

2008 Lowry Campus Security Clery Act Report



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In conjunction with Pikes Peak Community College

In compliance with the Campus Sex Crimes Prevention Act (Section 1601 of Public Law 106-386), also known as the Clery Act, the Lowry Campus Safety and Security Report is published each year in order to provide accurate information to potential students and employees about campus crime statistics, campus crime logs, as well as policies regarding the safety and security of the campus community. The crime statistics listed in this document are for crimes reported within each calendar year (January 1 to December 31).

The Lowry Campus Web page can be found on the internet at:

<http://www.cccs.edu/AboutCCCS/LowryCampus.html>

Lowry Campus Security Web page can be found on the internet at:

<http://www.cccs.edu/Security/main.html>

Crime Statistics for the Lowry Campus can be found on the internet at:

<http://www.cccs.edu/Security/crimestats.html>

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Our Mission: A Safe and Secure Campus

The mission of Lowry Campus Security is to provide a safe and secure environment for students, faculty, staff and campus visitors. Lowry Campus Security strives to achieve this mission through a friendly approach that enhances safety through the visibility of security personnel, preventive patrols, positive conflict resolution and crime prevention and awareness programs. Lowry Campus Security collaborates with Denver and Aurora law enforcement and community organizations in fulfilling its mission.

In addition to their role in keeping the campus safe, Lowry Campus Security officers are also available 24 hours 7 days a week for intervention in a situation, safety escorts, vehicle jump starts, and lost and found. Lowry Campus Security enforces all campus rules and regulations. Local police are called for any arrest relating to violation of city or state laws.



Criminal Definitions

The following definitions are provided by the Uniform Crime Reporting Handbook:

Criminal Homicide-Murder and Non-negligent Manslaughter

The willful (non-negligent) killing of one human being by another.

Criminal Homicide-Manslaughter by Negligence

The killing of another person through gross negligence.

Robbery

The taking or attempting 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

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 and probably would result in serious personal 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 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 joyriding.)

Arson

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

Sex Offense Definitions are from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program:

Sex Offenses-Forcible

Any sexual act 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.

A. Forcible Rape-The carnal knowledge of a 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 because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

B. Forcible Sodomy-Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly 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 or physical incapacity.

C. Sexual Assault With An Object-The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of 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 because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

D. Forcible 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.

Sex Offenses-Non-forcible

Unlawful, non-forcible sexual intercourse.

A. Incest-Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

B. Statutory Rape-Non-forcible sexual intercourse with a person who is under the statutory age of consent.

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; and 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, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations

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

Hate Crime Definition Taken Directly from the Clery Act:

The Hate Crimes Statistics listed above consist of any of the crimes of Criminal Homicide-Murder and Non-negligent Manslaughter, Criminal Homicide-Manslaughter by Negligence, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Sex Offenses-Forcible, Sex Offenses-Non-forcible and other crimes involving bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim.

REPORTING CRIMES AND EMERGENCIES

The Lowry campus Security Department is a full-service security organization consisting of 10 full-time security officers. Security Officers are on duty 24 hours a day, 365 days a year. Supervisors are also on shift to assist with the needs of the campus when necessary. Our officers respond to all criminal, safety, and medical situations on campus. As well as provide certain civilian related services to help assist our community. Our campus relies heavily on the community to assist with safety, medical, and criminal incidents. We encourage the reporting of any safety, medical, or criminal incident to the Security Department as soon as possible. Our department is mandated to take medical reports on any injury or illness which occurs on campus or whether it is work related or incurred by a student or visitor. You can and should report any crime [as per Colorado Revised Statute 18-8-115 (1)] to any Security officer on the Lowry Campus.

In case of an Emergency Dial

911

To reach Lowry Campus Security Dial

303-419-5557

or

1558 from any LAN line on the Lowry Campus

Crimes can also be reported anonymously through our Security web site

<http://www.cccs.edu/Security/report.html>

Our department encourages all victims and witnesses to report crimes to our department. Because our reports are open to the public as per State Law, we cannot maintain them in confidence under most circumstances. Victims and/or witnesses that want to remain anonymous can still contact our department, but anonymous reporting can make investigation and prosecution highly difficult.

