

Annual Security Report

[ASR] 2020-2021

Reporting Calendar Years 2017-2019

In compliance with the Jeanne Clery Disclosure Act of Campus Security and Campus Crime Statistics Act and Violence Against Women Act

Peninsula College

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About Peninsula College

In 2011, Peninsula College celebrated 50 years of service. The college was founded in 1961 because a group of local citizens wanted to be able to continue their educations without having to travel great distances to college centers in Bremerton or across Puget Sound. The first classes were held in a small building on the Port Angeles High School campus, but the number of students who enrolled in the college quickly became more than the available facilities could accommodate, and plans were soon underway to build a permanent campus elsewhere in the city.

Construction of the new campus began in 1964, and a year later the first classes were held on the present site of Peninsula College with additional classes being offered all across our district. Today, the main campus spreads out over 75 acres of land in the foothills of the Olympic Mountains, overlooking the city of Port Angeles and its busy, international harbor.

ANNUAL CLERY REPORT

Before *October 1 of each year, Peninsula College compiles a report of crime statistics and College policies, procedures and programs related to campus safety and security issues, as required by the Jeanne Clery Disclosure Act. The information in this document is designed as a resource to help answer questions you may have about crimes occurring on the Peninsula College Campus or any of its satellite locations related to concerns of a personal safety nature.

*Due to the COVID-19 Pandemic – the Clery statistic data timeline for colleges and universities to share the report was pushed back and must be available to the campus community no later than December 31, 2020.

WHAT IS THE CLERY ACT?

The Jeanne Clery Disclosure Act of Campus Security and Campus Crime Statistics Act passed in 1998 by the Federal Government (formerly the Crime Awareness and Campus Security Act of 1990).

This law requires universities and colleges receiving Title IV student financial aid programs, disclose reported instances of criminal activities on or near the institution's owned or leased campuses and provide information about security policies, procedures and programs. To comply with the Clery Act, every institution must:

1.) **Collect, classify and count crime reports and crime statistics.**

- **Issue campus alerts.** To provide the campus community with information necessary to make informed decisions about their health and safety, you must:
 - Issue a timely warning for any Clery Act crime that represents an ongoing threat to the safety of students or employees;
 - Issue an emergency notification upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.The regulatory requirements regarding these topics are discussed in detail in Chapter 6.
- **Publish an annual security report containing safety and security related policy statements and crime statistics and distribute it to all current students and employees.** Schools also must inform prospective students and employees about the availability of the report. This report includes data from two years prior to the most recent year. *In this particular report you will see data from calendar years 2012, 2013 and 2014.*
- **Submit crime statistics to the U.S. Department of Education.** Each year in the fall we must participate in a Web-based data collection to disclose crime statistics by type, location and year. This collection is headed by the Campus Safety Operations Manager.

Report Preparation and Distribution

The Peninsula College Department of Campus Safety is primarily charged with compiling and publishing this Annual Security Report (ASR), working with the College and several other law enforcement agencies to collect information. The process includes gathering crime statistics from campus security authorities and local law enforcement agencies where appropriate. Campus crime, arrest, and referral statistics include those reported to Campus Safety, security authorities and local law enforcement agencies.

How we share the report:

We e-mail an announcement and link to the report to all enrolled students when the report is published. Faculty and staff receive similar notification through e-mail, the intranet, and by communication directly with directors, managers, and supervisors. All prospective employees may obtain a copy from Human Resources, located in the C Building at the main campus.

This report was created to educate students, staff, faculty, and visitors

Our goal is to publish an accurate and complete report for distribution to current and prospective students, faculty, and employees through various outlets:

Online:

This report is posted on our website:

Print:

A printed copy of this report is available by calling Campus Safety: (360)417-6559 or Human Resources: (360)417-6298

Visit our department:

We are located in the J Building at the main campus (Office J-32) 1502 East Lauridsen Blvd. Port Angeles, WA 98362 (360)417-6559

About Campus Safety – Authority and Jurisdiction

The Campus Safety office is located in the central part of campus, in the Pirate Union Building (P.U.B.), office J-32. Campus Safety is available by phone 24hours a day, 7 days a week.

Campus Safety has a non-commissioned security force who patrol the campus on motorized vehicles and foot. Peninsula College Campus Safety officer's role on Peninsula College property is to observe and report. Campus Safety officers utilize citizen arrest powers and are supported by the college in the enforcement of all college policies, rules, regulations, applicable state and federal laws, and all city and county ordinances on college property. Campus Safety officers have the authority to ask persons for identification to ascertain if they are students, faculty, or staff and their purpose for visiting Peninsula College. Campus Safety personnel also have the authority to enforce parking regulations on Peninsula College owned or leased parking lots.

