

## Stop Street Harassment

# Arizona

A variety of forms of street harassment are illegal in Arizona, including obscene language, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

### Verbal Harassment

There are five laws that can apply to various types of verbal harassment in Arizona.

#### ***Disorderly Conduct***

[Title 13, Chap. 29 §2904](#)

Arizona's disorderly conduct law prohibits "abusive or offensive language or gestures," if they are "likely to provoke immediate physical retaliation" by the person they are directed at.

Note: The "likely to provoke immediate physical retaliation" part makes it a "[fighting words](#)" law. Since street harassment rarely results in the harassed person fighting back, these laws usually have not been used to address street harassment. But you can still try using it, and if enough people make a case for why it should be used, then it might be applied more often.

Arizona's disorderly conduct law also prohibits:

- Unreasonable noise.
- Fighting, violent, or seriously disruptive behavior.

If a harasser shouts at you, uses abusive, offensive or violent language, or causes a serious disruption in public – such as repeatedly blocking your path or harassing multiple people – you can report her/her.

**Penalty:** Disorderly conduct is a Class 1 misdemeanor, punishable by a fine of up to \$2,500 and/or up to 6 months in jail.

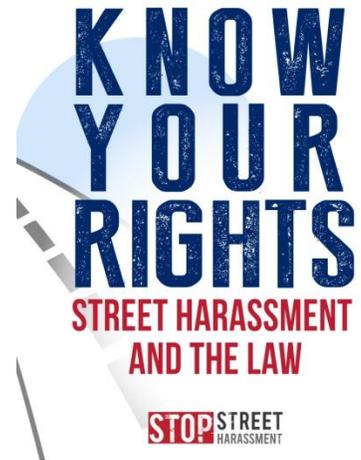
#### ***Harassment***

[Title 13, Chap. 29 §2921](#)

Under Arizona's harassment law it is illegal for anyone to communicate with you in a harassing manner or to repeatedly commit an act or acts that harass you. The statute defines harassment as "conduct that is directed at a specific person and that would cause a reasonable person to be seriously alarmed, annoyed or harassed *and* the conduct in fact seriously alarms, annoys or harasses the person."

This is a fairly broad law that should cover many types of street harassment. If someone is speaking to you or doing some other action that seriously alarms or annoys you, you can report him/her.

**Penalty:** Harassment is a Class 1 misdemeanor, punishable by a fine of up to \$2,500 and/or up to 6 months in jail.



## Stop Street Harassment

### ***Loitering***

#### [Title 13, Chap. 29 §2905](#)

Two types of street harassment may be considered loitering in Arizona.

1. Loitering on or near school grounds if s/he does not have a custodial relationship with a student or a legitimate reason for being there.

If you see someone hanging out near school facilities and s/he is harassing you or other passersby, you can report this person to school officials. If s/he does not leave after being asked to do so by the school official, you can report him or her to the police for loitering on school grounds. If s/he does not have a legitimate reason to be there, the police will ask him or her to leave and, if s/he refuses, the police may make an arrest.

2. Be in a public place and solicit someone to engage in "any sexual offense" if the solicitation is done "in an offensive manner or in a manner likely to disturb the public peace."

If a street harasser is repeatedly making overtly sexual solicitations to you or to other passersby, you can report him/her.

Penalty: Loitering in general is a Class 3 misdemeanor, punishable by a fine of up to \$500 and/or up to 30 days in jail. Loitering at a school is a Class 1 misdemeanor, punishable by a fine of up to \$2,500 and/or up to 6 months in jail.

### ***Public Nuisance***

#### [Title 13, Chap. 29 §2917](#)

Arizona has a general law against "nuisances" that are injurious to health, indecent, offensive to the senses, or obstruct free use of property so as to "interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons." It is also considered a public nuisance to "unlawfully obstruct the free passage or use [of any] any public park, square, street or highway."

Nuisance laws typically apply to one entity – either a person or organization – that causes a problem for a large part of the community. If you find that one individual or organization is consistently causing many people to be harassed, you may be able to report it under this law. For example:

- A person who routinely harasses many passersby on the same street corner every day, or who causes some other significant disruption that affects many people at once.
- A company whose employees regularly harass people while on the job, such as construction workers or delivery truck drivers. You might try going directly to the business owner first to file a complaint. But if the harassment doesn't stop, you could report the business as a nuisance.

Arizona law also specifies that "an act is no less a nuisance because the extent of the annoyance or damage inflicted is unequal." Lawmakers, law enforcement officials, or judges may try to trivialize street harassment, but it is okay to make the case for why it IS a public nuisance.

Penalty: Committing a public nuisance is a Class 2 misdemeanor in Arizona, punishable by a fine of up to \$750 and/or up to 4 months in jail.

## Stop Street Harassment

### ***Threatening or Intimidation***

#### [Title 13, Chap. 12 §1202](#)

In Arizona, it is illegal for anyone to threaten, by word or action, to cause you physical injury or to damage your property.

If a street harasser is threatening you, you can call 911 as soon as you feel safe to do so and report him/her.

Penalty: Threatening or intimidation is a Class 1 misdemeanor in Arizona, punishable by a fine of up to \$2,500 and/or up to 6 months in jail.

