be provided in regular intervals until the emergency has been mitigated or no longer poses an imminent threat, e.g., fire is out, and building has re-opened.

Methods of Distribution

Emergency Notifications will be distributed as quickly as possible in a manner that will likely reach the segment(s) of the on-campus community threatened by the emergency. Segmentation will be considered by the Chief of Police (or management designee) by evaluating which persons are likely to be at risk based on the circumstances at the time and notifying those persons. Segmentation should not be considered if making this determination would delay issuing the emergency notification. The Chief will determine if notification to the larger community is appropriate. Distribution methods, including distribution to the larger community, vary from Campus to Campus and depending on the nature of the emergency, may include:

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Security is the entire community's responsibility. No police department can function effectively without the assistance of a responsible community. All suspicious activity should be reported immediately to CSULB PD at (562) 985-4101. All academic buildings are secured by CSULB PD or electronically in some cases; on weekdays generally by 11:00 p.m. and on weekends generally by 9:30 p.m. During business hours, the university, with the exception of housing, is open to students, parents, employees, contractors, and guests. During non-business hours' access to all facilities is by key, if issued, or by admittance via CSULB PD. Some Page 14 facilities may have individual hours, which may vary at times of the year. These facilities will be secured according to schedules developed by the department responsible for the facilities. Students, faculty, and staff working on campus during non-business hours are required to have their photographic identification card with them. Holiday access scheduling is treated as weekend access. Emergencies may necessitate changes or alterations to any posted schedule.

Residence halls are secured 24 hours a day and access is limited to residents, escorted guests and university staff. Entry is monitored through a combination of keys, electronic access cards and on-duty Housing and Residential Life personnel. 24-hour camera surveillance systems are in place throughout the campus. Police patrols of the campus, in vehicles and on foot are conducted regularly. The campus facilities are maintained by Facilities Management and patrolled by CSULB PD 24 hours a day. Regular bi-monthly checks are conducted by CSULB PD to identify security concerns such as poor lighting or phones in need of repair. Repair requests are sent directly to Facilities Management and University Telecommunications to expedite repairs.

Systemwide Law Enforcement Policy, Law Enforcement Authority

Persons employed and compensated as members of a California State University police department, when so appointed and duly sworn, are peace officers. However, such peace officers shall not exercise their powers or authority[1] except (a) at the headquarters or upon any campus of the California State University and in an area within one mile of the exterior boundaries of each campus or the headquarters, and in or about other grounds or properties owned, operated, controlled, or administered by the California State University, or by trustees or the state on behalf of the California State University, and (b) as provided in Section 830.2 of the Penal Code.

The arrest authority outside the jurisdiction of the CSU Police Department includes (Penal Code § 830.2(c); Penal Code § 836):

a. When the officer has probable cause to believe the person committed a felony.
b. When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.
c. When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.
d. When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.
e. In compliance with an arrest warrant.

On duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot or fresh pursuit, while following up on crimes committed within the State, or while assisting another agency.

On duty officers who discover criminal activity outside the jurisdiction of the State should when circumstances permit, consider contacting the agency having primary jurisdiction before

California State University encourages

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- CSULB, through the University Police D ‰ Œ š u v š U } + Œ • W Œ • } v o ^ r (o n a l Ç • } Œ š W Œ } ^ (š Ç • } Œ š • Œ ‰ Œ } À] š } o } š] } v • } v u ‰ µ • µ Œ] v P Z } µ Œ • } (Œ please call 562-985-4101.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of the responsibility for their own security and the security of others. In addition to these seminars, information may be disseminated to students and employees through Public Safety Notices posted in the affected area(s), website alerts, and/or articles and advertisements in university and student newspapers. When time is of the essence, information may also be released to the university community through emails.

A member of CSULB PD serves as part of the campus Title IX committee as well as the Coordinated Community Response Team, a program of prevention and intervention activities, including support and advocacy, to reduce the incidence of sexual assault, relationship violence and stalking on the CSULB campus.