The Peninsula College Campus Safety Department employs 5 individuals within the department. One Campus Safety Operations Manager, one full time Campus Security Officer, two part time hourly Security Guards, and one part time hourly Aide.

Campus Safety is not authorized to make arrests, and therefore, maintain an active relationship with state and local law enforcement agencies. When the need arises, the college will contact the appropriate law enforcement agency for assistance.

On-campus property includes all buildings owned or leased to include land, structures, streets, roadways, parking facilities and lots used, leased or rented for educational purposes. Peninsula College Campus Safety reports all criminal activity on campus to local law enforcement agencies within their jurisdiction.

Clery Reporting Jurisdiction/Geography

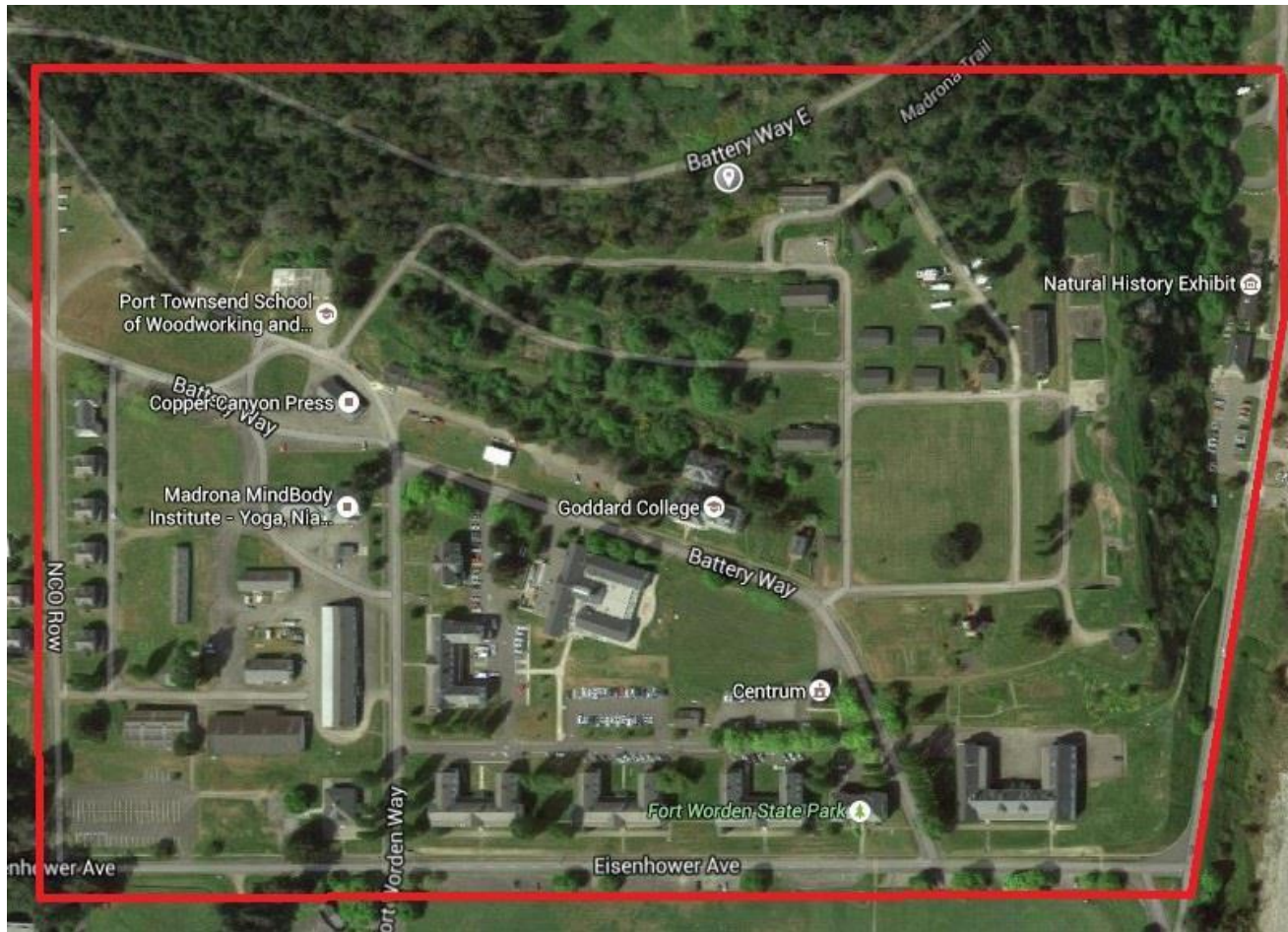
Peninsula College Main Campus 1502 East Lauridsen Blvd. Port Angeles



