

# **DIXON UNIVERSITY CENTER**

## **ANNUAL SECURITY REPORT**

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# Table of Contents

DIXON UNIVERSITY CENTER.....	3
WHAT IS THE CLERY ACT? .....	6
OVERVIEW OF THE HARRISBURG (PA) POLICE DEPARTMENT.....	7
REPORTING CRIMES AND OTHER EMERGENCIES .....	8
TIMELY WARNING PROCEDURES .....	11
EMERGENCY NOTIFICATION, RESPONSE AND EVACUATION PROCEDURES.....	12
CAMPUS FACILITIES.....	17
ALCOHOL AND DRUG POLICIES.....	18
CRIME STATISTICS .....	20
SECURITY AWARENESS, CRIME PREVENTION AND EDUCATION .....	21
MISSING STUDENT POLICY.....	20
SEXUAL ASSAULT POLICY .....	22
APPENDIX A.....	25
<b>Dixon University Center 2018 – 2019 – 2020 Crime Statistics Report .....</b>	<b>25</b>
APPENDIX B.....	26
<b>CLERY CRIME DEFINITIONS.....</b>	<b>26</b>
<b>CLERY DEFINITIONS FOR ARRESTS AND REFERRALS.....</b>	<b>30</b>
APPENDIX C.....	32
<b>PENNSYLVANIA UNIFORM CRIME REPORTING ACT .....</b>	<b>32</b>
APPENDIX D.....	37
<b>PENNSYLVANIA CRIME DEFINITIONS AND STATUTORY REFERENCES.....</b>	<b>37</b>

# DIXON UNIVERSITY CENTER

## **History and Introduction**

Dixon University Center (DUC) was once the home of the Harrisburg Academy, whose leaders built the five historic structures on the grounds today. The Academy maintained the location until 1941, when the War Department took over the facility. Since 1956, the Dixon University Center has functioned in various configurations as an educational consortium. In 1987, the Board of Directors of the Dixon University Center, then a community corporation, invited Pennsylvania State System of Higher Education (an agency of the Commonwealth consisting of the 14 publicly owned universities) to lead the University Center at Harrisburg consortium and ensure continuation of its higher education mission.

The State System began operating the six-and-one-half-acre site under a lease/purchase agreement in 1988, and purchased the site in 1991. In 1993, the Board of Governors of the State System acknowledged the leadership and generosity of its founding chairman, F. Eugene Dixon Jr., by renaming the Center in his honor. The location continues to be known as the Dixon University Center (DUC).

Dixon University Center is foremost an academic and governance center, providing area residents the advantages of both public and private institutions. An expansive menu of undergraduate, graduate and certificate programs; professional development; and customized training are offered on-site by a consortium of State System universities and private colleges and universities for adult students, in the evenings and on weekends. The Center is also a cultural resource, a testing ground for new technology, and a community gathering place.

## **Dixon University Center Academic Programs**

Programs offered at the Dixon University Center include undergraduate and graduate programs; continuing education programs; professional development programs; and customized training solutions for adult learners looking for a part-time and flexible education. The programs are responsive to the needs of adult learners who are employed full-time or have other scheduling demands, offering online classes as well as evening classes.

The Dixon University Center is located at 2986 N. Second Street, Harrisburg, PA 17110. The DUC may be reached at (717)-720-4080, and additional information is available at the following [website](#).

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## Participating State System Universities

### **Indiana University of Pennsylvania**

[Sexual Discrimination Harassment & Sexual Misconduct Policy](#)

[IUP Community Standards Policy](#)

### **Lock Haven University**

[Sexual Misconduct Policy](#)

[Student Handbook \(Conduct\)](#)

### **Millersville University**

[Sexual Misconduct Policy](#)

[Student Code of Conduct](#)

### **Shippensburg University**

[Sexual Misconduct Policy](#)

[Student Code and Conduct Process](#)

## Participating Private Colleges and Universities

### **Elizabethtown College**

[Student Handbook and Code of Conduct](#)

### **Evangelical Seminary**

[Code of Conduct](#)

### **Immaculata University**

[Title IX and Nondiscrimination](#)

[Student Code of Conduct](#)

### **Lebanon Valley College**

[Student Conduct Code](#)

[Title IX Sexual Harassment Policy](#)

## WHAT IS THE CLERY ACT?

Signed into law in 1990, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal law that requires colleges and universities that are recipients of Title IV student financial aid to disclose certain timely and annual information about campus crime and security policies. The Clery Act was championed by Howard and Connie Clery after their daughter was murdered at Lehigh University in 1986. All post-secondary public and private institutions receiving federal student aid and offering academic programs at Dixon University Center (DUC) must adhere to these regulations.

### **Policy disclosure**

Participating colleges and universities must provide the DUC community and the public with accurate statements of current policies and practices regarding procedures for students and others to report criminal actions or other emergencies on campus and security of, and access to, college or university facilities and law enforcement services available on the campus.

### **Records Collection and Retention**

Participating colleges or universities are required to make a reasonable, good faith effort to obtain certain crime statistics from the Harrisburg Police Department to include in the annual security report.

### **Information Dissemination**

Participating colleges or universities are required to provide members of the DUC community with information needed to make informed personal safety decisions. This includes: 1) providing a “timely warning” of any Clery Act crime that represents an ongoing threat to the safety of students and employees; 2) publishing an annual security report; 3) making the report available to all current students and employees; 4) ensuring the annual security report is made available to prospective students and employees; and 5) working with appropriate parties to issue an emergency notification for any significant emergency or dangerous situation occurring on the DUC campus involving an immediate threat to the health or safety of students or employees.

### **Preparation of the DUC Annual Security Report**

The participating State System Universities at DUC use a representative committee of personnel from each institution along with DUC administrative personnel to prepare this report in compliance with the Clery Act. In addition, local law enforcement agencies with jurisdiction at DUC contribute information provided in this report. **NOTE: No residential housing facilities are available at DUC, and as such, no Fire Safety report is compiled for the campus.**

This publication is distributed in accordance with applicable state and federal law, including the Pennsylvania College and University Security Information Act (24 P.S. §§ 2502-1 – 2502-5); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. 1092(f)), and the Higher Education Amendments Act of 1998 (Section 486(e) of Public Law: 105- 244).

## OVERVIEW OF THE HARRISBURG (PA) POLICE DEPARTMENT

### **Enforcement Authority of Public Safety Personnel**

The Harrisburg Police Department is an organization of armed, commissioned police officers with full arrest authority. The department is accredited by the Pennsylvania Law Enforcement Accreditation Commission organization, and the Municipal Police Officer's Training Course completion is required for all municipal officers in the Commonwealth of Pennsylvania. Harrisburg police officers may enforce all state and local statutes, ordinances and codes, but are not authorized to enforce State System or participating college or university policies, rules or regulations.

### **Relationship with State and Local Police Agencies**

The Dixon University Center works with federal, state and local law enforcement agencies to coordinate services and activities to enhance safety within the boundaries of the campus, as appropriate. No formal agreements are in place for coverage of the campus because the Dixon University Center falls within the primary jurisdictional response and service area of the Harrisburg Police Department. The Harrisburg Police Department operates 24 hours a day and provides uniformed patrol, conducts criminal investigations, dispatches for both the Harrisburg Bureau of Police and Harrisburg Bureau of Fire, and provides emergency 911 service for Harrisburg and surrounding communities.

## REPORTING CRIMES AND OTHER EMERGENCIES

### How to Report a Crime or Emergency on Campus

The Harrisburg Police Department provides law enforcement services to the Dixon University Center (DUC). In case of an emergency, **dial 911** to reach Harrisburg Police to report criminal incidents and to request ambulance and fire rescue services (if dialing from a classroom, **dial 9-911**). **Please note:** DUC management and key personnel are alerted when 911 is dialed from any building on campus.

Nonemergency requests for Harrisburg Police Department services may be obtained by dialing (717) 255.3131.

**Harrisburg Police Department** is located at:

10 North Second Street (Administrative)  
Harrisburg, PA 17101-1678

123 Walnut Street (Downtown Bureau)  
Harrisburg, PA 17101-1614

**Security:** Dixon University Center provides unarmed, part-time, on-site security services at (717) 303.6834. Security is available as dictated by the class and event schedule.

**Blue Phones:** Four emergency blue phones available on campus and in the parking garage. Two are located in the parking garage, with one located at the north end and one at the south end; one is located in the lawn area between Richards Hall and South Hall; and another is mounted on the east side of Duncan Hall. These telephones are, if activated in an emergency, will call 911 and result in a police response.

