

Date of Hearing: March 18, 2014

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Das Williams, Chair
AB 1433 (Gatto) – As Amended: March 10, 2014

SUBJECT: Student safety.

SUMMARY: Requires postsecondary educational institutions to establish specified policies governing the reporting of specified crimes to law enforcement. Specifically, this bill:

- 1) Would require written agreements between local law enforcement agencies and campuses to require that any report by a victim of a Part 1 violent crime, sexual assault or hate crime that is received by a campus law enforcement agency to be immediately reported to the appropriate local law enforcement agency, without identifying the victim unless the victim consents to being identified.
- 2) Defines sexual assault to include, but not be limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.
- 3) Would require, by July 1, 2015, all public and private postsecondary educational institutions to establish policies to ensure reports of the aforementioned crimes made to any campus employee are transmitted to campus law enforcement, or to local law enforcement if the campus does not have law enforcement, without identifying the victim unless the victim consents.
- 4) Declares urgency, in order to ensure student safety, and would take effect immediately.

EXISTING LAW:

- 1) Authorizes public and private college administrations to establish law enforcement departments and/or services and provides that campus law enforcement agencies have the primary responsibility for providing police or security services, including the investigation of criminal activity, to their campuses.
- 2) Requires, under the Kristen Smart Campus Safety Act, the University of California (UC), the California State University (CSU), California's Community Colleges (CCC), and independent colleges that meet specified conditions to enter into specific written agreements, by July 1, 1999, with local law enforcement agencies regarding the coordination and responsibilities for investigating violent crimes which occur on campus.
- 3) Requires governing boards of any postsecondary educational institution receiving public funds with a full-time equivalent enrollment of more than 1000 students to compile a record of all reported occurrences of specified crimes. Institutions are required to report this information to current/former students, employees and the media within two business days of any request.
- 4) The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires colleges and universities, as a condition of federal student aid

program participation, to publish annual campus security reports, maintain crime logs, provide timely warnings of crimes that present a public safety risk, and maintain ongoing crime statistics.

FISCAL EFFECT: Unknown

COMMENTS: Double-referral. This bill is double-referred to the Assembly Committee on Public Safety.

Purpose of this bill. According to the author, there have been reports at three California universities that administrators are underreporting sexual assaults on campus and mishandling cases in several ways, including underreporting crimes and not conducting thorough investigations or providing appropriate outcomes for those found culpable. The author indicates that law enforcement agencies have expressed concern that they are not completely aware of crime trends in their jurisdictions because some university agreements do not require campus security to pass information along to local law enforcement. The author believes this bill is necessary to ensure that local law enforcement agencies are aware of crime trends, by ensuring campuses pass along reports of Part 1 violent crimes, sexual assaults, and hate crimes that occur on campus. The author believes this will alleviate concerns about some institutions not properly reporting crime statistics because those reports will have already been brought to light under the requirement established by this bill. The author contends this bill could result in a closer working relationship between campuses and local police and sheriffs' departments, which will result in more thorough investigations, better outcomes for victims, and safer communities.

Jurisdictional changes. Under existing law, institutions and local law enforcement agencies are required to establish written agreements delineating responsibilities of campus and local law enforcement agencies. This bill would require the agreements to ensure campus law enforcement immediately reports to local law enforcement regarding specified crimes. It is unclear how the reporting of the crime to local law enforcement would impact the responsibility for investigation; would the report relinquish campus jurisdiction and investigative responsibility to local law enforcement? Additionally, existing law (EDC §67380) requires written records of specified criminal and non-criminal acts to be made available, as specified.

If the author does not intend to alter jurisdiction of local law enforcement or campus police, the author may wish to consider expanding upon the provisions of EDC §67380 to require campus law enforcement to disclose to local law enforcement, rather than requiring institutions and local law enforcement to renegotiate jurisdictional agreements.

Employee reporting to law enforcement. This bill would require institutions to establish policies requiring employees to immediately transmit crime report information to campus law enforcement or to local law enforcement if the campus does not have law enforcement. However, under other provisions of this bill, only crimes reported to campus law enforcement by a victim are required to be transmitted to local law enforcement.

If the author intends for information regarding all reported crimes to be shared with local law enforcement, including those where the campus law enforcement is informed by a campus employee, the language should be clarified.

REGISTERED SUPPORT / OPPOSITION:

Support

Association for Los Angeles Deputy Sheriffs
California College & University Police Chiefs Association
Community College League of California
Crime Victims United of California
Los Angeles Probation Officers' Union, AFSCME, Local 685
Riverside Sheriffs' Association

Opposition

None on File

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