Peninsula College/Forks 481 South Forks Ave. Forks, WA



Peninsula College/Port Townsend 298 Battery Way Port Townsend, WA



Clery Crimes

Crimes	Counted by number of
Homicide and non-negligent manslaughter	Victims
Negligent manslaughter	Victims
Forcible sex offenses	Victims
Non-forcible sex offences	Victims
Robbery	Incidents
Aggravated assault	Victims
Burglary	Incidents
Motor vehicle theft	Vehicles
Arson	Incidents
Hate Crimes	Hate Crimes
Liquor, drug and weapon law offenses	Arrests or Referred to VP of Student Services

In the case of liquor, drug and weapon offences the numbers are tallied in two groups. The first set of numbers is for those individuals who are arrested and the second is for those who received College disciplinary sanctions alone. This is not a distinction between breaking the law and not breaking the law, the numbers in both groups are the result of a likely violation of the law. It is an attempt to reflect the actual impact of liquor, drug and weapon violations occurring in the campus community even when the incident does not result in an arrest. An officer or the district attorney may choose not to prosecute an individual for one of these offenses because there is insufficient evidence to reach a conviction or for other reasons, but the College may still sanction the individual for the conduct. The standard for being found liable or responsible in a civil proceeding is less than what is required for a conviction in a criminal proceeding.

The following statistics are collected and reported as a bias/hate crime: the Clery-reportable crimes described in the section above, as well as theft, simple assault, intimidation, destruction/damage/vandalism of property, and other crimes involving bodily injury to any person, where the victim was intentionally selected because of his or her actual or perceived race, sex, religion, sexual orientation, ethnicity or disability.

The statistics are compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act.

Hierarchy Rule

When we examine incidents to determine if they should be included in the annual report, a portion of the Clery Act called the Hierarchy Rule comes into effect. Occasionally, a person who is arrested may have committed more than a single offense. The Hierarchy Rule requires in this situation that we count the offense which is of the most serious nature and not count an offense of lesser significance. For example, if a person committed a burglary and a murder in the course of a single act then only the murder would be counted. An exception to this rule exists for hate crimes. If a person commits any reportable offense and while doing this also commits a hate crime, then both incidents will be reported.

Excluded Crimes

In some cases an incident that is reported as a crime may not be included in the annual report. Each of the following five standards must be met for an incident to be included in the annual report:

1. **Reported to the Proper Authorities** – Incidents must be reported to law enforcement or a person who, according to the Clery Act, is defined as a Campus Security Authority (CSA). A person designated as a CSA does not only mean a person employed by the Campus Safety department. The term is applied to any person who works for the College in a paid or volunteer status and has *significant responsibility for student activities*. If you are someone whom a student reasonably believes that he or she can report a crime to and expect that the matter will be addressed directly through your intervention or that you will contact law enforcement for a response, then you are a Campus Security Authority.
2. **Listed Crimes** – The crime must be one of those listed in the Clery Act as a reportable crime. (See the list above.)
3. **Reportable Area** – The crime must be occurred in one of the reportable areas. Every reportable crime occurring within the boundaries of campus is in the reportable area. The two remaining areas are a little more difficult to define. Perimeter streets are described in the following way: “Sidewalk – Street – Sidewalk”. This means that a reportable crime occurring on the sidewalk on either side of a perimeter street is reportable, as are incidents occurring in the street. But an incident occurring in a building (a privately owned store) on the distant side of a perimeter street would not be included. Unfortunately, most law enforcement agencies do not distinguish where a crime occurs with this degree of detail. Crimes are usually located by street and house numbers. With regard to Non-Campus Buildings, crimes occurring in those buildings or on the property of that location are reportable. Incidents occurring on the sidewalk or on streets in front of that building would not be including.
4. **Made in Good Faith** – For an incident to be included there must be a determination that the report is made in good faith. Supporting evidence makes this determination easy, but such evidence is not always available. In such a case the credibility of the person making the report is considered. When the incident is reported to us through a law enforcement agency, we assume that this determination has already been made.
5. **Unfounded** – If law enforcement determines that a particular reported incident could not have occurred or did not occur, i.e., a false report, the crime is not included in the annual report. Only law enforcement can rule a case “unfounded”.