### Response to Crimes and Other Emergencies

Dispatchers are available at the listed contact numbers 24 hours a day to answer calls to report crimes or other emergencies. The Harrisburg Police Department works closely with neighboring public-safety agencies and first responders (police, fire, ambulance services and emergency management) to coordinate effective response(s) to emergency requests for service. Priority response is provided for crimes against persons and emergencies involving personal injury or threat of injury. For nonemergency calls for service, the Harrisburg Police Department may either handle the call as an information request, dispatch an officer, request the caller to meet with an officer at a district station or refer the caller to the appropriate entity for assistance.



The Harrisburg Police Department functionally operates as a full-service law enforcement agency by providing police patrol, investigations (detectives), records management, police communications, property and evidence collection, preservation and processing and special event security planning and deployments. In response to calls for service or activity directly observed by Harrisburg Police Department officers, persons arrested for criminal activity or cited for traffic violations may be referred to local courts for prosecution.

### **Campus Security Authority and Crime Reporting**

“Campus Security Authority” or “CSA” is a Clery Act term that encompasses four groups of individuals and organizations associated with an institution with responsibility to report Clery crimes that are reported to them in their capacity as a CSA:

- Campus Police Department or Campus Security Department.
- Individual(s) who have responsibility for campus security, but who do not constitute a campus police or security department.
- An individual or organization specified in an institution’s statement of campus security policy to which students/employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities. An “official” is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

CSAs for DUC will report crimes to the Harrisburg Police Department. Dr. Denise Pearson, State System Interim Title IX Coordinator, is the designated individual for crime-report information from campus CSAs. Please contact (717) 720.4158.

### **Campus Security Authorities for DUC operations by position:**

Academic and Meeting Support Manager

AV Technician

Director of Facilities Operations and Maintenance

Assistant Vice Chancellor for Facilities

Compliance Counsel

Interim Title IX Coordinator for the State System of Higher Education

Director of Governmental Relations

Maintenance Supervisor

Maintenance Repairman

Maintenance Repairman

Staff Assistant, Administration and Finance

### **Encouraging Accurate and Prompt Crime Reporting**

If crimes are never reported, little can be done to prevent other members of the DUC community from becoming victims. The DUC community will be much safer when all members of the community participate in health, safety and security programs and initiatives, including the prompt reporting of crime for purposes of investigation and accurate reporting.

Crimes should be reported to the Harrisburg Police Department in a timely and accurate manner for response, investigation and inclusion in the annual crime statistics. These reports may also be used to aid in the provision of timely warnings or safety advisories to the DUC community.

Crimes reported to the Harrisburg Police Department that fall outside that department's jurisdiction may be promptly referred to the appropriate law enforcement agency. The Harrisburg Police Department will either refer the information directly to the agency or ensure the caller or reporter of the information is provided contact information for that agency.

### **Anonymous and Voluntary Confidential Crime Reporting**

Neither the Harrisburg Police Department nor the Dixon University Center (DUC) offers an anonymous tip line or confidential online or in-person crime reporting options. Participating colleges or universities at DUC may offer an anonymous crime tip line and/or confidential reporting options. Contact the participating college or university for more information.

Pennsylvania Crime Stoppers is a nonprofit organization and service where persons with a crime tip can leave information and potentially be eligible for a cash reward. Persons interested in providing information in this manner may visit [www.crimewatchpa.com/crimestoppers/316](http://www.crimewatchpa.com/crimestoppers/316) or call (800) 472.8477.

### **Counselors and Confidential Crime Reporting**

Occasionally, victims of a crime wish to report the crime but may not want to give their names or pursue action through the criminal justice or respective judicial system of the participating college or university. Pastoral and licensed professional counselors are exempt from disclosing information when acting in their role of pastoral or professional counselors.\* Dixon University Center does not provide pastoral or professional counseling services. Participating colleges and universities at DUC may provide pastoral or professional counseling services and may have policies or practices in place that encourage pastoral and professional counselors to recommend persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. Contact the participating college or university for additional information.

\*Confidentiality privileges afforded to a pastoral or professional counselor do not apply under Pennsylvania law when an alleged victim of sexual violence is a minor.

## TIMELY WARNING PROCEDURES

### **Issuance of Timely Warnings**

Federal law requires that timely warning information must be shared for all Clery Act crimes that occur at DUC and are 1) reported to Campus Security Authorities (CSAs) or the Harrisburg Police Department and are 2) considered to represent a serious or continuing threat to students and employees.

The Dixon University Center Director of Continuing Education and Conference Services or designee will contact participating State System University campus police to make a decision regarding the necessity of a timely notification warning on a case-by-case basis. The nature of the crime, the continuing danger to the DUC community and the possible risk of compromising law enforcement efforts may all be considerations when determining the need for a timely warning.

If deemed necessary, the Dixon University Center or a participating State System University campus police official will issue a timely warning notification. DUC will provide timely warning notifications using e2Campus, the DUC website, email to all available email addresses for participating colleges and universities and their faculty and students, and by posting notices throughout the buildings at 2986 North Second Street, Harrisburg, PA 17110.

To register for the notification system at DUC, please click [here](#). **NOTE:** Participating colleges and universities at DUC do not control the *e2Campus* system registration process or provide maintenance for the system.

Additionally, students or employees may visit the DUC [website](#) for notification information or updates or call (717) 720.4080 for prerecorded messages.

## EMERGENCY NOTIFICATION, RESPONSE AND EVACUATION PROCEDURES

When a confirmed threat or emergency occurs on or near campus, Dixon University Center (DUC) administrative staff will provide students, faculty and staff with the critical information necessary to protect themselves and the required or requested actions in response. This notification will include information pertaining to the threat or emergency, such as location, timing and safety, and evacuation procedures. Updates will be provided as necessary.

The decision to issue notifications will be made on a case-by-case basis in light of all the known facts, including confirmation and circumstances surrounding the situation. Notifications will be made without delay, taking into account the safety of the community, unless issuing a notification will compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Students, faculty and staff who are employed or registered for academic coursework at DUC fall under the coordinated emergency notification, response and evacuation protocols of that facility. Participating colleges and universities do not control the emergency systems or related protocols at DUC and all questions, concerns or requests for additional information should be routed to the main DUC number at (717) 720.4080 for response. The Harrisburg Police Department is responsible for disseminating emergency procedure information to the larger community.

For information related to notification, emergency response and evacuation procedures for DUC, additional information is available on the Emergency Response Flyer on the DUC Emergency and Safety Preparedness website.

### **Notification**

DUC uses a messaging system called e2Campus to communicate weather and utility delays, along with any other emergency notifications. This type of communication will be used in the event of a crisis, emergency, or weather situation and will be used in addition to the current methods of communication, which include a voice message on the main DUC line at (717) 720.4080, the [DUC website](#) and local television stations. Please click [here](#) for additional information on the e2Campus messaging system and instructions on how to register.

In the event of an emergency, please remember to assist those with disabilities and share emergency notification information and updates with them if appropriate.

The Dixon University Center Director of Continuing Education and Conference Services will issue an “all clear” or similar message to indicate an emergency no longer exists and campus operations have returned to normal via the modes of messaging described above.

## **Emergency Response**

The incident command structure (ICS) for DUC uses a detailed chain of command to coordinate and manage the emergency operations, to work with other emergency responders, and to bring specific resources to bear to the scene of the emergency. Additional information related to emergency procedures may be found [here](#).

## **Incident Command Structure**

The ICS is the model used for command, control and coordination of a response and provides a means to coordinate the efforts of individual agencies as they work toward the common goal of confirming the threat or emergency, stabilizing the incident and protecting life, property and the environment. The ICS organization has the capability to expand or contract to meet the needs of the incident, but all emergency incidents will have an Incident Commander.

## **Incident Commander**

Under the incident command structure, the Incident Commander will be the senior first responder to arrive at the scene (e.g., the local fire chief). The Incident Commander is responsible for on-scene management until command authority is transferred to another person, who then becomes the Incident Commander.

## **Emergency Action Team (EAT)**

In the event of an incident of long duration, high severity or multicampus impact, the State System may implement an Emergency Operations Center (EOC), which would be led by the EAT. DUC has a team of skilled and experienced individuals who work together to assist the Incident Commander and coordinate emergency response efforts. Each member of the EAT brings their own area of expertise to the effort of managing the emergency as it unfolds.

- **Command** – EAT/DUC Senior Official – Chancellor
- **Command Team** – EAT/DUC Officials – Executive Staff (any member of Executive Staff may act as alternate for Command position)
- **Operations Section Chief** – Assistant Vice Chancellor for Facilities
- **Planning Section Chief** – Associate Vice Chancellor for Administration and Finance
- **Logistics Section Chief** – Director of Strategic Sourcing
- **Finance and Administration Section Chief** – Controller
- **Public Affairs** – Media Relations Manager
- **Safety/Liaison Officer** – Director of Facilities Operations
- **Legal Counsel** – Chief Counsel

**Building Coordinators** — employee volunteers who help coordinate emergency activities at their buildings. Each DUC building has a primary and backup Building Coordinator. The role of the Building Coordinator is to be the primary source for distributing emergency information to occupants of that building in the event of an emergency and to work with the Emergency Action Team (EAT) and other emergency responders to share information and coordinate emergency

activities. Also, the Building Coordinators are the leaders in evacuating buildings during emergencies. The Building Coordinator should pass along emergency information to those at the building who may not have an information source (such as a cell phone, computer or phone) and did not receive information through other means. The Building Coordinator may also help to pass along emergency information to building occupants (via word of mouth) from emergency responders if necessary.