Crime Prevention Programs

Employees and students at CSULB are provided with numerous opportunities during the academic year to attend seminars about crime prevention, personal safety, theft prevention, identity theft, sexual assault and many other topics offered by CSULB PD and in collaboration with other departments. See the below Crime Prevention Programs section for information on both security and public safety programming provided to the campus community.

Program	Type of Program	Frequency	Audience	Name of Speaker/Prevention Group
Campus Safety	Crime Prevention	Upon request	International Students	University Police Department (UPD)
RAD Womens Self-Defense	Sexual Assault Prevention	Twice per year	Students, Staff, Faculty	UPD
New Faculty Safety Training	Crime Prevention	Four times per year	Faculty	UPD
New Employee Safety Training	Crime Prevention	Monthly	Staff	Environmental Health and Safety, UPD
Active Shooter Training	Crime Prevention	Upon request	Students, Staff, Faculty	UPD
Safety Walkthroughs	Crime Prevention	Upon request	Students, Staff, Faculty	UPD

Program	Type of Program	Frequency	Audience	Name of Speaker/Prevention Group
Women's Safety Workshop	Crime Prevention	Annual	Student Athletes	UPD
Safety Escort Program	Crime Prevention	Daily	Students, Staff, Faculty	UPD
Beach Watch	Crime Prevention	Nightly	Student on-campus Housing	UPD
Foot Patrol	Crime Prevention	Daily	All	UPD
Bicycle Licensing	Crime Prevention	Daily	Students, Staff, Faculty	UPD
Coffee with a Cop	Crime Prevention	Twice per semester	Students, Staff, Faculty	UPD
Pizza with a Cop	Crime Prevention	Annual	Students, Staff, Faculty	UPD

Monitoring and Recording Crime Activity at Noncampus Locations of Student Organizations

Development is required to comply with the guidelines set in the Code of Conduct for Fraternities and Sororities and/or the CSULB Regulations for Campus Activities, Organizations, and the University Community.

Student Life and Development maintains contact with recognized fraternity and sorority organizations through the efforts of the Greek Life Coordinator(s). CSULB PD does not provide law enforcement service to off campus residences of recognized fraternity and sorority organizations. Fraternity and sorority off campus events are not recognized by university authorities unless they pertain to recruitment functions. Criminal activity at off campus sites and officially recognized fraternity and sorority residences is monitored and reported to CSULB PD by the Long Beach Police Department. Crimes occurring on the leased CSULB Technology Park should also be reported to the Long Beach Police Department. Crimes at off- campus addresses are reflected in the Non-Campus Property category in the ASR. CSULB PD enjoys a close working relationship with the Long Beach Police Department when violations of federal, state, or local laws surface. This cooperative team approach addresses situations as they arise as well as future concerns.

During the 2022 calendar year, the officially recognized Greek organizations holding property designated as Non-campus property included.

Sororities

Chapter	Street Address	Zip
Alpha Omicron Pi *(Official)*	3980 8th Street	90804
Alpha Phi *(Official)*	3017 E. 4th Street	90814

Chapter	Street Address	Zip
Delta Delta Delta *(Official)*	3831 E. 10th Street	90804
Delta Gamma *(Official)*	773 Redondo Ave	90804
Delta Zeta *(Official)*	148 Molino Ave	90804
Gamma Phi Beta *(Official)*	2929 E. Broadway	90803
Zeta Tau Alpha *(Renting SAE house)*	1211 Newport Ave	90804

Fraternities

Chapter	Street Address	Zip
Delta Chi *(Unofficial)*	1067 Grand Ave.	90804
Kappa Sigma *(Official)*	730 Atlantic Ave.	90813
Phi Kappa Tau *(Official)*	745 Elm Ave.	90813
Sigma Pi *(Official)*		

community; involves a collective of students and faculty who assist in creating a campus environment which reinforces healthy lifestyles; provides support services for students who are experiencing problems with substances; and educates students about the impact of both alcohol and other drug abuse.