Clery Crime Definitions

The Crimes definitions listed below are taken from the Handbook for Campus Safety and Security Reporting. These definitions guide Peninsula College on defining and classifying crimes.

- **Homicide and non-negligent manslaughter** – is the willful killing of one human being by another.
- **Negligent manslaughter** – is the killing of another person by gross negligence.
- **Forcible sex offenses** – are any sexual acts directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. There are four types of forcible sex offenses:
 - Forcible Rape -Sexual Assault with an Object -Forcible Sodomy -Forcible Fondling
- **Non-forcible sex offenses** – are incidents of unlawful, non-forcible sexual intercourse. Only two types of offenses are included in this definition:
 - Incest - Statutory Rape
- **Robbery** – is the taking or attempt to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated assault** – is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.
- **Burglary or Larceny (from a Building)** – is the unlawful entry of a structure to commit a felony or a theft.
- **Motor vehicle theft** – is the theft or attempted theft of a motor vehicle.

- **Arson** – is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- **Hate crimes** – are any of the aforementioned offenses, and any other crimes involving bodily injury reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias. Categories of bias are:
 - Race
 - Gender
 - Religion
 - Sexual Orientation
 - Ethnicity/National Origin
 - Disability
- **Liquor, drug and weapon law offenses** – are any violation of liquor, drug or weapon laws. Driving Under the Influence (DUI) is not reportable because it is a driving crime and not a liquor crime *unless* the driver is also a minor or the means of intoxication is an illegal drug.

Hate Crimes

Hate Crimes reporting under the Clery Act may be divided into three general categories:

- 1) Any reportable crime that law enforcement determines has a biased motive. "Bias" means a bias based on race, gender, religion, disability, sexual orientation, or ethnicity/national origin.
- 2) Crimes that results in bodily injury, and that law enforcement determines has a biased motive.
- 3) Any of the (below) non-required crimes, where it was determined by Law Enforcement that the motive was bias:
 - a. **Larceny/Theft** –

- 1) *Pocket Picking* - theft of articles from another person's physical possessions by stealth where the victim usually does not become immediately aware of theft. (If use of force or threat of force is present, this will be counted as a strong arm robbery.
- 2) *Purse Snatching* – grabbing or snatching of a purse, handbag, etc., from the physical possession of another person.
- 3) *Shoplifting* – theft from within a building which is either open to the general public or where the offender has legal access.
- 4) *Theft from Building* – theft from within a building which is either open to the general public or where the offender has legal access.
- 5) *Theft from Coin Operated Machine or Device* – theft from a machine or device which is operated or activated by the use of coins.
- 6) *Theft from a Motor Vehicle* – theft of articles from a motor vehicle, whether locked or unlocked. Note: Do not count theft of motor vehicle parts or accessories.
- 7) *All Other Larceny* – all thefts which do not fit any of the definitions of the specific subcategories of Larceny/Theft listed above.
- 8) **Simple Assault** – an unlawful physical attack by one person upon another where neither the offender displays a weapon, but 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.
- 9) **Intimidation** – to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.
- 10) **Destruction/Damage/Vandalism of Property (Except Arson)** – to willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Daily Crime Log

The Daily Activity Log records activity reported to the Peninsula College Campus Safety Office. The log will include a summary of the incident, the date, time and general location of each incident, and the disposition, if known.

The Daily Activity Log is open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection.

Information may be withheld from the Daily Activity Log, in these cases:

- Disclosure of the information is prohibited by law.
- Disclosure would jeopardize the confidentiality of the victim.
- There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual.

The Peninsula College Daily Crime Log can be found on the College website under Campus Safety/Emergency Management

<http://www.pencol.edu/services/campus-safety/crime-log/daily-crime-log>

Crime Statistics

The following crime statistics account for the 4 Peninsula College campus locations in Clallam and Jefferson Counties.

Statistics with * Indicate Main College Campus (1502 E. Lauridsen Blvd. Port Angeles).