## **Evacuations**

**Evacuation for a Fire:** In the event of a fire, activate the building alarm by pulling down on the closest pull station (red wall box that activates the fire alarm when “pulled” down), evacuate the building and notify emergency personnel by dialing 911.

- If you see a fire or other emergency requiring people to leave the building immediately, activate the building fire alarm.
- Take all personal belongings with you upon evacuation (if readily available); assume that you may not be able to return to the building.
- When you hear the building fire alarm, walk quickly to the nearest marked exit.
- Know the location of the nearest fire exit and have an alternate exit pathway identified if your primary exit is blocked by smoke or flames.
- When evacuating rooms/offices, do not close the door behind you. This assists others responsible for checking each office/room who close the door once it is “cleared.” This policy/procedure should be relayed to the Incident Commander/Fire Chief so that they know a closed door means the room has been checked and cleared.
- If needed, assist individuals with disabilities in exiting the building.
- Do not use the elevator.
- Once outside, move to the designated muster point; do not block emergency responders as they enter the building.
- Do not return to an evacuated building until the “all clear” sign is provided by the Fire Chief, a police officer or other official.
- Remain at the designated muster point until a head count is taken; department supervisors will work with Building Coordinators to account for personnel in their department. A building roster will be used to ensure the head count.

### **What to do if you are trapped in a room:**

- Feel the door and doorknob. If hot, do not open the door.
- If the door and doorknob are not hot, open the door a crack. If you see large amounts of smoke, close the door. If you feel it is safe, crawl out underneath the smoke to the nearest exit. Stay low to the floor, underneath the smoke.
- If not, stay in the room and place a cloth or jacket underneath the door to try to stop some of the smoke from entering the room. Stay low to the floor.
- If you become trapped in a building during a fire and a window is available, place an article of clothing (shirt, coat, etc.) outside the window as a marker for rescue crews.

**Evacuation for a Bomb Threat:** An evacuation during a bomb-threat emergency will be very similar to a fire evacuation; however, it may differ somewhat depending on the circumstances of the threat. After careful assessment of the situation by security and/or emergency personnel, any of the following actions can occur:

- Area Evacuation (move to another part of the floor).
- Floor Evacuation (to assembly area).
- Full Building Evacuation (to assembly area).

When ordered to evacuate due to a bomb threat, the following rules apply:

- DO NOT** use cell phones or any type of wireless two-way communications device.
- Remain calm.
- Evacuate, as indicated, from the area or floor in a quiet and orderly fashion.
- Listen closely to announcements or instructions from emergency personnel on your floor.
- Follow your assembly area procedures once evacuated.

**Power Outage:** Remain on floor until an assessment of the situation is conducted, an announcement is made with further instructions, or until power is restored.

**Severe Weather:** Remain on floor until an assessment of the situation is conducted or an announcement is made with further instructions and/or information. If the situation escalates, the following instructions might be issued:

- Move away from windows or any exterior glass.
- Evacuate to the center of the building (e.g., elevator corridor) and/or into a stairwell.

**Suspicious Odor – External:** Hold on floor until an assessment of the situation is conducted or an announcement is made with further instructions and/or information. As the facilities staff is able to better control the environment inside of a building, it is safer to remain inside instead of evacuating out of the building into a potentially more hazardous atmosphere or environment. If possible, call building security and advise them of the situation once it is safe to do so.

**Suspicious Odor – Internal:** Hold on floor until an assessment of the situation is conducted or an announcement is made with further instructions and/or information. If the odor is strong, offensive, irritating or causes respiratory distress, evacuate the area/floor immediately and proceed to your assembly area. If possible, call building security and advise them of the situation once it is safe to do so.

- An evacuation of a floor(s)/building for suspicious odors would be conducted in the same manner as a fire evacuation, depending on the circumstances of the situation:
  - Multiple floor evacuations of the affected areas; or
  - Full building evacuation in the event the entire building is affected.

**Earthquake:** In the event of an earthquake, the following procedures would apply:

- Move away from windows, high shelving and doors located on external (outside) walls.
- Take cover underneath a desk, table or other heavy piece of furniture.
- If there is not any furniture around, brace yourself under a doorway located on an internal (inside) wall.
- Be prepared for aftershocks. Do not leave your protected area too soon.
- During an earthquake, the safest place is right where you are. It is not safer outside the building. Most injuries occur due to falling debris as people enter or leave a building.
- If inside, stay inside; if outdoors, stay in an open area.
- Do not attempt to enter a building.
- Standby for emergency announcements/instructions.

### **Testing of Notification Response Systems**

The e2Campus system is typically tested once per semester during normal business operations. The system allows for a test message via SMS and/or email. The test message will show the e2Campus administrator to see if subscribers can receive messages sent from the system.

**NOTE:** Participating colleges and universities do not control the emergency response systems at DUC. Questions or concerns about the system should be directed to the Dixon University Center Director of Continuing Education and Conference Services.



## CAMPUS FACILITIES

**Access to Campus Facilities:** Students, faculty and staff of participating colleges and universities and community members, guests and visitors have access to most Dixon University Center (DUC) campus buildings and facilities during regular business hours on weekdays and for scheduled events in the evenings and weekends, excluding most holidays. Information related to available hours of operation and holiday schedules may be found [here](#).

Minors (any person under the age of 18) are not allowed to be at the DUC without being accompanied by an adult.

**Residence Halls:** No residential housing facilities are available at DUC.

**Security of Campus Facilities:** The Dixon University Center (DUC) Director of Facility Operations and Maintenance is responsible for locking and unlocking designated buildings and facilities. Contracted security services for DUC are responsible for patrolling campus grounds and buildings during specified scheduled hours of operation.

Students, faculty or staff with concerns related to building door locks or security hardware failures are asked to report their information to the DUC Director of Facility Operations and Maintenance.

If you need assistance in gaining authorized entry into a DUC building or facility, please contact DUC administration at (717) 720.4080.

**Security Considerations in the Maintenance of Campus Facilities:** Dixon University Center (DUC) facilities and ground maintenance personnel are responsible for the maintenance and repair of all buildings and property owned and operated by the DUC.

**Lighting:** Exterior campus lighting is essential in creating a safe campus environment. Motor vehicle parking lots and structures, main pedestrian walkways and most campus building exteriors are lighted throughout the night. Maintenance, custodial, security, faculty and staff advise the facilities management personnel of the DUC on an ongoing basis of any lighting outages that occur.

**Grounds Maintenance:** DUC grounds maintenance personnel trim trees, vines, shrubs and other vegetation on a regular basis to enhance campus security. Pedestrian walkways, building entrances, windows and lighting fixtures are free from obstructing vegetation. Building coordinators are encouraged to report any specific concerns regarding vegetation to the DUC Help Desk via phone at (717) 720.4444.

## ALCOHOL AND DRUG POLICIES

### **Possession, Use and Sale of Alcohol and Illegal Drugs**

Dixon University Center (DUC) is committed to excellence in all aspects of personal and academic life. DUC supports the responsible, legal consumption of alcohol and compliance with all federal, state and local laws concerning alcohol and illegal drugs. Alcohol may be served at events that do not have minors in attendance with the written approval of the Dixon University Center.

Violators of Commonwealth, federal and/or local laws regulating the possession, use and sale of alcohol or illegal drugs at DUC or participating colleges and universities will be reported to local authorities and may be held accountable by criminal courts as well as the student conduct policies of their institution.

### **Drug and Alcohol Education Programs**

Dixon University Center (DUC) does not provide drug or alcohol awareness programs for students and employees. Students and employees are encouraged to contact their participating colleges and universities for student or employee drug and alcohol awareness program material and/or ongoing training.

In accordance with the Safe and Drug-Free Schools and Communities Act, participating colleges and universities at the DUC annually provide information to students and employees regarding drug and alcohol policies and required reporting.

### **Alcohol and Drugs in the Workplace**

The unlawful manufacture, distribution, dispensing, possession or use of alcohol and other controlled substances by a DUC employee while on duty, or on DUC grounds, is prohibited. Inappropriate use of alcohol or other controlled substances by any employee while on DUC grounds is prohibited. Such conduct shall subject the employee to appropriate discipline, up to and including termination. Employees who are taking a controlled substance as prescribed by a medical provider are not in violation of PASSHE policy.