### **Unlawful Filming/Photographing**

#### ***Voyeurism***

#### [Title 13, Chap. 14 §1424](#)

In Arizona it is illegal for anyone:

- To photograph or otherwise record you without your consent or knowledge for the purpose of sexual stimulation when you should have a reasonable expectation to privacy (such as in a public bathroom, locker room, or within your own house).
- To photograph or record another person in a manner that directly or indirectly captures or allows the viewing of the person's genitalia, buttocks or breast (if female), whether clothed or unclothed, that is not otherwise visible to the public.

If a street harasser takes an up-skirt or down-blouse photo of you, or otherwise observes or photographs you in an inappropriate way, you can report him/her.

Penalty: Voyeurism is a Class 5 felony punishable by up to 2.5 years in prison.

### **Indecent Exposure**

#### ***Indecent Exposure***

#### [Title 13, Chap. 14 §1402](#)

In Arizona, it is illegal for a harasser to expose his or her genitals or anus or the areola or nipple of her breast to you and to be "reckless about whether [you], as reasonable person, would be offended or alarmed by the act."

If a harasser flashes or exposes her or himself to you in a public place, such as a park, on public transportation, or in a store, you can report him/her.

Penalty: Indecent exposure to a person 15 years or older is a Class 1 misdemeanor, punishable by a fine of up to \$2,500 and/or up to 6 months in jail. Indecent exposure to a person under 15 years of age is a Class 6 felony, punishable by a fine of up to \$150,000 and/or up to 2 years in prison.

## Stop Street Harassment

### Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

### **Harassment**

#### [Title 13, Chap. 29 §2921](#)

Under Arizona's harassment law it is illegal for anyone to follow you "in or about a public place for no legitimate purpose after being asked to desist."

In order for the harassment law to apply, you must first ask the person to stop following you. Of course, only do this if you feel safe enough. Arizona's law uses the verb "ask," meaning that even a polite, non-confrontational request – if that's what you're most comfortable with – should be enough to establish your rights under the law. However, even if you do not feel safe enough to speak to the person, you can call 911 as soon as you are safe to do so.

Penalty: Harassment is a Class 1 misdemeanor, punishable by a fine of up to \$2,500 and/or up to 6 months in jail.

### **Stalking**

#### [Title 13, Chap. 29 §2923](#)

Stalking in Arizona is when a person intentionally or knowingly engages in a course of conduct that causes someone to fear for his or her safety or fear imminent death.

If the same person, on more than one occasion, follows you or harasses you and you feel afraid, you can report him/her for stalking.

Penalty: Stalking that causes someone to fear for his/her safety is a Class 5 felony, punishable by up to 1.5 years in prison. Stalking that causes someone to fear death is a Class 3 felony, punishable by up to 3.5 years in prison.

### Groping

### **Assault**

#### [Title 13, Chap. 12 §1203](#)

In Arizona, groping is considered assault. Arizona's assault law prohibits anyone from knowingly touching you "with the intent to injure, insult or provoke" you.

If a harasser touches or grabs you, especially on an intimate or private part of your body, you can report him or her for assault.

Penalty: This type of assault is a Class 3 misdemeanor, punishable by a fine of up to \$500 and/or up to 30 days in jail.

## Stop Street Harassment

### ***Molestation of a Child***

#### Title 13, Chap. 14 §1410

Molestation of a child is any sexual contact with someone younger than 15 years of age, defined as “any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact.”

If you are younger than 15 years old or someone you know is and a harasser gropes or grabs you or that young person on an intimate area, you can report him/her.

Penalty: Molestation of a child is a Class 2 felony, punishable by a fine of up to \$150,000 and/or between 10 and 24 years in prison.

### **Reporting Crimes to the Police**

- Call 911 for help if:
  - The crime is in progress
  - You or someone else is physically hurt or have been threatened with physical violence
  - You can provide information about who may have committed a crime.
- Call the local police office’s non-emergency number to submit a report afterward. For example:
  - In Phoenix, this number is (602) 262-6151.
  - In Tucson it’s (520) 791-4444.
  - In Mesa, it is (480) 644-2211.
  - In Yuma, it is (928) 783-4421.
- Be prepared to provide them with:
  - When it happened (date and time).
  - Where it happened (street location, store location, bus line or bus stop, park name, etc).
  - Who is reporting (your name and contact information).
  - A description of what happened.
  - The name and contact information of any witnesses, if you spoke to any.
  - It can be helpful to include the law the crime falls under, such as harassment including but not limited to obscene language in [AZ Law §13-2921](#). If you’re not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney’s office can determine the appropriate charges.
  - A description of the harasser/s.
- Many police departments also have online reporting forms, for example, [Tucson](#) and [Phoenix](#) have a Police Reporting Web form where you can report crimes like harassment and sexual assault.
- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.

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- In Tucson, Mesa, and Phoenix you can do this by texting CRIMES or 274-637, and beginning the message with TUCSONPD, MesaPD or SILENT, respectively.
- In [Tucson](#), you can also submit a web tip anonymously, and there are [applications](#) that you can download to your iPhone or Android to expedite the process in Tucson and Mesa.
- Both [Phoenix](#) and [Mesa](#) also have a Silent Witness online form that allows you to report online anonymously. Yuma has an anonymous tip phone line: call 78-CRIME or 782-7463.
- Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment "isn't a big deal," or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.