Criminal Offenses	On Campus			Public Property			Off Campus		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Sex offenses – Rape	0	0	0	0	0	0	0	0	0
Sex offenses – Statutory Rape	0	1	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	2	1	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Hate Crimes Any crimes reported to have occurred that manifested evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity/national origin, gender identity or disability.	On Campus			Public Property			Off Campus		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Sex offenses – Rape	0	0	0	0	0	0	0	0	0
Sex offenses – Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0

Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	1	0	0	0	0	0	0	0

Arrests for each of the following crimes	On Campus			Public Property			Off Campus		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Illegal weapons crime	0	0	0	0	0	0	0	0	0
Drug law violation	0	0	0	0	0	0	0	0	0
Liquor law violation	0	0	0	0	0	0	0	0	0

Disciplinary Actions/Judicial Referrals	On Campus			Public Property			Off Campus		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Illegal weapons crime	0	0	0	0	0	0	0	0	0
Drug law violation	0	0	0	0	0	0	0	0	0
Liquor law violation	0	0	0	0	0	0	0	0	0

Procedures for Reporting Crime and Emergencies

Peninsula College is dedicated to creating a safe environment for students, staff, faculty, and visitors by strongly encouraging accurate and prompt reporting of all crimes and public safety related information. Campus Safety at Peninsula College highly encourages reporting any suspicious activity on or off campus that is not conducive to the College Mission of teaching and learning. Such reports are taken seriously and in a timely manner. **911 should be dialed in all emergency situations!**

The Campus Safety Office may be contacted by:

- Dialing (360) 417-6559 from a cellphone or landline, or by dialing 6559 from any campus phone.
- An emergency phone is located outside the Campus Safety Office and is accessible during normal business hours, and when there is no Campus Safety Officer present in the office.
- In Person – Building J, office J32 (located in the dining area of the Pirate Union Building P.U.B.
- We suggest that you program the Campus Safety phone number into your cellphone for quick and easy access.

The Following Law Enforcement Agencies may be contacted for non-emergencies:

Port Angeles Police Department by dialing (360) 452-4545 <http://wa-portangeles.civicplus.com/288/Police-Department>

Clallam County Sheriff's Office by dialing (360) 452-4545 <http://www.clallam.net/sheriff/>

Port Townsend Police Department by dialing (360) 385-2322 <http://cityofpt.us/police.htm>

Jefferson County Sheriff's Office by dialing (360) 417-2459 <http://www.jeffersonsheriff.org/>

Forks Police Department by dialing (360) 374-2223 <http://forkswashington.org/police-and-corrections>

Safety Awareness and Crime Prevention Tips

Peninsula College promotes the following information to students, faculty and staff:

Incident Reporting

- For emergencies or a crime being committed, call 9-1-1
- Report all crimes, no matter how minor they may seem. Notify Campus Safety of all suspicious persons or activity at 360-417-6559.
- On campus, report any unsafe-looking areas, or any malfunctioning lights, doors or windows, to Campus Safety at 360-417-6559.

Important Phone Numbers

- Emergencies: 9-1-1
- Campus Safety: (360) 417-6559

Personal Safety

Survivors of crimes are not responsible for their victimization, regardless of their actions. Criminals are responsible for crime. Not all crimes can be prevented with preparation and readiness, but campus community members can improve their safety by taking the following precautions:

- If working or studying late, arrange to leave with a friend or call Campus Safety at (360) 417-6559 for a Safety Escort.

- Refrain from getting in elevators with people who look out of place or behave in a strange or threatening way. Always report suspicious people or conditions to Campus Safety.
- If being followed, go to a populated area.
- Be alert to any suspicious persons or vehicles.
- Carry a fully charged cell phone with emergency numbers pre-programmed.

Property Protection:

- Don't leave valuables unattended (backpacks, wallets, purses, keys, computers, phones, electronic devices, etc.).
- Engrave personal property, such as electronic or sporting equipment, with an Washington State Driver's License Number, Example: PCLOCNEP253B2
- Keep a written record of all personal valuables, including descriptions and serial numbers. It is evidence that the property belongs to the rightful owner.

Bicycle Theft:

- Never leave a bicycle unlocked. It only takes a moment to steal an unlocked bicycle.
- U-shaped locks are best. Cables and padlocks can be cut easily and quickly.
- Lock the bicycle frame to one of the many bike racks located around campus. Front wheels can be easily removed.

Office Security:

- Never leave purses, wallets, or other valuables unattended. Lock them in a drawer or closet, or carry them.
- Do not leave keys unattended, and do not loan out college keys.
- Request authorization from persons asking for confidential information or from delivery or repair people who want to enter an area restricted to employees.