### **Criminal Penalties for Drug and Alcohol Violations**

In accordance with Pennsylvania law, persons found to be in possession of illegal drugs or paraphernalia can be charged with a misdemeanor or felony offense, depending on the type and/or quantity of substance discovered. Under current statutory guidance, penalties for a first offense upon conviction can include fines no less than \$500 and possible imprisonment up to 15 years.

Persons under the age of 21 found to be purchasing, consuming, possessing or transporting alcoholic beverages can be charged with a summary offense. Penalties upon conviction for a first offense can include fines up to \$300 and will involve suspension of driving privileges for 90

days. Persons found to be furnishing alcohol to minors can be charged with a misdemeanor offense. Penalties upon conviction can include fines of no less than \$1,000.

## CRIME STATISTICS

### **Preparation and Disclosure of Annual Crime Statistics**

Dixon University Center (DUC) campus crime, arrest and referral statistics include those reported to the Harrisburg Police Department, the office responsible for student conduct at each participating State System university and other Campus Security Authorities as defined by the Clery Act. Crime statistics are gathered for buildings and property within campus boundaries that are owned or controlled by DUC; or, properties that are leased, rented or controlled by DUC and used for educational and institutional purposes.

By October 1 of each year, an email notification is made to all enrolled students, faculty and staff of participating State System universities and the administrative contacts for participating colleges and universities that provides the website address for accessing crime statistics and information regarding how interested persons can request a printed copy of this Annual Security Report (ASR). Additionally, information about the ASR is made available to all applicants who apply for enrollment or employment at the participating State System university.

DUC Annual Security Report information is available [here](#).

### **Criminal Activity Off Campus**

DUC currently does not own or control any off-campus buildings or student housing for purposes of “noncampus” reporting. The Harrisburg Police Department responds to criminal complaint activity outside of the DUC campus and crime statistics for geographic areas required for disclosure are requested from this agency for inclusion in the Annual Security Report.

Students participating in academic programs at DUC that become involved in criminal cases off campus may be subject to arrest by the local agency and sanctions through the student disciplinary process of the participating college or university.

In general, students, employees and visitors to the DUC campus should know that, as with any community, criminal activity occasionally occurs both on and off campus and it is important to take reasonable precautions to avoid being a crime victim at all times. The Harrisburg Police Department can assist any member of the DUC community in determining an appropriate point of contact for police matters occurring off campus.

### **Daily Crime Log**

Dixon University Center does not have a campus police or full-time security department and does not maintain a daily crime log.

## SECURITY AWARENESS, *CRIME* PREVENTION AND EDUCATION

### **Security Awareness Programs for Students and Employees**

Dixon University Center (DUC) does not provide security awareness programs for students and employees. Students and employees are encouraged to contact their participating college or university for student or employee orientation security program material and/or ongoing security training.

All students, faculty, staff, guests and visitors at the DUC are encouraged to practice personal safety precautions and, when practical, not walk alone (particularly after dark). Individuals who have personal safety concerns may ask DUC security personnel for an escort during specified scheduled hours of operation.

All students, faculty and staff of DUC are encouraged to review active harmer training utilizing the Federal Emergency Management Agency (FEMA) course: IS-907 “Active Shooter: What can you do?” for guidance and points of discussion. This training may be located at the Federal Emergency Management Agency (FEMA) Independent Study [webpage](#).

### **Crime Prevention Programs**

Dixon University Center (DUC) does not sponsor crime-prevention programs for students and employees. Students and employees are encouraged to contact their participating college or university for crime-prevention program material or the Harrisburg Police Department at (717) 558.6900 to request local crime-prevention materials.

## MISSING STUDENT POLICY

### **Missing Student Policy**

Federal law requires each institution of higher learning with residential housing facilities to provide every student residing in on-campus housing the option of providing confidential contact information that will be used in the event the resident is reported missing. Dixon University Center maintains no residential housing facilities and does not have a missing student policy.

Persons with information related to missing persons, including students, should contact the Harrisburg Police Department immediately at 911 (for emergencies) or (717) 255.3131 for nonemergency information sharing.

## SEXUAL ASSAULT POLICY

### **Sexual Assault, Domestic Violence, Dating Violence and Stalking Programs and Procedures**

Pennsylvania State System of Higher Education is an equal opportunity educational institution and will not discriminate on the basis of race, color, national origin, age, religion, veteran status, sex and disability in its activities, programs or employment practices as required by Title VI, Title VII, Title IX, Section 504, ADEA and the ADA.

For information regarding civil rights or grievance procedures and for inquiries concerning the application of Title IX and its implementing regulation, contact Denise Pearson, Vice Chancellor, Chief Diversity, Equity & Inclusion Officer and Interim Title IX Coordinator for the State System (email: [dpearson@passhe.edu](mailto:dpearson@passhe.edu), phone: (717) 720.4158).

Additionally, inquiries concerning Title IX and its implementing regulation can be made to the U.S. Department of Education, Office of Civil Rights, Region III, The Wanamaker Building, 100 Penn Square East-Suite 505, Philadelphia, PA 19107; Phone: (215)656.6020.

For more information regarding Dixon University Center (DUC) Sexual Assault and Relationship Violence reporting procedures, safety tips and referrals to Pennsylvania's State System of Higher Education Title IX Coordinators, please click [here](#).

### **Primary and Ongoing Prevention and Awareness Programs and Campaigns**

Dixon University Center (DUC) does not sponsor sexual assault or relationship violence prevention programs for students and employees. Students and employees are encouraged to contact their participating college or university for program or campaign material or the Harrisburg Police Department at (717) 558.6900 to request local crime prevention, awareness or campaign programming information.

Dixon University Center maintains direct contact with the following resources in addition to the Harrisburg Police Department and resources available directly from participating colleges or universities:

- Pennsylvania Coalition Against Rape: 1.888.772.7227 [www.pcar.org](http://www.pcar.org)
- National Sexual Assault Hotline: 1.800.656.4673 [www.rainn.org](http://www.rainn.org)
- YWCA 24-hour Crisis Hotline: 1.800.654.1211 <http://www.ywcahbg.org>
- Pennsylvania Coalition Against Domestic Violence: 1.800.932.4632 [www.pcadv.org](http://www.pcadv.org)
- National Domestic Violence Hotline: 1.800.799.7233 [www.ndvh.org](http://www.ndvh.org)

## **Procedures Victims Should Follow and Reporting Options**

All sex offense and relationship violence crimes should be immediately reported to the Harrisburg Police Department at 911 (emergency) or (717) 255.3131 (nonemergency).

For purposes of Title IX reporting, reports of sex offense and relationship violence crimes may be made to Denise Pearson, the Interim State System Title IX Coordinator. Reports made to the State System may be provided to the Title IX Coordinator of a participating college or university.

Additional information is also available in the Sexual Assault and Relationship Violence Booklet [here](#).

Reports may also be made to the Title IX Coordinator of the participating college or university.

The PASSHE Title IX Coordinator may provide information for law enforcement services and each participating State System Title IX coordinator and associated victim services and resources at the participating college or university, upon request.

## **Preservation of Evidence**

Bathing, smoking, changing clothing or cleaning the bed/linen/area where a sexual assault occurred may reduce the ability to collect forensic evidence to support criminal charges or substantiate policy violations. If a victim elects to change the clothing they were wearing at the time of the assault, put all of the clothing into a paper (not plastic) bag. The preservation of evidence can be important for the purposes of obtaining a protection order or the successful prosecution of a crime and/or a policy violation. NOTE: Forensic evidence collection may still take place regardless if a victim of a sexual assault has undertaken any of these activities or steps.

Pennsylvania law contains provisions to ensure the collection and preservation of forensic evidence in sexual assault cases. A victim of a sexual offense will not bear the cost of a forensic medical examination that includes the collection of evidence even if the victim does not want to participate in the criminal justice system or otherwise cooperate with a law enforcement agency, prosecuting attorney or other government official.

In circumstances of sexual assault, if victims do not opt for forensic evidence collection, healthcare providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. After an incident of sexual assault, the victim should consider seeking medical attention as soon as possible in all cases.

Victims of sexual assault, domestic violence, dating violence and stalking are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages and other

communications; keeping pictures, logs or other copies of documents; and identifying witnesses that would be useful to police and/or other investigators.

### **Victim Confidentiality**

For students who are victims of crime, the Family Educational Rights and Privacy Act (FERPA) provides certain protections against the release of information for covered participating colleges and universities. Students, faculty or staff at DUC are also subject to all current statutory provisions of Commonwealth law related to protection of criminal investigative report information, inclusive of victim identification.

### **Victim Accommodations**

Sometimes, experiencing a sexual assault or relationship violence can compromise concentration, ability to focus on academics or even feeling able to get to class. The Title IX Coordinators or other personnel at participating colleges and universities can provide additional information to students on specific resources available through the participating college or university, including managing academic issues.