Although our department relies on surrounding agencies for support, our officers respond to all reports of crime and suspicious activities which occur on or near our campus. As our officers are always on campus, we are the first responders, and most of the time the only responders, for almost every criminal or medical situation. Our officers are all 1st Aid, CPR, and AED (Automated External Defibrillator) certified. Our Officers are trained to handle medical calls until the paramedics arrive. There are many instances where our officers are the first to respond to criminal incidents, traffic crashes, as well as other safety and medical conditions that occur near campus.

When responding to calls, our officers are sent to the calls with the highest priority first. As a result, calls with less priority, as in a entry request for a classroom, may take more time than faculty and students would like. Delays in calls like these are a result of the officer being busy on a higher priority call, such as disturbances, traffic crashes, medical scenarios, etc.

In response to criminal and other safety issues, officers utilize not only Federal and State Laws as guidelines on how to proceed, but also Student Code of Conduct Regulations as well as State Board Policies. Reports are taken on all criminal incidents, but they are frequently taken on other non-criminal incidents as part of compiling statistical data. Anonymous reports that cannot be substantiated are not included in the statistical data. Cases involving students of the college can be sent to the Dean of Students for review in case there is a Student Code of Conduct Violation as well. Otherwise, all criminal cases that occur on Campus Property are handled by the Aurora or Denver Police Department. The Lowry Campus Code of Conduct is contained within this document on pages 14-15.

http://www.mscd.edu/policies/student_code_of_conduct/student_conduct_code.shtml

http://www.unco.edu/dos/student_code_conduct/index.html

<http://www.ccaurora.edu/students/studentlife/additionalinfo/stuconduct.shtml>

Any criminal or medical incident which occurs on any campus-oriented event or on campus must be reported to our department to maintain our compliance with our State Risk Management Office as well as the Annual Campus Safety and Security Report.

Timely Warning:

In accordance with the Clery Act Lowry Campus Security will release all vital information to the faculty, students, and employees in regards to their safety. Security will update the timely warning sections of there web site.

<http://www.cccs.edu/Security/timely.html>

In the event of a crime risk to our campus community, natural disaster, or terrorist attack, the Lowry Campus will utilize local media, the e-mail alert system, the reverse 911 feature, internet-based warnings, mass notification system, (ENS Emergency Notification System) as well as any other methods that may be needed depending on the circumstance. The Lowry Campus will continue to develop and enhance its notification procedures.

LAW ENFORCEMENT AUTHORITY AND INTERAGENCY RELATIONSHIPS

Historically, security's focus has been on apprehending a criminal vs. eliminating opportunities for crime. Our philosophy is to serve our customers by understanding and practicing crime prevention and reducing potential loss and liability. Our department will become recognized as an extension of the Colorado Community College System. Therefore, this recognition must be one of positive, receptive attitude towards all students, faculty, visitors and other service personnel.

By definition Lowry Campus Security is not a Police Force. Lowry Campus Security Officers are not Colorado P.O.S.T. certified Police Officers. Lowry Campus Security Officers may not make an official arrest in the course of their duties. A Security Officer may detain a person or persons suspected of a crime until the proper local police agency arrives to arrest that person or persons. Lowry Campus Security Officers in the course of his or her duties are trained to contact pedestrians, trespass a suspect from the property with proper authorization, intervene in a situation, assist with a traffic accident, and render first aid.

In the case of an emergency situation that requires the use of a local law enforcement agency, Lowry Campus Security will notify either the Denver or Aurora police department. In all aspects of the situation Lowry Campus Security Officers will defer to the Police Officer on site.

SEXUAL ASSAULT PROCEDURES

In compliance with Colorado state law and the duty to report statute, all Lowry Campus employees are required to report all crimes committed on campus, including sexual assault. The only exception to this clause is with agencies that have an established client/patient confidentiality relationship. In addition to criminal and legal penalties, sexual assault charges may result in sanctions including expulsion from schools associated with the Lowry campus for students. Or termination of employment for faculty and staff.