Key Control:

- Those responsible for office keys should not leave them unattended, in plain sight on a desk, or in a top drawer where they could be taken or copied easily.
- Give keys only to those who have a legitimate need and make sure they are returned.
- If keys are lost or stolen, notify Campus Safety immediately (360) 417-6559

Parking Safety:

- Lock vehicles at all times.
- Remove all valuables from vehicles. Leave them at home, carry them, or lock them in the trunk.
- When returning to a vehicle, have the keys out while approaching. Look through windows to check the interior before getting inside.

In a Threatening Situation:

- If physically attacked, attract attention by yelling loudly or using a whistle.
- If using self-defense tactics or equipment such as pepper spray, run away as soon as the attacker is disabled.
- Decide what to do in various situations before they occur. Try role-playing, or talking out various situations with a friend.
- If confronted by someone who only wants property, give it to them.
- Try to get an accurate description of the assailant. If a vehicle is involved , get the license number and call 9-1-1 and then Campus Safety (360) 417-6559

TITLE IX - SEXUAL HARASSMENT AND SEXUAL VIOLENCE

Violence Against Women Reauthorization Act

The Violence Against Women Reauthorization Act (VAWA) amended the Jeanne Clery Act to afford additional rights to campus victims of sexual assault, domestic violence, dating violence, and stalking.

Title IX Sexual Harassment and Sexual Violence

Peninsula College has adopted additional procedures to assure strict compliance with; and in accordance with, Title IX of the Education Amendments of 1972 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), along with its amendments made pursuant to the Violence Against Women Reauthorization Act of 2013 ("VAWA").

Further, Peninsula College is committed to providing its employees, students, and its guests, educational environments free of violence, harassment, and discrimination.

If you feel you have been the victim of violence, harassment or discrimination, you have the option to file a confidential or non-confidential report with the Title IX Coordinator, and/or to contact local law enforcement.

Following a reported incident to the Title IX Coordinator, the Title IX Coordinator will pursue a thorough investigation which may lead to a disciplinary proceeding.

Title IX Coordinator	Contact Tel	Contact email
Krista Francis	(360) 417-6212	kfrancis@pencol.edu

SEX OFFENDER REGISTRATION INFORMATION

Peninsula College is required to inform the campus community the list of enrolled or employed sex offenders is maintained and available at the Office of Campus Safety in the J Building (Office J32).

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. The CSCPA is an amendment to the *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act*. The federal law requires state law enforcement agencies to provide Peninsula College with a list of registered sex offenders who have indicated that they are enrolled, or employed at Peninsula College.

In addition, a list of all registered sex offenders in Clallam/Jefferson County is available from the Clallam/Jefferson County Sheriff's Office at <http://www.clallam.net/sheriff/> and <http://www.jeffersonsheriff.org/>.

The CSCPA further amends the *Family Educational Rights and Privacy Act of 1974 (FERPA)* to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

This statement is provided in compliance with the Campus Sex Crimes Prevention Act of 2000.

DEFINITIONS

CRIMINAL ACTS

Murder/Non-Negligent Manslaughter: the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

Negligent Manslaughter: the killing of another person through gross negligence.

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. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

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

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

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

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Drug Abuse Violations: Violations of state and local laws 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 (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations: The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

NOTE: The above listed crime definitions from the Uniform Crime Reporting Handbook

SEX OFFENSES

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

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, including instances in which the victim is incapable of giving consent.

Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

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

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

The above listed crime definitions from the Uniform Crime Reporting Handbook, 2013 Revised UCR definition of Rape, as prescribed by 2014 VAWA Negotiated Rulemaking Final Consensus Language.

HATE CRIMES

Peninsula College is also required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson (see definitions above) and larceny, vandalism, intimidation, and simple assault (see definitions below).

Larceny: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Vandalism: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

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

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

Domestic violence, dating violence and stalking: See definition below.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any

other area of the compliance document.

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's race, sexual orientation, etc... the assault is then also classified as a hate/bias crime.

OTHER OFFENSES

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. a) 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. b) For the purpose of this definition, dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence.