### **Procedure for Disciplinary Action**

Dixon University Center (DUC) does not directly enroll students and does not have student conduct regulations. Students will be referred to the participating college or university's specific student judicial process. Employees will be referred to the human resources office or other appropriate office for possible discipline.

### **Sex Offender Registration Policy**

The Campus Sex Crimes Prevention Act requires sex offenders, who must register under state law, to provide notice of enrollment or employment at any institution of higher education (IHE) in that state where the offender resides, as well as notice of each change of enrollment or employment status at the IHE. In turn, this information will be made available by the state authorities to the local law enforcement agency that has jurisdiction where the IHE is located. The IHE is not required to request this data from the state, but the IHE must issue a statement advising the campus community as to where information concerning registered sex offenders can be obtained. Information required under the Campus Sex Crimes Prevention Act for Pennsylvania is maintained by the Pennsylvania State Police and is accessible at <https://www.pameganslaw.state.pa.us/>



APPENDIX A

Dixon University Center 2018 – 2019 – 2020 Crime Statistics Report

Reported Crimes	On-Campus Property			Noncampus Property			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
<b>Crime Year</b>									
<b>Murder/Non-Negligent Manslaughter</b>	0	0	0	0	0	0	0	0	0
<b>Manslaughter by Negligence</b>	0	0	0	0	0	0	0	0	0
<b>Robbery</b>	0	0	0	0	0	0	0	0	0
<b>Aggravated Assault</b>	0	0	0	0	0	0	0	0	0
<b>Motor Vehicle Theft</b>	0	0	0	0	0	0	0	0	0
<b>Arson</b>	0	0	0	0	0	0	0	0	0
<b>Burglary</b>	0	0	0	0	0	0	0	0	0
<b>Rape</b>	0	0	0	0	0	0	0	0	0
<b>Fondling</b>	0	0	0	0	0	0	0	0	0
<b>Incest</b>	0	0	0	0	0	0	0	0	0
<b>Statutory Rape</b>	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
<b>Stalking</b>	0	0	0	0	0	0	0	0	0
<b>Domestic Violence</b>	0	0	0	0	0	0	0	0	0
<b>Dating Violence</b>	0	0	0	0	0	0	0	0	0
<b>Arrests</b>									
<b>Liquor Law Violations</b>	0	0	0	0	0	0	0	0	0
<b>Drug Law Violations</b>	0	0	0	0	0	0	0	0	0
<b>Weapons: Carrying, Possessing, ETC.</b>	0	0	0	0	0	0	0	0	0
<b>Disciplinary Referrals</b>									
<b>Liquor Law Violations</b>	0	0	0	0	0	0	0	0	0
<b>Drug Law Violations</b>	0	0	0	0	0	0	0	0	0
<b>Weapons: Carrying, Possessing, ETC.</b>	0	0	0	0	0	0	0	0	0

\* The reports for domestic violence and dating violence may also be included in a sexual assault or aggravated sexual assault category.

\*\* The Dixon University Center does not have any on-campus student housing facilities.

**HATE CRIMES:** A hate crime is defined as a crime committed that is intentionally directed at a person or persons selected on the basis of actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity or disability. For crimes listed above, and all locations (on-campus, noncampus, private property), there were no hate crimes reported in any of the following years: 2017, 2018 or 2019 for the Dixon University Center.

## APPENDIX B CLERY CRIME DEFINITIONS

**Criminal Homicide**. These offenses are separated into two categories: Murder and Non-negligent Manslaughter, and Manslaughter by Negligence.

**Murder and Non-negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another.

**Include as Murder and Non-negligent Manslaughter:**

Any death caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime.

**Manslaughter by Negligence** is defined as the killing of another person through gross negligence.

**Include as Manslaughter by Negligence:**

Any death caused by the gross negligence of another. In other words, it's something that a reasonable and prudent person would not do.

**Sexual Assault (Sex Offenses)**. Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

**Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

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

**Robbery**. Robbery is 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**. Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary.** Burglary is the unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft.** Motor vehicle theft is the theft or attempted theft of a motor vehicle.

**Arson.** 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 Crime.** A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Categories of bias:

**Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind, (e.g., Asians, Blacks or African Americans, Whites).

**Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, Atheists).

**Sexual Orientation.** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

**Gender.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender (e.g., male or female).

**Gender Identity.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender nonconforming individuals).

**Ethnicity.** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

**National Origin.** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

**Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

**NOTE:** For Clery Act purposes, hate crimes include any of the following offenses that are motivated by bias: murder and non-negligent manslaughter; sexual assault; robbery;

aggravated assault; burglary; motor vehicle theft; arson; larceny-theft; simple assault; intimidation; destruction/damage/vandalism of property.

**Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in Clery Act statistics only if they are Hate Crimes.**

**Larceny-Theft** is the unlawful taking, carrying, leading or riding away of property from or constructive possession of another.

**Simple Assault** is 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.

**Intimidation** is 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.

**Destruction/Damage/Vandalism of Property** is 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.

**Dating Violence.** Defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence.** Defined as a felony or misdemeanor crime of violence committed:

By a current or former spouse or intimate partner of the victim;

By a person with whom the victim shares a child in common;

By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;

By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking**. Defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress.

**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.

**Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.

**Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## CLERY DEFINITIONS FOR ARRESTS AND REFERRALS

The Clery Act requires disclosure of crime statistics for the **number of arrests** and **the number of persons referred for disciplinary action** for the following law violations:

1. Weapons: carrying, possessing, etc.;
2. Drug abuse violations; and
3. Liquor law violations.

**Arrest** for Clery Act purposes is defined as persons processed by arrest, citation or summons.

**Referred for disciplinary action** is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

**Drug Abuse Violations** are violations of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. This includes the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs are included.

**Liquor Law Violations** are violations of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Weapons Law Violations (Carrying, Possession, etc.)** are violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

## APPENDIX C

### PENNSYLVANIA UNIFORM CRIME REPORTING ACT

The Pennsylvania Uniform Crime Reporting Act requires the release of crime statistics and crime rates to students and employees, and it requires that those statistics be available to applicants and new employees upon request. The rate is based on the actual number of Full-Time Equivalent (FTE) students, faculty and staff calculated according to a state-mandated formula. The index in the table below is based on incidents per 100,000 FTEs. The crime rates for 2017, 2018 and 2019 are established using population figures for the fall academic semester of each year (standard rounding rules are applied).

Under the Pennsylvania Uniform Crime Reporting Act, institutions of higher education are required to report crime statistics as defined by the Uniform Crime Reporting Program for the following crimes if the crimes are reported and occur on the property owned by the college or university.

The Uniform Crime Reporting (UCR) program divides offenses into two groups: Part I and Part II crimes. Each month, the Harrisburg Police Department submits information on the number of Part I and Part II offenses known to the Department, and those offenses cleared by arrest or exceptional means, to the Pennsylvania State Police.

**NOTE:** Pennsylvania state crime classifications reported by an individual college or university may vary statistically from the crime classifications under federal law, as reported in accordance with the Clery Act. Because of these differing crime classifications and definitions, with only a few exceptions, the Pennsylvania state crime statistics will rarely match the federal crime statistics.

#### **Part I Offenses:**

##### **Criminal Homicide:**

A) Murder and non-negligent manslaughter: the willful (non-negligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides and accidental deaths are excluded. The program classifies justifiable homicides separately and limits the definition to:

- (1) the killing of a felon by a law enforcement officer in the line of duty; or
- (2) the killing of a felon, during the commission of a felony, by a private citizen.

B) Manslaughter by negligence: the killing of another person through gross negligence. Traffic fatalities are excluded.

**Rape:** 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. Statutory offenses (no force used—victim under age of consent) are excluded.



**Robbery:** The taking or attempted taking of 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. Simple assaults are excluded.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

**Larceny-Theft** (except Motor Vehicle Theft): The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles or automobile accessories, shoplifting, pocket-picking, or the stealing of any property or article that is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes and farming equipment are specifically excluded from this category.

**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.

## **Part II Offenses:**

**Other Assaults** (Simple): Assaults and attempted assaults which are not of an aggravated nature and do not result in serious injury to the victim. Includes subjecting a person to unlawful physical attack or to fear of bodily harm by word or action.

**Forgery and Counterfeiting:** The altering, copying or imitating of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or the selling, buying or possession of an altered, copied or imitated thing with the intent to deceive or defraud. Attempts are included.

**Fraud:** The intentional perversion of the truth for the purpose of inducing another person or other entity in reliance upon it to part with something of value or to surrender a legal right. Fraudulent conversion and obtaining of money or property by false pretenses, confidence games and bad checks, except forgeries and counterfeiting, are included.

**Embezzlement:** The unlawful misappropriation or misapplication by an offender to his/her own use or purpose of money, property or some other thing of value entrusted to his/her care,

custody or control.