Date	Program	Type of Program	Frequency	Audience	Speaker/

Date	Program	Type of Program	Frequency	Audience	

Date	Program	Type of Program	Frequency	Audience	Name of the Speaker/Prevention Group
10/18/2022	Online Dating Safety	Virtual Workshop	One-time	CSULB students	It's On Us presenter (NATB Community Partner)
11/10/2022	Ending Domestic Violence	Virtual	One-time	CSULB students	SuCasa presenter (NATB Community Partner)
11/14/2022	Red Zone 101	Virtual	One-time	CSULB students	Campus Confidential Advocate
11/15/2022	WTF is a Healthy Relationship	Virtual	One-time	CSULB students	It's On Us presenter (NATB Community Partner)
12/1/2022	Every Kiss Begins With CONSENT	Virtual Workshop	One-time	CSULB students	NATB Original Content

Women's & Gender Equity Center (WGEC)

Date	Program	Type of Program	Frequency	Audience	Name of the Speaker/Prevention Group
4/6/2022	Clothesline Project				

Date	Program	Type of Program	Frequency	Audience	Name of the Speaker/Prevention Group
2/18/2022	Chapter President Meeting	Title IX Facilitation	Twice annually	Chapter Presidents	OED
2/27/2022	Student Organization Officer Orientation	Workshop for student organization leaders: Title IX, OED, and Resources	Multiple times/semester	Student organization officers	SLD Advisors
3/2/2022	Student Organization Officer Orientation	Workshop for student organization leaders: Title IX, OED, and Resources	Multiple times/semester	Student organization officers	SLD Advisors
3/2/2022	FSL New Member Education	Title IX Facilitation	TwiccEd		

Training for Employees

Training will be mandatory for all employees within six months of their initial hiring, and on an annual basis thereafter. Such training will include, but not be limited to: what constitutes discrimination, harassment, retaliation, sexual misconduct/sexual assault, dating and domestic violence, sexual exploitation and stalking under applicable law; the rights and responsibilities of each Employee relating to discrimination, harassment, retaliation,

processes to provide a print and/or digital copy of the "Rights and Options for Victims" as outlined in the CSU Nondiscrimination Policy to any community member who reports experiencing such harm, regardless of whether the incident occurred on or off campus.

Campus training programs regarding the procedures for reporting and addressing reports of dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking will include the following:

- A statement explaining that the campus' primary concern is the safety of members of the campus community; that the use

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  - The CSU's procedures for the Complainant or Respondent to appeal the results of the disciplinary proceeding.
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Common signs of abusive behavior in a relationship

According to the National Domestic Violence Hotline, one feature shared by most abusive relationships is that an abusive partner tries to establish or gain power and control through many different methods, at different moments. Even one or two of the following behaviors is a red flag that a partner may be abusive.

- Showing extreme jealousy of friends } Œ š] ‰ v š Á Ç ‰ Œ Ë uš v Œ X
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Pressuring one

and/or supportive measures. Supportive services and supportive measures include, but are not limited to, counseling, victim/survivor advocates, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator, University Police Department and victim/survivor advocate on your campus can provide some of these services directly and/or provide you with information about and a referral to these and additional resources on and off campus for support. campus and local area.

Supportive Measures

Supportive Measures are individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Rdi(a)2.1 (r)45 (i)5 in a, laes91 (d)1.9 ((t)2.(f)8.8 (t)2.(o)1.9 d)12.1 F (i)5 (nf)8.7 (o)1.9 (r)8.6 (r)4.6 (a)

Resource Name	Types of Services	Contact Information
Employee Assistance Program (Empathia Life Matters)	Confidential Support for Employees	Phone: (800) 367-7474 (24-

obtaining a court-ordered protective or restraining order. If a victim/survivor does not have any evidence preserved, they still have an option to report the crime and request a medical evidentiary examination.

representative may serve as a Party's chosen Advisor. The unavailability of a specific Advisor will not unduly interfere with prompt scheduling.