Domestic Violence: 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 violence laws of the jurisdiction in which the crime of violence occurred. 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.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to a) Fear for the person's safety or the safety of others; or b) Suffer substantial emotional distress. For the purpose of this definition, *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. Substantial emotional distress means significant mental suffering or anguish that may, but does

not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

****Additions from 2014 VAWA Negotiated Rulemaking Final Consensus Language*

WASHINGTON STATE DEFINITIONS

Consent. RCW 9A.44.010. (7) "Consent" means that at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

Age of Consent. *Under Washington State law, a 16-year-old is legally capable of consenting to having sexual contact. There are some exceptions. A person could be guilty of indecent liberties if someone with supervisory authority causes another to have sexual contact. The third-degree child molestation law – the charge that applies for sexual contact with teens 14 up to age 16 – applies to perpetrators at least four years older than the victim.*

Domestic Violence. RCW 26.50.010 (1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member. (2) **"Family or household members"** means spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren. (3) **"Dating relationship"** means a social relationship of a romantic nature. Factors that the court may consider in making this determination include: (a) The length of time the relationship has existed; (b) the nature of the relationship; and (c) the frequency of interaction between the parties.

Rape in the first degree. RCW 9A.44.040. (1) A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person by forcible compulsion where the perpetrator or an accessory: (a) Uses or threatens to use a deadly weapon or what appears to be a deadly weapon; or (b) Kidnaps the victim; or (c) Inflicts serious physical injury, including but not limited to physical injury which renders the victim unconscious; or (d) Feloniously enters into the building or vehicle where the victim is situated. (2) Rape in the first degree is a class A felony.

Rape in the second degree. RCW 9A.44.050. (1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person: (a) By forcible compulsion; (b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated; (c) When the victim is a person with a developmental disability and the perpetrator is a person who is not married to the victim and who: (i) Has supervisory authority over the victim; or (ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense; (d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual intercourse occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual intercourse with the knowledge that the sexual intercourse was not for the purpose of treatment; (e) When the victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who is not married to the victim and has supervisory authority over the victim; or (f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the victim and who: (i) Has a significant relationship with the victim; or (ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense. (2) Rape in the second degree is a class A felony.

Rape in the third degree. RCW 9A.44.060. (1) A person is guilty of rape in the third degree when, under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person: (a) Where the victim did not consent as defined in RCW 9A.44.010(7), to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the victim's words or conduct, or (b) Where there is threat of substantial unlawful harm to property rights of the victim. (2) Rape in the third degree is a class C felony.

Rape of a child in the first degree. RCW 9A.44.073. (1) A person is guilty of rape of a child in the first degree when the person has sexual intercourse with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least twenty-four months older than the victim. (2) Rape of a child in the first degree is a class A felony.

Rape of a child in the second degree. RCW 9A.44.076. (1) A person is guilty of rape of a child in the second degree when the person has sexual intercourse with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim. (2) Rape of a child in the second degree is a class A felony.

Rape of a child in the third degree. RCW 9A.44.079. (1) A person is guilty of rape of a child in the third degree when the person has sexual intercourse with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the victim. (2) Rape of a child in the third degree is a class C felony.

Child molestation in the first degree. RCW 9A.44.083. (1) A person is guilty of child molestation in the first degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is less than twelve years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim. (2) Child molestation in the first degree is a class A felony.

Child molestation in the second degree. RCW 9A.44.086. (1) A person is guilty of child molestation in the second degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least twelve years old but less than fourteen years old and not married to the perpetrator and the perpetrator is at least thirty-six months older than the victim. (2) Child molestation in the second degree is a class B felony.

Child molestation in the third degree. RCW 9A.44.089. (1) A person is guilty of child molestation in the third degree when the person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another who is at least fourteen years old but less than sixteen years old and not married to the perpetrator and the perpetrator is at least forty-eight months older than the victim. (2) Child molestation in the third degree is a class C felony.

Sexual misconduct with a minor in the first degree. RCW 9A.44.093. (1) A person is guilty of sexual misconduct with a minor in the first degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual intercourse with the victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old and not married to the employee, if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with his or her foster child who is at least sixteen. (2) Sexual misconduct with a minor in the first degree is a class C felony. (3) For the purposes of this section: (a) "Enrolled student" means any student enrolled at or attending a program hosted or sponsored by a common school as defined in RCW 28A.150.020, or a student enrolled at or attending a program hosted or sponsored by a private school under chapter 28A.195 RCW, or any person who receives home-based instruction under chapter 28A.200 RCW. (b) "School employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school.