**Stolen Property — Buying, Receiving or Possessing:** Buying, receiving, possessing, selling, concealing or transporting any property with the knowledge that it has been unlawfully taken, as by burglary, embezzlement, fraud, larceny, robbery, etc. Attempts are included.

**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. Attempts are included.

**Weapons — Carrying, Possessing, etc.:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. Attempts are included.

**Prostitution and Commercialized Vice:** The unlawful promotion of, or participation in, sexual activities for profit, including attempts.

**Sex offenses** (except forcible rape, prostitution and commercialized vice): Statutory rape, offenses against chastity, common decency, morals and the like. Includes the offense of fondling. Attempts are included.

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution and/or use of certain controlled substances. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs. The following drug categories are specified: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics that can cause true addiction (Demerol, Methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Gambling:** To unlawfully bet or wager money or something else of value; assist, promote or operate a game of chance for money or some other stake; possess or transmit wagering information; manufacture, sell, purchase, possess or transport gambling equipment, devices or goods; or tamper with the outcome of a sporting event or contest to gain a gambling advantage.

**Offenses Against the Family and Children:** Unlawful nonviolent acts by a family member (or legal guardian) that threaten the physical, mental or economic well-being or morals of another family member and that are not classifiable as other offenses, such as assault or sex offenses. Attempts are included.

**Driving Under the Influence:** Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic.

**Liquor Laws:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness. Federal violations are excluded.

**Drunkenness:** To drink alcoholic beverages to the extent that one's mental faculties and physical coordination are substantially impaired. Excludes driving under the influence.

**Disorderly Conduct:** Any behavior that tends to disturb the public peace or decorum, scandalizes the community or shocks the public sense of morality.

**Vagrancy:** The violation of a court order, regulation, ordinance or law requiring the withdrawal of persons from the streets or other specified areas; prohibiting persons from remaining in an area or place in an idle or aimless manner; or prohibiting persons from going from place to place without visible means of support.

**All Other Offenses:** All violations of state or local laws not specifically identified as Part I or Part II offenses, except traffic violations.

## APPENDIX D

### PENNSYLVANIA CRIME DEFINITIONS AND STATUTORY REFERENCES

#### Consent

##### 311. Consent.

**(a) General rule.** The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negates an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.

**(b) Consent to bodily injury.** When conduct is charged to constitute an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury is a defense if:

- (1) the conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
- (2) the consent establishes a justification for the conduct under Chapter 5 of this title (relating to general principles of justification).

**(c) Ineffective consent.** Unless otherwise provided by this title or by the law defining the offense, assent does not constitute consent if:

- (1) it is given by a person who is legally incapacitated to authorize the conduct charged to constitute the offense;
- (2) it is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;
- (3) it is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or
- (4) it is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.

(Apr. 16, 1992, P.L.108, No.24, eff. 60 days)

**1992 Amendment.** Act 24 amended subsec. (c).

**Cross References.** Section 311 is referred to in sections 2607, 2718 of this title.

#### Sexual Assault

##### Sec.

3101. Definitions.

3102. Mistake as to age.

3103. Spouse relationships (repealed).

3104. Evidence of victim's sexual conduct.

- 3105. Prompt complaint.
- 3106. Testimony of complainants.
- 3107. Resistance not required.

### **3101. Definitions.**

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

**“Complainant.”** An alleged victim of a crime under this chapter.

**“Deviate sexual intercourse.”** Sexual intercourse per os or per anus between human beings and any form of sexual intercourse with an animal. The term also includes penetration, however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.

**“Forcible compulsion.”** Compulsion by use of physical, intellectual, moral, emotional or psychological force, either express or implied. The term includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after sexual intercourse.

**“Foreign object.”** Includes any physical object not a part of the actor's body.

**“Indecent contact.”** Any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in any person.

**“Serious bodily injury.”** As defined in section 2301 (relating to definitions).

**“Sexual intercourse.”** In addition to its ordinary meaning, includes intercourse per os or per anus, with some penetration, however slight; emission is not required.

### **3102. Mistake as to age.**

Except as otherwise provided, whenever in this chapter the criminality of conduct depends on a child being below the age of 14 years, it is no defense that the defendant did not know the age of the child or reasonably believed the child to be the age of 14 years or older. When criminality depends on the child's being below a critical age older than 14 years, it is a defense for the defendant to prove by a preponderance of the evidence that he or she reasonably believed the child to be above the critical age.

### **§ 3104. Evidence of victim's sexual conduct.**

**(a) General rule.** Evidence of specific instances of the alleged victim's past sexual conduct, opinion evidence of the alleged victim's past sexual conduct, and reputation evidence of the alleged victim's past sexual conduct shall not be admissible in prosecutions under this chapter except evidence of the alleged victim's past sexual conduct with the defendant where consent of the alleged victim is at issue and such evidence is otherwise admissible pursuant to the rules of evidence.

**(b) Evidentiary proceedings.** A defendant who proposes to offer evidence of the alleged victim's past sexual conduct pursuant to subsection (a) shall file a written motion and offer of proof at the time of trial. If, at the time of trial, the court determines that the motion and offer of proof are sufficient on their faces, the court shall order an in camera hearing and shall make

findings on the record as to the relevance and admissibility of the proposed evidence pursuant to the standards set forth in subsection (a).

**§ 3105. Prompt complaint.**

Prompt reporting to public authority is not required in a prosecution under this chapter; provided, however, that nothing in this section shall be construed to prohibit a defendant from introducing evidence of the complainant's failure to promptly report the crime if such evidence would be admissible pursuant to the rules of evidence.

**3106. Testimony of complainants.**

The credibility of a complainant of an offense under this chapter shall be determined by the same standard as is the credibility of a complainant of any other crime. The testimony of a complainant need not be corroborated in prosecutions under this chapter. No instructions shall be given cautioning the jury to view the complainant's testimony in any other way than that in which all complainants' testimony is viewed.

**§ 3107. Resistance not required.**

The alleged victim need not resist the actor in prosecutions under this chapter; provided, however, that nothing in this section shall be construed to prohibit a defendant from introducing evidence that the alleged victim consented to the conduct in question.

**SUBCHAPTER B**

**DEFINITION OF OFFENSES**

**Sec.**

3121. Rape.

3122. Statutory rape (repealed).

3122.1. Statutory sexual assault.

3123. Involuntary deviate sexual intercourse.

3124. Voluntary deviate sexual intercourse (repealed).

3124.1. Sexual assault.

3124.2. Institutional sexual assault.

3124.3. Sexual assault by sports official, volunteer or employee of nonprofit association.

3125. Aggravated indecent assault.

3126. Indecent assault.

3127. Indecent exposure.

3128. Spousal sexual assault (repealed).

3129. Sexual intercourse with animal.

3130. Conduct relating to sex offenders.

3131. Unlawful dissemination of intimate image.

### **3121. Rape.**

**(a) Offense defined.** A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:

- (1) By forcible compulsion.
- (2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
- (3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.
- (4) Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.
- (5) Who suffers from a mental disability which renders the complainant incapable of consent.
- (6) (Deleted by amendment).

**(b) Additional penalties.** In addition to the penalty provided for by subsection (a), a person may be sentenced to an additional term not to exceed 10 years' confinement and an additional amount not to exceed \$100,000 where the person engages in sexual intercourse with a complainant and has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, any substance for the purpose of preventing resistance through the inducement of euphoria, memory loss and any other effect of this substance.

**(c) Rape of a child.** A person commits the offense of rape of a child, a felony of the first degree, when the person engages in sexual intercourse with a complainant who is less than 13 years of age.

**(d) Rape of a child with serious bodily injury.** A person commits the offense of rape of a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is under 13 years of age and suffers serious bodily injury in the course of the offense.

**(e) Sentences.** Notwithstanding the provisions of section 1103 (relating to ~~sentence~~ of imprisonment for felony), a person convicted of an offense under:

- (1) Subsection (c) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years.
- (2) Subsection (d) shall be sentenced up to a maximum term of life imprisonment.

#### **3122.1. Statutory sexual assault.**

**(a) Felony of the second degree.** Except as provided in section 3121 (relating to rape), a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either:

- (1) four years older but less than eight years older than the complainant; or



(2) eight years older but less than 11 years older than the complainant.

**(b) Felony of the first degree.** A person commits a felony of the first degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to each other.

**3123. Involuntary deviate sexual intercourse.**

**(a) Offense defined.** A person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant:

- (1) by forcible compulsion;
  - (2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
  - (3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
  - (4) where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
  - (5) who suffers from a mental disability which renders him or her incapable of consent;
- or
- (6) (Deleted by amendment).
  - (7) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.

**(b) Involuntary deviate sexual intercourse with a child.** A person commits involuntary deviate sexual intercourse with a child, a felony of the first degree, when the person engages in deviate sexual intercourse with a complainant who is less than 13 years of age.