Applicable Procedures

The campus will investigate or otherwise respond to reports of alleged misconduct committed by a student in accordance with the Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against a Student ("Student Respondent Procedures") if the alleged misconduct violates the Policy and:

- occurred on campus; or
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The campus will investigate or otherwise respond to reports of alleged misconduct committed by an Employee or Third-Party in accordance with the Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against an Employee or Third-Party ("Employee or Third-Party Respondent Procedures") if the alleged misconduct violates the Policy and:

- occurred on campus; or
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Depending on the circumstances, the campus response may or may not include a formal investigation. When a Complainant requests that no investigation occur, the Title IX Coordinator will balance the request against the campus' duty to provide a safe and nondiscriminatory environment for a

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x Track 2 applies when:

- x The Complaint is against a student; and
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circumstances, depending on the nature and/or severity of the allegations, an Informal Resolution may not be appropriate, and the Title IX Coordinator/DHR Administrator will not approve an Informal Resolution. Prior to approving an Informal Resolution, the Title IX Coordinator/DHR Administrator will consult with the appropriate administrator in human resources or faculty affairs[10]

Prior to engaging in an informal resolution process, the campus will obtain the Parties' voluntary, written consent. Parties who choose to participate in the voluntary Informal Resolution process will be sent a notice of agreement to engage in Informal Resolution. The notice will include the following:

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- K v š Z / vResolution ‰ Œ } • •] • .w]šš]Z ŒU W Œ š Ç] • ‰ Œ u] © š } . o v } š Z Œ arising from the same allegations X

The Informal Resolution process may take place at any time before a determination of responsibility is made, but no later than 60 Working Days after both Parties provide voluntary, written consent to participate in the Informal Resolution process

Any agreed-upon Remedies and disciplinary sanctions agreed to in an Informal Resolution have the same effect as Remedies given and sanctions imposed following an investigation (and/or hearing), consistent with any applicable collective bargaining agreements.

The terms of any Informal Resolution must be put in writing and signed by the Parties, and the Title IX Coordinator. The resolution will be final and not appealable by either Party.

Investigation and Hearing for Track 1

Supportive Measures

After receiving a report of Sexual Harassment, the Title IX Coordinator will contact the Complainant promptly to discuss the availability of Supportive Measures. The Title IX Coordinator will conduct an intake meeting with any Complainant who responds to outreach communication, or otherwise makes a report of a potential Policy violation to discuss the Complainant's options, explain the process, and provide information about Supportive Measures. During the discussion, the Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint[11], and explain the process for filing a Formal Complaint.

Notice of Allegations

When the Title IX Coordinator receives a Formal Complaint, the Title IX Coordinator will Simultaneously provide both Parties a written notice of allegations. If new allegations are raised during the investigation that were not included in the notice of allegations, a revised notice of allegations will be issued Simultaneously to the Parties. If the notice of allegations also serves as notice of a Respondent's expected attendance at an interview, it will include

[10] For matters involving students, this consultation will be with the student conduct administrator

[11] Formal Complaint means a document or electronic submission filed by a Complainant that contains the Complainant's physical or digital signature15 or a document signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting an investigation of the allegation of Sexual Harassment. At the time that the Formal Complaint is filed, a Complainant must be participating in or attempting to participate in an Education Program or Activity of the CSU.

details of the date, time, location, participants, and purpose of that interview. The notice of allegations must be provided to a Respondent at least 5 Working Days prior to the interview. If a Respondent requests to meet sooner than 5 Working Days after receipt of the notice of allegations, they should verbally confirm at the start of the

The president (or designee) will simultaneously send the decision letter electronically to the Respondent and Complainant at the campus-assigned or other primary email address linked to their campus accounts.[13] The decision letter will include:

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- / (. v] v P } (Œ •• ‰u} v e]ag]ins] šhe Çe]spondenta statement as to whether Remedies will be provided to the Complainant that are designed to restore or preserve equal access to the campus's education ‰ Œ } P Œ u } Œ actvitiy X d Z • ‰] . • } (v Ç] •µ• •Z Z• u‰]Œ• tauly bçtween š Z } u ‰ o v š] v š Z / yd] }šEo] v š } Œ v v v ovµ} šv š] Z]] •Ç} vŒE oX
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  or as otherwise required by law.

The determination regarding responsibility and any sanctions become final either on the date that the Chancellor's Office provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely (11 Working Days after the date of the decision letter).

attached to a notice of investigation outcome and include the following: a summary of the allegations and the investigative process, that the Preponderance of the Evidence standard was employed, a summary of the findings of fact, a determination as to whether the Nondiscrimination Policy was violated, and if so, any Remedies to be afforded to the Complainant, and notice of Parties' right to appeal under these procedures. The notice may be delivered to the Parties electronically. If the notice includes a determination that the Policy was violated, the Title IX Coordinator/DHR Administrator will notify the campus student conduct administrator (where the Respondent is a student)/appropriate campus administrator (where the Respondent is an employee) of the investigation outcome and provide a copy of the final investigation report.

The Title IX Coordinator/DHR Administrator or designee will send the Final Investigation Report to the Parties within 100 Working Days from the date that the Notice of Investigation is provided to the Parties. Extensions may be granted for good cause as determined by the Title IX Coordinator/DHR Administrator. The Parties will receive written notice from the Title IX Coordinator/DHR Administrator or designee if an extension is necessary and why. The notice will indicate if the extension alters the timeframes for the major stages of the Complaint process.

Any communications relating to the outcome of an investigation or hearing, including any changes to the outcome or when the outcome becomes final, will be provided in writing simultaneously to the Complainant and the Respondent.

Track 2 Hearing process:

As stated above in the explanation of Track 2, a hearing will be required (un

At the hearing:

Each Party will be given an opportunity to make an opening statement that will last no longer than 10 minutes. The Parties will not make closing statements. An opening statement is intended to give the Parties the opportunity to share their perspective regarding the facts and discuss the core disputes in the investigation. It should focus on the facts of the matter and not be argumentative.

Parties will have the opportunity to submit written questions to the hearing officer in advance of the hearing. The Parties may also submit written follow-up questions to the hearing officer during the hearing, at appropriate times designated by the hearing officer.

Executive Order 1098 Student Conduct Procedures[15]) if a Respondent has been determined to have violated university Policy.

Within 10 Working Days of receipt of the hearing officer's

eligible to re-enroll at the University (subject to individual Campus enrollment policies)

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x A Student who is suspended for one academic ye

The Chancellor's Office will notify the Parties of the reopening of the investigation or hearing and the timeline for completion of the reopened investigation or hearing. The campus will complete the reopened investigation or hearing and provide the Chancellor's Office with an amended final investigation report/final decision. The campus will also provide the Parties with amended notices of investigation outcome/final decision, and such notices will provide the non-prevailing Party the opportunity to appeal. Upon receipt of the amended final investigation report/final decision, if the outcome remains unchanged, the Chancellor's Office will contact the original appealing Party to determine whether that Party wishes to continue with the appeal. If the outcome is reversed by the campus, the non-prevailing Party will be given an opportunity to appeal.

If the Chancellor's Office determines that no reasonable fact finder (Investigator or hearing officer) could have made the findings as determined by the Investigator or hearing officer, the Chancellor's Office may vacate and reverse the investigation or hearing outcome, but only with respect to whether the Policy was violated (and not with respect to factual findings). If the Chancellor's Office vacates and reverses the investigation or hearing outcome, it will notify the Parties simultaneously in writing, as well as the Title IX Coordinator/DHR Administrator. Following a reversal of an investigation or hearing outcome by the Chancellor's Office, the Chancellor's Office decision is final and is not subject to further appeal.