Sexual misconduct with a minor in the second degree. RCW 9A.44.096. (1) A person is guilty of sexual misconduct with a minor in the second degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual contact with the victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual contact with an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old and not married to the employee, if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual contact with his or her foster child who is at least sixteen. (2) Sexual misconduct with a minor in the second degree is a gross misdemeanor. (3) For the purposes of this section: (a) "Enrolled student" means any student enrolled at or attending a program hosted or sponsored by a common school as defined in

RCW 28A.150.020, or a student enrolled at or attending a program hosted or sponsored by a private school under chapter 28A.195 RCW, or any person who receives home-based instruction under chapter 28A.200 RCW. (b) "School employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school.

Indecent liberties. RCW 9A.44.100. (1) A person is guilty of indecent liberties when he or she knowingly causes another person to have sexual contact with him or her or another: (a) By forcible compulsion; (b) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless; (c) When the victim is a person with a developmental disability and the perpetrator is a person who is not married to the victim and who: (i) Has supervisory authority over the victim; or (ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense; (d) When the perpetrator is a health care provider, the victim is a client or patient, and the sexual contact occurs during a treatment session, consultation, interview, or examination. It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the client or patient consented to the sexual contact with the knowledge that the sexual contact was not for the purpose of treatment; (e) When the victim is a resident of a facility for persons with a mental disorder or chemical dependency and the perpetrator is a person who is not married to the victim and has supervisory authority over the victim; or (f) When the victim is a frail elder or vulnerable adult and the perpetrator is a person who is not married to the victim and who: (i) Has a significant relationship with the victim; or (ii) Was providing transportation, within the course of his or her employment, to the victim at the time of the offense. (2)(a) Except as provided in (b) of this subsection, indecent liberties is a class B felony. (b) Indecent liberties by forcible compulsion is a class A felony.

Stalking. RCW 9A.46.110: 1) A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime: (a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and (b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and (c) The stalker either: (i) Intends to frighten, intimidate, or harass the person; or (ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person. 2) (a) It is not a defense to the crime of stalking under subsection (1)(c)(i) of this

section that the stalker was not given actual notice that the person did not want the stalker to contact or follow the person; and (b) It is not a defense to the crime of stalking under subsection (1)(c)(ii) of this section that the stalker did not intend to frighten, intimidate, or harass the person. 3) It shall be a defense to the crime of stalking that the defendant is a licensed private investigator acting within the capacity of his or her license as provided by chapter 18.165 RCW. 4) Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person. "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person. 5) (a) Except as provided in (b) of this subsection, a person who stalks another person is guilty of a gross misdemeanor. (b) A person who stalks another is guilty of a class B felony if any of the following applies: (i) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a protective order; (ii) the stalking violates any protective order protecting the person being stalked; (iii) the stalker has previously been convicted of a gross misdemeanor or felony stalking offense under this section for stalking another person; (iv) the stalker was armed with a deadly weapon, as defined in RCW 9.94A.825, while stalking the person; (v)(A) the stalker's victim is or was a law enforcement officer; judge; juror; attorney; victim advocate; legislator; community corrections' officer; an employee, contract staff person, or volunteer of a correctional agency; court employee, court clerk, or courthouse facilitator; or an employee of the child protective, child welfare, or adult protective services division within the department of social and health services; and (B) the stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of official duties; or (vi) the stalker's victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony. 6) As used in this section: (a)

"Correctional agency" means a person working for the department of natural resources in a correctional setting or any state, county, or municipally operated agency with the authority to direct the release of a person serving a sentence or term of confinement and includes but is not limited to the department of corrections, the indeterminate sentence review board, and the department of social and health services. (b) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another. (c) "Harasses" means unlawful harassment as defined in RCW 10.14.020. (d) "Protective order" means any temporary or

permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person. (e) "Repeatedly" means on two or more separate occasions.

Mental incapacity is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause.¹

Physically helpless means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.²

Sexual contact means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.³

Sexual assault: Includes any of the following:

- Any intentional and unconsented touching, or threat or attempt thereof, of: (i) an intimate bodily part of another person, such as a sexual organ, buttocks or breast; (ii) any bodily part of another person with a sexual organ; or (iii) any part of another person's body with the intent of accomplishing a sexual act; or
- Unwanted, inappropriate disrobing of another person or purposeful exposure of one's genitals to another without the other's consent; or
- Forcing, or attempting to force, any other person to engage in sexual activity of any kind without her or his consent.

¹ RCW 9A.44.010

² RCW 9A.44.010

³ RCW 9A.44.010