Available Prevention Programs

The Lowry Campus Security department will host or conduct presentations relating to crime prevention and safety policies when requested by staff or students.

Preserving Evidence of a Sexual Assault

After a sexual assault, it is very important that the victim receive a medical examination for health and evidentiary reasons. A victim should not wash, use the toilet, or change clothes before seeing trained medical personnel. If clothes are changed, those worn during the assault should be placed in a paper bag and be taken to the examination. Even if the victim is certain that he/she will not prosecute, it is important to gather as much evidence as possible in the event the victim decides to pursue criminal charges at a later date.

Reporting a Sexual Assault

Any student, employee or visitor who is the victim of a sex offense, forcible or non-forcible, is encouraged to report the assault to college authorities or the Lowry Campus Security Department. If a victim chooses, he/she may be assisted by college authorities in reporting the assault to the proper law enforcement authorities. Once notified of an assault the Lowry campus Security Department has a duty to report the incident to the local authorities. After making the report, the victim is not obligated to continue with legal or college disciplinary action.

The assault may be reported to:

1. The Lowry Campus Security Department in person at
700 Boston St. Denver, Co. 80230
or by calling (303) 419-5557
2. Denver Police Department - District 3
1625 S University Blvd.
Denver, Co. 80210
or by calling (720)-913-2000
3. The Aurora Police Department - District 1
Martin Luther King Jr. Library
9898 E. Colfax avenue
Aurora, Co. 80010
or by calling 303-627-3100

Coping with Sexual Assault

Remember, assaults – sexual or otherwise – are crimes; they are not the victims' fault. Victims of sexual assault may find it helpful to discuss their experience with a counselor. Crisis Counselors are available off campus to meet with victims in an informal and private setting. Counselors can assist by changing a student's academic situation, by serving as a source of referral to outside agencies, and by providing information about on and off campus reporting, prosecution procedures, and the college disciplinary process. Please refer to Appendix B for and further information and available resources.

College Response to a Sexual Assault

Sexual assault is a criminal act which subjects the perpetrator to criminal and civil penalties in state and federal courts. Besides the sanctions that can be imposed in court, Lowry campus Security will respond administratively if a sexual assault or other criminal offense involves a student or employee as the offender. Students and employees are subject to applicable college policies and disciplinary procedures, including policies prohibiting sexual harassment.

Possible Sanctions Against Offenders

Victims may begin a disciplinary action by submitting a written, signed statement detailing the incident to the Dean of Students. The accuser and accused are entitled to the same opportunities to have others present during the disciplinary hearing. In the case of sexual assault, both the accuser and the accused shall be informed of the outcome. In addition to any criminal remedies available, a sexual assault perpetrator is subject to appropriate faculty, employee or student disciplinary procedures.

1. Faculty and Staff: The range of employment penalties for faculty and employees includes but is not limited to one or more of the following: counseling, reprimand, suspension or termination of employment.

2. Students: Students who violate federal, state or local laws are subject to criminal charges. In addition to any criminal remedies available, an alleged or adjudicated perpetrator who is a Pikes Peak Community College student may be subject to penalties from the college as set forth in the Student Code of Conduct. The ranges of sanctions for violations under this Code include but are not limited to, one or more of the following: suspension or expulsion, alteration of a class schedule, disciplinary probation, or loss of privileges. Suspension and expulsion are the standard recommended sanctions if a student is found guilty of an incident of sexual assault or other acts of violence.

Rights of a Victim

A person who reports having been sexually assaulted has the right to:

1. Request a female or male officer to take the report.
2. Have his/her identity protected, consistent with legal requirements.
3. Be treated professionally and with sensitivity, regardless of race, ethnicity, religion, gender, or sexual orientation of the victim or the perpetrator.
4. Assistance with medical treatment, counseling, and other resources if desired, including transportation to a hospital.
5. Have one primary investigator assigned to the case and have his/her case investigated fully, if he/she chooses to report the assault to the Campus Police.
6. Be informed of the outcome of a police investigation.
7. Request an alternative academic or employment situation if such an alternative is available, feasible, and appropriate to the facts of the sexual assault reported.
8. Have all questions answered fully.