The Chancellor's Office will respond to the appealing Party no later than 30 Working Days after receipt of the written appeal unless the timeline has been extended[17]

Registered Sex Offenders

California’s sex offender registration laws require convicted sex offenders to register their status with the University police department if they are enrolled, residing, attending, carrying on a vocation (i.e., contractor or vendor on campus for more than 30 days in the year), or working with or without compensation for the institution. All public information available in California about registered sex offenders, to include the ability to look-up offenders by name23 -1.3285 Td[(o)-7.0 Td R 3.9 (t)-sok

contact, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the University in the event the student is determined to be Page 73 missing. Students who wish to

Appendix A: Jurisdictional Definitions[18]

Rape (CA Penal Code Chapter 1 Section 261)

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

(1) If a person who is not the spouse of the person committing the act 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. This paragraph does not preclude the prosecution of a spouse committing the act from being prosecuted under any other paragraph of this subdivision or any other law.

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

(A) Was unconscious or asleep.

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

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

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

(5) If a person submits under the belief that the person committing the act is someone known to the victim other

(b) For purposes of this section, the following definitions apply:

"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.

"Menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.

accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

(e) Any person who participates in an act of sodomy with any person of any age while confined in any state prison, as defined in Section 4504, or in any local detention facility, as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

(f) Any person who commits an act of sodomy, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or (C) where the victim is at the time 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, shall be punished by imprisonment in the state prison for five, seven, or nine years. Notwithstanding the appointment of a conservator with respect to the victim 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 described under paragraph (3), that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(e) Any person who participates in an act of oral copulation while confined in any state prison, as defined in Section 4504 or in any local detention facility as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

(f) Any person who commits an act of oral copulation, and the victim is aware that the person is unconscious of the nature of

imprisonment in the state prison, or in a county jail for a period of not more than one year. 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 legal consent.

(i) Any person who commits an act of oral copulation, where the victim 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, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(j) Any person who commits an act of oral copulation, where the victim 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, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(k) Any person who commits an act of oral copulation, 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, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

As used in this subdivision, "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.

(l) As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

Bigamy, Incest, and the Crime against Nature (CA Penal Code Chapter 1 Section 285 and Section 289)

Section 285

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

Section 289

(a) (1) (A) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by

(2) Any person who commits an act of sexual penetration when 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, shall be punished by imprisonment in the state prison for three, six, or eight years.

(b) Except as provided in subdivision (c), any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is know-3.3 (iw-3.p.9 (p)-6.2 (a)-3.9 /9.1 (a)2 (s)-1.6 ((t)2.6b (o)1.91 (l)5.y2.6 (,)2 ((s)-1.u (ua)d (t)2.7 (l)5.1 (k)1.6 (k)2.2 (no) (o)ieh.9 /(ny pe)9 (r)4.6 (s)-1.6 (r)22 ((s)-1. (ho)1.8 (c)6.3 (o)1.9 (m85.1 (l)5.1 (i)5. (i)5.1 (i1)9.1 (t)2.n. a)2.1 (n a)2.1 (c)6.3 (t)2.6 (o)

(g) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to use the authority of a p

fine not exceeding two thousand dollars ($2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars ($10,000).

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a

(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).

Statutory Rape (CA Penalon.

(d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12).

(e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.

(f) Any other person related by consanguinity or affinity within the second degree.

Domestic Violence/Dating Violence (CA Penal Code, Chapter 2, Section 273.5 and Section 243)

Consent to Sexual Activity (CA Penal Code, Chapter 1, section 261.6 and section 261.7)

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c) d Z] • section • Z o o š v š š Z + u] • •]] o] š Ç } (À] v } Œ š Z µ Œ v } f proof on the issue

In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, 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.