**(c) Involuntary deviate sexual intercourse with a child with serious bodily injury.** A person commits an offense under this section with a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is less than 13 years of age and the complainant suffers serious bodily injury in the course of the offense.

**(d) Sentences.** Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), a person convicted of an offense under:

- (1) Subsection (b) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years.
- (2) Subsection (c) shall be sentenced up to a maximum term of life imprisonment.

**(e) Definition.** As used in this section, the term "forcible compulsion" includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after the sexual intercourse.

**3124.1. Sexual assault.**

Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.

**3124.2. Institutional sexual assault.**

**(a) General rule.** Except as provided under subsection (a.1) and in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault) and 3125 (relating to aggravated indecent assault), a person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, state or county juvenile detention facility, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident.

**(a.1) Institutional sexual assault of a minor.** A person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, state or county juvenile detention facility, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident who is under 18 years of age.

**(a.2) Schools.**

(1) Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a person who is a volunteer or an employee of a school or any other person who has direct contact with a student at a school commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a student of the school.

(2) As used in this subsection, the following terms shall have the meanings given to them in this paragraph:

(i) "Direct contact." Care, supervision, guidance or control.

(ii) "Employee."

(A) Includes:

(I) A teacher, a supervisor, a supervising principal, a principal, an assistant principal, a vice principal, a director of vocational education, a dental hygienist, a visiting teacher, a home and school visitor, a school counselor, a child nutrition program specialist, a school librarian, a school secretary (the selection of whom is on the basis of merit as determined by eligibility lists), a school nurse, a substitute teacher, a janitor, a cafeteria worker, a bus driver, a teacher aide and any other employee who has direct contact with school students.

(II) An independent contractor who has a contract with a school for the purpose of performing a service for the school, a coach, an athletic trainer, a coach hired as an

independent contractor by the Pennsylvania Interscholastic Athletic Association or an athletic trainer hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association.

(B) The term does not include:

(I) A student employed at the school.

(II) An independent contractor or any employee of an independent contractor who has no direct contact with school students.

(iii) "School." A public or private school, intermediate unit or area vocational-technical school.

(iv) "Volunteer." The term does not include a school student.

**(a.3) Child care.** Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a person who is a volunteer or an employee of a center for children commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a child who is receiving services at the center.

**(b) Definitions.** As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Agent." A person who is assigned to work in a state or county correctional or juvenile detention facility, a youth development center, youth forestry camp, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution who is employed by any State or county agency or any person employed by an entity providing contract services to the agency.

"Center for children." Includes a child day-care center, group and family day-care home, boarding home for children, a center providing early intervention and drug and alcohol services for children, or other facility which provides child-care services which are subject to approval, licensure, registration or certification by the Department of Public Welfare or a county social services agency or which are provided pursuant to a contract with the department or a county social services agency. The term does not include a youth development center, youth forestry camp, state or county juvenile detention facility, and other licensed residential facility serving children and youth.

**3124.3. Sexual assault by sports official, volunteer or employee of nonprofit association.**

**(a) Sports official.** Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault) and 3125 (relating to aggravated indecent assault), a person who serves as a sports official in a sports program of a nonprofit association or a for-profit association commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with a child under 18 years of age who is participating in a sports program of the nonprofit association or for-profit association.

**(b) Volunteer or employee of nonprofit association.** Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a volunteer or an employee of a nonprofit association having direct contact with a child under 18 years of age who participates in a program or activity of the

nonprofit association commits a felony of the third degree if the volunteer or employee engages in sexual intercourse, deviate sexual intercourse or indecent contact with that child.

**(c) Definitions.** As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

**“Direct contact.”** Care, supervision, guidance or control.

**“Nonprofit association.”** As defined in 42 Pa.C.S. § 8332.1 (relating to manager, coach, umpire or referee and nonprofit association negligence standard).

**“Sports official.”** A person who supervises children participating in a sports program of a nonprofit association or a for-profit association, including, but not limited to, a coach, assistant coach, athletic trainer, team attendant, game manager, instructor or a person at a sports program who enforces the rules of a sporting event sponsored by a sports program of a nonprofit association or a for-profit association, including, but not limited to, an umpire or referee, whether receiving remuneration or holding the position as a volunteer.

**“Sports program.”** As defined in 42 Pa.C.S. § 8332.1.  
(June 18, 2014, P.L.741, No.56, eff. 60 days)

### **3125. Aggravated indecent assault.**

**(a) Offenses defined.** Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person’s body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if:

- (1) the person does so without the complainant's consent;
- (2) the person does so by forcible compulsion;
- (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (4) the complainant is unconscious or the person knows that the complainant is unaware that the penetration is occurring;
- (5) the person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
- (6) the complainant suffers from a mental disability which renders him or her incapable of consent;
- (7) the complainant is less than 13 years of age; or
- (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

**(b) Aggravated indecent assault of a child.** A person commits aggravated indecent assault of a child when the person violates subsection (a)(1), (2), (3), (4), (5) or (6) and the complainant is less than 13 years of age.

**(c) Grading and sentences.**

- (1) An offense under subsection (a) is a felony of the second degree.
- (2) An offense under subsection (b) is a felony of the first degree.

**3126. Indecent assault.**

**(a) Offense defined.** A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and:

- (1) the person does so without the complainant's consent;
- (2) the person does so by forcible compulsion;
- (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (4) the complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring;
- (5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
- (6) the complainant suffers from a mental disability which renders the complainant incapable of consent;
- (7) the complainant is less than 13 years of age; or
- (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

**(b) Grading.** Indecent assault shall be graded as follows:

- (1) An offense under subsection (a)(1) or (8) is a misdemeanor of the second degree.
- (2) An offense under subsection (a)(2), (3), (4), (5) or (6) is a misdemeanor of the first degree.
- (3) An offense under subsection (a)(7) is a misdemeanor of the first degree unless any of the following apply, in which case it is a felony of the third degree:
  - (i) It is a second or subsequent offense.
  - (ii) There has been a course of conduct of indecent assault by the person.
  - (iii) The indecent assault was committed by touching the complainant's sexual or intimate parts with sexual or intimate parts of the person.
  - (iv) The indecent assault is committed by touching the person's sexual or intimate parts with the complainant's sexual or intimate parts.

**3127. Indecent exposure.**

**(a) Offense defined.** A person commits indecent exposure if that person exposes his or her genitals in any public place or in any place where there are present other persons under circumstances in which he or she knows or should know that this conduct is likely to offend, affront or alarm.

**(b) Grading.** If the person knows or should have known that any of the persons present are less than 16 years of age, indecent exposure under subsection (a) is a misdemeanor of the first degree. Otherwise, indecent exposure under subsection (a) is a misdemeanor of the second degree.

**3129. Sexual intercourse with animal.**

A person who engages in any form of sexual intercourse with an animal commits a misdemeanor of the second degree.

**3130. Conduct relating to sex offenders.**

**(a) Offense defined.** A person commits a felony of the third degree if the person has reason to believe that a sex offender is not complying with or has not complied with the requirements of the sex offender's probation or parole, imposed by statute or court order, or with the registration requirements of 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), and the person, with the intent to assist the sex offender in eluding a law enforcement agent or agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of the sex offender's probation or parole or the requirements of 42 Pa.C.S. Ch. 97 Subch. H:

(1) withholds information from or does not notify the law enforcement agent or agency about the sex offender's noncompliance with the requirements of parole, the requirements of 42 Pa.C.S. Ch. 97 Subch. H or, if known, the sex offender's whereabouts;

(2) harbors or attempts to harbor or assist another person in harboring or attempting to harbor the sex offender;

(3) conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sex offender; or

(4) provides information to the law enforcement agent or agency regarding the sex offender which the person knows to be false.

**(b) Definition.** As used in this section, the term "sex offender" means a person who is required to register with the Pennsylvania State Police pursuant to the provisions of 42 Pa.C.S. Ch. 97 Subch. H.

**§ 3131. Unlawful dissemination of intimate image.**

**(a) Offense defined.** Except as provided in sections 5903 (relating to obscene and other sexual materials and performances), 6312 (relating to sexual abuse of children) and 6321 (relating to transmission of sexually explicit images by minor), a person commits the offense of unlawful dissemination of intimate image if, with intent to harass, annoy or alarm a current or former sexual or intimate partner, the person disseminates a visual depiction of the current or former sexual or intimate partner in a state of nudity or engaged in sexual conduct.

**(b) Defense.** It is a defense to a prosecution under this section that the actor disseminated the visual depiction with the consent of the person depicted.

**(c) Grading.** An offense under subsection (a) shall be:

- (1) A misdemeanor of the first degree when the person depicted is a minor.
- (2) A misdemeanor of the second degree when the person depicted is not a minor.