How to Reduce the Risk of a Sexual Assault

Rape, Abuse & Incest National Network, Washington, DC (2006). Retrieved December 15th, 2007 from: <http://www.rainn.org/get-information/sexual-assault-prevention>

REGISTERED SEX OFFENDER INFORMATION

Colorado Revised Statutes requires that “each institution of post secondary education in the state shall provide a statement to its campus community identifying the name and location at which members may obtain the law enforcement agency information collected pursuant to 19-3-412(6.3), C.R.S., concerning registered sex offenders.”

Information concerning persons who are required by Colorado law to register as sex offenders, including registered sex offenders who are enrolled, employed, or volunteering on the Lowry Campus, may be obtained from the Denver Police Department, 1331 Cherokee St (720-913-2000) or the Aurora Police Department, 15001 E. Alameda. (303-739-6308).

POSSESSION OF FIREARMS/WEAPONS ON CAMPUS

The Lowry Campus is a Gun Free Campus

In an endeavour to create a safe learning environment for our students, faculty, and employees the Lowry Campus does not allow fire arms on it's premises. Board policy states that no person may have on his or her person any unauthorized firearm, ammunition, explosive device, or illegal weapon on campus or any facility used by a college.

<http://www.ccs.edu/SBCCOE/Policies/SP/PDF/SP19-10.pdf>

Persons authorized to carry firearms and other equipment defined in the policy are:

- those persons conducting and participating in an approved program of instruction in the college's curriculum which requires access to such equipment as an integral part of the instructional program;
- peace officers; and
- those persons granted permission at the discretion of the college president for specific purposes from time to time.

The following signs are posted no all Entrances on the Lowry Campus

Persons with a concealed carry permit are not considered an authorized carrier pursuant to our policy. Persons wishing to carry a concealed weapon on campus and are not a certified peace officer will need to contact Lowry Campus Security department.

Pursuant to the policy, college presidents are responsible for developing procedures and regulations pertaining to the use of firearms as a part of a program of instruction.



DRUGS AND ALCOHOL ON CAMPUS OR AS PART OF ANY COLLEGE ACTIVITY

In compliance with the Drug-Free Schools and Communities Act Amendment of 1989 (Public Law 101-226), students, staff, or faculty shall not engage in the unauthorized or unlawful manufacture, distribution, dispensation, possession, use/abuse of alcohol and/or illicit drugs on college property or as part of any college activity. Any student, staff, or faculty who are convicted of the unlawful manufacture, distribution, dispensation, possession, use, or abuse of illicit drugs or alcohol is subject to criminal penalties under local, state, or federal law. These penalties range in severity from a fine of \$100 up to \$8,000,000 and/or life imprisonment. The exact penalty assessed depends upon the nature and the severity of the individual offense. The possession and/or consumption of alcohol by a minor is addressed in Appendix A, 18-13-122. The college will impose penalties against students who violate the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226). Violators will be subject to disciplinary action under student disciplinary policies. The sanctions include but are not limited to probation, suspension, or expulsion from the college, termination of employment, and referral to authorities for prosecution, as appropriate. Employees may be subject to corrective and/or disciplinary action as per State Personnel Rules and Regulations, up to and including termination.

Health Risks

A myriad of health risks are associated with drug and alcohol abuse. Risks include but are not limited to: malnutrition, brain damage, heart disease, pancreatitis, cirrhosis of the liver, mental illness, death, low birth weight babies, and babies with drug addictions. Personal relationships, family dynamics, ability to work and study are also at risk. Further information on health risks is available in the Human Resource Services Office and the Campus Life Office via brochures, videos, and educational programs presented throughout the year.

Treatment and Referral

Referral for counseling, treatment, rehabilitation and treatment programs can be found at the Human Resource Services Office, Campus Life Office, or throughout the community. Referral programs and resources can be found in Appendix B.

ACCESS, MAINTENANCE AND PHYSICAL SECURITY OF FACILITIES On Campus Buildings

CCCS Lowry Campus Facilities

Repair and Maintenance Requests

· In the event that you have a repair or facilities-maintenance issue, please email Lorna.Sweeney@cccs.edu or call 303-595-1537 to submit a work request.

General Facilities Policies

- All buildings are smoke free. Smoking is not permitted in any facility or within 15 feet of entrances.
- Burning candles or incense of any kind is a fire hazard and is not permitted in any facility.

Facility Hours and Access

- The two main doors of the System Office will be unlocked from 7:30 a.m. to 5:30 p.m. Monday through Friday. All other doors will be locked, requiring key card access at all times.
- All CCCS facilities follow the same schedule.
- Employees needing access prior to or after normal business hours will need to contact Security at 303-419-5557.
- If you plan to be in the building during a weekend, you must call Security to inform them of your presence in the building.

· Employees who work before or after hours and/or on weekends must have their state ID card with them at all times.

- In the event that you will be hosting an official function after normal working hours, Tom Wolf, Security Director (720-858-2733) must be notified to make arrangements for visitor access.
- Under no circumstance may doors be propped open to provide building access to guests. If you are hosting an after-hours event, either you, your staff or a security guard must man the door, making certain it is closed and locked after all guests have arrived and again after they have left the building.
- This procedure applies to all CCCS buildings.

Keys and Key Cards

· Policy

A comprehensive key allocation policy is available from the Facilities Department for the entire Lowry Campus.

· Issuance

Keys will normally be issued by CCCS HR at the start of employment.

· Key card and key loss procedure

It is imperative that you contact Daniel Baniszewski at 303-595-1638 immediately upon loss of a key card so your access code can be cancelled to protect the security of the building.

Likewise, please contact Daniel if you loose your office key.

· Turning in keys and key cards

At termination of employment, keys and key cards must be personally turned in to the Human Resource Office at the time of your exit interview, prior to your final departure.

Security Issues

Contacting Security

- If you notice a dangerous situation, please contact security at their 24-hour cell phone number: 303-419-5557.
- If you have concerns, questions, or feedback regarding security issues, please contact Tom Wolf, Security Director, at 720-858-2733.
- Security is available for night escorts, jump starts, opening doors, and lost and found.

Lowry Campus Code of Conduct

The Colorado Community College System, Lowry Campus is committed to maintaining a safe environment for all students, faculty, staff and visitors; all of whom are expected to conduct themselves in a lawful and responsible manner. For the safety and well-being of all individuals on the campus, the Colorado Community College System, Lowry Campus, has identified examples of prohibited behaviors. Failure or refusal to follow this code of conduct may result in your being asked to leave the property.

Examples of prohibited behaviors include, but are not limited to:

- 1.) Failing to comply with directives of Colorado Community College System (CCCS) Security Officers or of law enforcement officers acting within the scope of their duties while on Community College System property.
- 2.) Unauthorized entry to or use of CCCS facilities, including grounds.
- 3.) Obstructing or disrupting teaching, administration, disciplinary procedures, or other campus activities on CCCS-owned property or at any sponsored function.
- 4.) Verbal, physical, or sexual harassment or intimidation of another person including any abuse, signs or signals intended to mock or ridicule another person while on the CCCS campus. Wearing gang-related apparel or participating in gang-related activity.
- 5.) Physical or mental abuse or, detention of any person, or conduct, which intentionally or recklessly endangers the health or safety of any person on the campus.
- 6.) Theft of, damage to, defacing of community college property or the property of others on CCCS premises (includes writing, spraying, scratching or otherwise affixing graffiti).
- 7.) Obstructing or impeding pedestrian and/or vehicular traffic on CCCS property.
- 8.) Using, possessing, trafficking, selling or distributing illegal drugs, narcotics or related paraphernalia on CCCS property.
- 9.) Unauthorized possession or use of firearms or other potentially dangerous weapons,

explosives, combustibles or dangerous chemicals.