**(d) Territorial applicability.** A person may be convicted under the provisions of this section if the victim or the offender is located within this Commonwealth.

**(e) Nonapplicability.** Nothing in this section shall be construed to apply to a law enforcement officer engaged in the performance of the law enforcement officer's official duties.

**(f) Concurrent jurisdiction to prosecute.** In addition to the authority conferred upon the Attorney General by the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and to institute criminal proceedings for any violation of this section or any series of violations involving more than one county of this Commonwealth or another state. No person charged with a violation of this section by the Attorney General shall have standing to challenge the authority of the Attorney General to investigate or prosecute the case, and, if a challenge is made, the challenge shall be dismissed, and no relief shall be made available in the courts of this Commonwealth to the person making the challenge.

**(g) Definitions.** As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

**"Law enforcement officer."** Any officer of the United States, of the Commonwealth or political subdivision thereof, or of another state or subdivision thereof, who is empowered to conduct investigations of or to make arrests for offenses enumerated in this title or an equivalent crime in another jurisdiction, and any attorney authorized by law to prosecute or participate in the prosecution of such offense.

**"Minor."** An individual under 18 years of age.

**"Nudity."** As defined in section 5903(e).

**"Sexual conduct."** As defined in section 5903(e).

**"Visual depiction."** As defined in section 6321.

## **Domestic Violence**

### **§ 2711. Probable cause arrests in domestic violence cases.**

**(a) General rule.** A police officer shall have the same right of arrest without a warrant as in a felony whenever he has probable cause to believe the defendant has violated section 2504 (relating to involuntary manslaughter), 2701 (relating to simple assault), 2702(a)(3), (4) and (5) (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats) or 2709.1 (relating to stalking) against a family or household member although the offense did not take place in the presence of the police officer. A police officer may not arrest a person pursuant to this section without first observing recent physical injury to the victim or other corroborative evidence. For the purposes of this subsection, the

term “family or household member” has the meaning given that term in 23 Pa.C.S. § 6102 (relating to definitions).

**(b) Seizure of weapons.** The arresting police officer shall seize all weapons used by the defendant in the commission of the alleged offense.

**(c) Bail.**

(1) A defendant arrested pursuant to this section shall be afforded a preliminary arraignment by the proper issuing authority without unnecessary delay. In no case shall the arresting officer release the defendant from custody rather than taking the defendant before the issuing authority.

(2) In determining whether to admit the defendant to bail, the issuing authority shall consider whether the defendant poses a threat of danger to the victim. If the issuing authority makes such a determination, it shall require as a condition of bail that the defendant shall refrain from entering the residence or household of the victim and the victim’s place of employment and shall refrain from committing any further criminal conduct against the victim and shall so notify the defendant thereof at the time the defendant is admitted to bail. Such condition shall expire at the time of the preliminary hearing or upon the entry or the denial of the protection of abuse order by the court, whichever occurs first. A violation of this condition may be punishable by the revocation of any form of pretrial release or the forfeiture of bail and the issuance of a bench warrant for the defendant’s arrest or remanding him to custody or a modification of the terms of the bail. The defendant shall be provided a hearing on this matter.

**(d) Notice of rights.** Upon responding to a domestic violence case, the police officer shall, orally or in writing, notify the victim of the availability of a shelter, including its telephone number, or other services in the community. Said notice shall include the following statement: “If you are the victim of domestic violence, you have the right to go to court and file a petition requesting an order for protection from domestic abuse pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) which could include the following:

- (1) An order restraining the abuser from further acts of abuse.
- (2) An order directing the abuser to leave your household.
- (3) An order preventing the abuser from entering your residence, school, business or place of employment.
- (4) An order awarding you or the other parent temporary custody of or temporary visitation with your child or children.
- (5) An order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.”

## **Title 23**

### **6102. Definitions.**

**(a) General rule.** The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:



**“Abuse.”** The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

(1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.

(2) Placing another in reasonable fear of imminent serious bodily injury.

(3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).

(4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).

(5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

**“Adult.”** An individual who is 18 years of age or older.

**“Certified copy.”** A paper copy of the original order of the issuing court endorsed by the appropriate clerk of that court or an electronic copy of the original order of the issuing court endorsed with a digital signature of the judge or appropriate clerk of that court. A raised seal on the copy of the order of the issuing court shall not be required.

**“Comparable court.”** A foreign court that:

(1) has subject matter jurisdiction and is authorized to issue ex parte, emergency, temporary or final protection orders in that jurisdiction; and

(2) possessed jurisdiction over the parties when the protection order was issued in that jurisdiction.

**“Confidential communications.”** All information, whether written or spoken, transmitted between a victim and a domestic violence counselor or advocate in the course of the relationship. The term includes information received or given by the domestic violence counselor or advocate in the course of the relationship, as well as advice, reports, statistical data, memoranda or working papers, records or the like, given or made in the course of the relationship. The term also includes communications made by or to a linguistic interpreter assisting the victim, counselor or advocate in the course of the relationship.

**“Domestic violence counselor/advocate.”** An individual who is engaged in a domestic violence program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence, who has undergone 40 hours of training.

**“Domestic violence program.”** A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims, which include, but are not limited to, crisis hotline; safe homes or shelters; community education; counseling systems intervention and interface; transportation, information and referral; and victim assistance.

**“Family or household members.”** Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners, or persons who share biological parenthood.

**“Firearm.”** Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon as defined by 18 Pa.C.S. § 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

**“Foreign protection order.”** A protection order as defined by 18 U.S.C. § 2266 (relating to definitions) issued by a comparable court of another state, the District of Columbia, Indian tribe or territory, possession or commonwealth of the United States.

**“Hearing officer.”** A magisterial district judge, judge of the Philadelphia Municipal Court, arraignment court magistrate appointed under 42 Pa.C.S. § 1123 (relating to jurisdiction and venue), master appointed under 42 Pa.C.S. § 1126 (relating to masters) and master for emergency relief.

**“Master for emergency relief.”** A member of the bar of the Commonwealth appointed under section 6110(e) (relating to emergency relief by minor judiciary).

**“Minor.”** An individual who is not an adult.

**“Other weapon.”** Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term does not include a firearm.

**“Safekeeping permit.”** A permit issued by a sheriff allowing a person to take possession of any firearm, other weapon or ammunition that a judge ordered a defendant to relinquish in a protection from abuse proceeding.

**“Secure visitation facility.”** A court-approved visitation program offered in a facility with trained professional staff operated in a manner that safeguards children and parents from abuse and abduction.

**“Sheriff.”**

(1) Except as provided in paragraph (2), the sheriff of the county.

(2) In a city of the first class, the chief or head of the police department.

**“Victim.”** A person who is physically or sexually abused by a family or household member. For purposes of section 6116 (relating to confidentiality), a victim is a person against whom abuse is committed who consults a domestic violence counselor or advocate for the purpose of securing advice, counseling or assistance. The term shall also include persons who have a significant relationship with the victim and who seek advice, counseling or assistance from a domestic violence counselor or advocate regarding abuse of the victim.

**“Weapon.”** Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term includes a firearm which is not loaded or lacks a magazine, clip or other components to render it immediately operable, and components which can readily be assembled into a weapon as defined by 18 Pa.C.S. § 907 (relating to possessing instruments of crime).

**NOTE: In Pennsylvania, criminal code related to dating violence is covered under Title 23 — Domestic Relations.**

## Stalking

### 2709.1. Stalking.

**(a) Offense defined.** A person commits the crime of stalking when the person either:

(1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or

(2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

**(b) Venue.**

(1) An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.

(2) Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

**(c) Grading.**

(1) Except as otherwise provided for in paragraph (2), a first offense under this section shall constitute a misdemeanor of the first degree.

(2) A second or subsequent offense under this section or a first offense under subsection (a) if the person has been previously convicted of a crime of violence involving the same victim, family or household member, including, but not limited to, a violation of section 2701 (relating to simple assault), 2702 (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2901 (relating to kidnapping), 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), an order issued under section 4954 (relating to protective orders) or an order issued under 23 Pa.C.S. § 6108 (relating to relief) shall constitute a felony of the third degree.

**(d) False reports.** A person who knowingly gives false information to any law enforcement officer with the intent to implicate another under this section commits an offense under section 4906 (relating to false reports to law enforcement authorities).

**(e) Application of section.** This section shall not apply to constitutionally protected activity.

**(f) Definitions.** As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

**“Communicates.”** To convey a message without intent of legitimate communication or address by oral, nonverbal, written or electronic means, including telephone, electronic mail, internet, facsimile, telex, wireless communication or similar transmission.

**“Course of conduct.”** A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening or obscene words, language, drawings, caricatures or actions, either in person or anonymously. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

**“Emotional distress.”** A temporary or permanent state of mental anguish.

**“Family or household member.”** Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons, who share biological parenthood.