- 10.) Disorderly conduct, public intoxication, lewd, threatening behavior, indecent or inappropriate conduct or expression while on CCCS property.
- 11.) Creating litter, throwing, discarding or depositing any paper, glass or other matter of any kind on the property, except in designated trash receptacles.
- 12.) Having other than authorized (e.g., assistance animals, veterinary technician program animals) animals in any building on campus and/or failing to keep in-hand/on-leash control of animals while passing through the campus.

CRIME PREVENTION AND AWARENESS PROGRAMS

The Lowry Campus does not have residents on campus. Therefore, our crime prevention programs are usually designed around the safety and security of the campus community while they are in class, in their office, in student commons areas, or in the parking lots. Below you will find a listing of the programs that our department offers.

Program Frequency Program Name and Description

On going **Safety Escorts** - Security Officers on the Lowry Campus provide escorts to and from the parking lots as requested (as long as they are available). We do encourage students, staff, and faculty members to walk with friends or co-workers if a Security officer is unavailable.

Crime Prevention Tips - The Lowry Campus Security website has Crime Prevention Tips at.

<http://www.ccs.edu/Security/crimeprevent.html>

Upon request - Security Surveys - Departments throughout the college request security surveys to evaluate facilities and make recommendations for security enhancements.

The college recognizes that not all areas of crime prevention may be addressed by the programs we offer. We offer referrals to other agencies that offer programs which our college does not address. The campus is also open to input on crime prevention programs which our campus community would like to see. Please contact the Security Department if you have ideas or requests for additional programs.

Appendix A

18-8-115. Duty to report a crime - liability for disclosure.

It is the duty of every corporation or person who has reasonable grounds to believe that a crime has been committed to report promptly the suspected crime to law enforcement authorities. Notwithstanding any other provision of the law to the contrary, a corporation or person may disclose information concerning a suspected crime to other persons or corporations for the purpose of giving notice of the possibility that other such criminal conduct may be attempted which may affect the persons or corporations notified. When acting in good faith, such corporation or person shall be immune from any civil liability for such reporting or disclosure. This duty shall exist notwithstanding any other provision of the law to the contrary; except that this section shall not require disclosure of any communication privileged by law.

18-12-105.5. Unlawfully carrying a weapon - unlawful possession of weapons - school, college, or university grounds.

(1) A person commits a class 6 felony if such person knowingly and unlawfully and without legal authority carries, brings, or has in such person's possession a deadly weapon as defined in section 18-1-901 (3) (e) in or on the real estate and all improvements erected thereon of any public or private elementary, middle, junior high, high, or vocational school or any public or private college, university, or seminary, except for the purpose of presenting an authorized public demonstration or exhibition pursuant to instruction in conjunction with an organized school or class, for the purpose of carrying out the necessary duties and functions of an employee of an educational institution that require the use of a deadly weapon, or for the purpose of participation in an authorized extracurricular activity or on an athletic team.

(2) (Deleted by amendment, L. 2000, p. 709, § 45, effective July 1, 2000.)

(3) It shall not be an offense under this section if:

(a) The weapon is unloaded and remains inside a motor vehicle while upon the real estate of any public or private college, university, or seminary; or

(b) The person is in that person's own dwelling or place of business or on property owned or under that person's control at the time of the act of carrying; or

(c) The person is in a private automobile or other private means of conveyance and is carrying a weapon for lawful protection of that person's or another's person or property while traveling; or

(d) The person, at the time of carrying a concealed weapon, held a valid written permit to carry a concealed weapon issued pursuant to section 18-12-105.1, as said section existed prior to its repeal; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of section 18-12-214 (3); or

(d.5) The weapon involved was a handgun and the person held a valid permit to carry a concealed handgun or a temporary emergency permit issued pursuant to part 2 of this article; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of section 18-12-214 (3); or

(e) The person is a peace officer, as described in section 16-2.5-101, C.R.S., when carrying a weapon in conformance with the policy of the employing agency as provided in section 16-2.5-101 (2), C.R.S.; or

(f) and (g) (Deleted by amendment, L. 2003, p. 1626, § 51, effective August 6, 2003.)

(h) The person has possession of the weapon for use in an educational program approved by a school which program includes, but shall not be limited to, any course designed for the repair or maintenance of weapons.

18-12-105.1. Permits for concealed weapons - liability. (Repealed)

Source: L. 81: Entire section added, p. 1437, § 4, effective June 8. L. 83: Entire section amended, p. 711, § 1, effective July 1. L. 96:

(2) amended, p. 1024, § 1, effective May 23. L. 98:

(3) amended, p. 949, § 12, effective May 27. L. 2003: Entire section repealed, p. 648, § 2, effective May 17.

18-13-122. Illegal possession or consumption of ethyl alcohol by an underage person - adolescent substance abuse prevention and treatment fund - legislative declaration.

(1) As used in this section, unless the context otherwise requires:

(a) "Establishment" means a business, firm, enterprise, service or fraternal organization, club, institution, entity, group, or residence, and any real property, including buildings and improvements, connected therewith, and shall also include any members, employees, and occupants associated therewith.

(b) "Ethyl alcohol" means any substance which is or contains ethyl alcohol.

(c) "Possession of ethyl alcohol" means that a person has or holds any amount of ethyl alcohol anywhere on his person, or that a person owns or has custody of ethyl alcohol, or has ethyl alcohol within his immediate presence and control.

(d) "Private property" means any dwelling and its curtilage which is being used by a natural person or natural persons for habitation and which is not open to the public and privately owned real property which is not open to the public. "Private property" shall not include:

(I) Any establishment which has or is required to have a license pursuant to article 46, 47, or 48 of title 12, C.R.S.; or (II) Any establishment which sells ethyl alcohol or upon which ethyl alcohol is sold; or (III) Any establishment which leases, rents, or provides accommodations to members of the public generally.

(2) (a) Any person under twenty-one years of age who possesses or consumes ethyl alcohol anywhere in the state of Colorado commits illegal possession or consumption of ethyl alcohol by an underage person. *2008 Campus Safety and Security Report Rev 09/08 22*

Illegal possession or consumption of ethyl alcohol by an underage person is a strict liability offense.

(b) (I) Upon conviction of a first offense, illegal possession or consumption of ethyl alcohol by an underage person shall be punished by a fine of not more than two hundred fifty dollars. The court, upon sentencing a defendant pursuant to this paragraph (b), may, in addition to any fine, order that the defendant perform up to twenty-four hours of useful public service, subject to the conditions and restrictions of section 18-1.3-507, and may further order that the defendant submit to and complete an alcohol evaluation or assessment, an alcohol education program, or an alcohol treatment program at such defendant's own expense.

(II) Upon conviction of a second offense, illegal possession or consumption of ethyl alcohol by an underage person shall be punished by a fine of not more than five hundred dollars, and the court shall order the defendant to submit to and complete an alcohol evaluation or assessment, an alcohol education program, or an alcohol treatment program, at the defendant's own expense. The court may further order the defendant to perform up to twenty-four hours of useful public service, subject to the conditions and restrictions specified in section 18-1.3-507.

(III) Upon conviction of a third or subsequent offense, illegal possession or consumption of ethyl alcohol by an underage person shall be a class 2 misdemeanor, and the court, in addition to sentencing the defendant pursuant to the provisions of section 18-1.3-501, shall order the defendant to submit to and complete an alcohol evaluation or assessment, an alcohol education program, or an alcohol treatment program, at the defendant's own expense. (IV) A person convicted of a violation of this section is subject to an additional penalty surcharge of twenty-five dollars that shall be administered to the adolescent substance abuse prevention and treatment fund. (3) It shall be an affirmative defense to the offense described in subsection (2) of this section that the ethyl alcohol was possessed or consumed by a person under twenty-one years of age under the following circumstances:

(a) While such person was legally upon private property with the knowledge and consent of the owner or legal possessor of such private property and the ethyl alcohol was possessed or consumed with the consent of his parent or legal guardian who was present during such possession or consumption; or

(b) When the existence of ethyl alcohol in a person's body was due solely to the ingestion of a confectionery which contained ethyl alcohol within the limits prescribed by section 25-5-410 (1) (i) (II), C.R.S.; or the ingestion of any substance which was manufactured, designed, or intended primarily for a purpose other than oral human ingestion; or the ingestion of any substance which was manufactured, designed, or intended solely for medicinal or hygienic purposes; or solely from the ingestion of a beverage which contained less than one-half of one percent of ethyl alcohol by weight. (c) The person is a student who: (I) Tastes but does not imbibe an alcohol beverage only while under the direct supervision of an instructor who is at least twenty-one years of age and employed by a post-secondary school; *2008 Campus Safety and Security Report Rev 09/08 23*

(II) Is enrolled in a university or a post-secondary school accredited or certified by an agency recognized by the United States department of education, a nationally recognized accrediting agency or association, or the "Private Occupational Education Act of 1981", article 59 of title 12, C.R.S.; (III) Is participating in a culinary arts, food service, or restaurant management degree program; and (IV) Tastes but does not imbibe the alcohol beverage for instructional purposes as a part of a required course in which the alcohol beverage, except the portion the

student tastes, remains under the control of the instructor.

(4) The possession or consumption of ethyl alcohol shall not constitute a violation of this section if such possession or consumption takes place for religious purposes protected by the first amendment to the United States constitution.

(4.5) An underage person and one or two other persons shall be immune from criminal prosecution under this section if they establish the following:

(a) One of the underage persons called 911 and reported that another underage person was in need of medical assistance due to alcohol consumption;

(b) The underage person who called 911 and, if applicable, one or two other persons acting in concert with the underage person who called 911 provided each of their names to the 911 operator;

(c) The underage person was the first person to make the 911 report; and

(d) The underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 911 call remained on the scene with the underage person in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

(5) Prima facie evidence of a violation of subsection

(2) of this section shall consist of:

(a) Evidence that the defendant was under the age of twenty-one years and possessed or consumed ethyl alcohol anywhere in this state; or (b) Evidence that the defendant was under the age of twenty-one years and manifested any of the characteristics commonly associated with ethyl alcohol intoxication or impairment while present anywhere in this state.

Appendix B

- Alcoholics Anonymous: -

Denver Central Office
1800 Boulder Street, Suite 100
Denver, COLORADO 80211
United States
Call (303)322-4440

Site: www.daccaa.org

Email: denveraa@daccaa.org

-Alateen and Alanon-

Call 1-888-4AL-ANON
<http://www.al-anon.alateen.org/alateen.html>

-Narcotics Anonymous-

Call (303) 832-DRUG
<http://www.nacolorado.org>

-Meth Treatment-

Call 1-877-744-3536
<http://www.methamphetamine-addiction.net/index.htm>

-Cocaine Anonymous-

Denver: 303-421-5120 Colorado Springs: 719-448-0110 Colorado Toll Free: 866-448-0110
<http://www.cacolorado.org/>

-National Organization for Victim Assistance-

<http://www.trynova.org/>

-Colorado Coalition Against Domestic Violence-

Denver—Project Safeguard (Legal Advocacy)-303-863-7233

Denver—SafeHouse Denver, Inc. (English/español/TTY) - 303-318-9989

Denver—Servicios de la Raza (English/español) 303-458-7088

Denver—Volunteers of America Brandon Center-303-620-9190

<http://www.ccadv.org/>

-Rape Assistance and Awareness Program-

24 hour crisis hotline (303) 322-7273 en Espanol (303) 329-0031

<http://www.raap.org/>

-Suicide Prevention Hotline-

Suicide / Depression Hotline (303) 860-1200

Youth Support Line (303) 894-9000

<http://suicidehotlines.com/colorado.html>

-Child Abuse -

303-433-2541 or Toll Free1- 877-224-8223

<http://www.childabuse.org/>