

## Stop Street Harassment

# California

A variety of forms of street harassment are illegal in California, including lewd comments, indecent exposure, obstructing paths, following, and groping. Here are the laws and reporting procedures you need to know.

### Verbal Harassment

California has six laws that protect against different forms of verbal harassment.

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

[Title 15, Chap. 2 §647](#)

If a harasser is doing any of the following, you can report him or her for disorderly conduct in California:

- Engaging in, or soliciting anyone else to engage in, “lewd or dissolute conduct” in a public place, such as explicit sexual comments or solicitations, or making obscene gestures.
- Loitering “in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act.”
- Being intoxicated in a public place and, because she or he is under the influence, interfering with, obstructing, or preventing the free use of any street, sidewalk, or other public way.

If someone appears to be drunk or under the influence of drugs *or* is harassing you on the street by not letting you pass, you can call the police.

**Penalty:** Disorderly conduct is a misdemeanor in California, punishable by a fine of up to \$1,000 and/or up to 6 months in jail. Additionally, there is a subsection of California’s disorderly conduct code – [Section 647.6](#) – that stipulates that anyone “who annoys or molests any child under 18 years of age” shall be subject to a fine of up to \$5,000 and/or up to 1 year in jail. The court may also order the harasser to seek counseling and may prohibit the harasser from having any further contact with the victim(s).

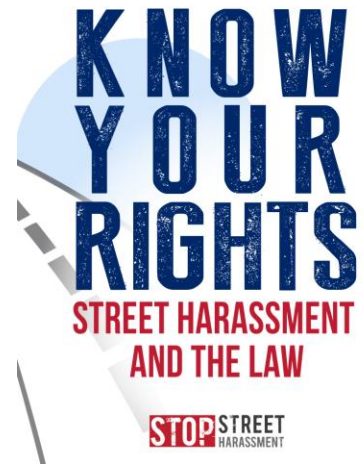
#### ***Harassment at Adult Education Schools***

[Title 15, Chap. 2 §647b](#)

The California Education Code establishes a number of schools for adult education, and the California Penal Code prohibits loitering near these schools or annoying or molesting anyone in attendance.

If you are a student at a public institution offering adult education and you are harassed on or near the facility where you attend classes – whether by catcalls, whistling, or another form of street harassment – you can report the harasser to police.

**Penalty:** Anyone convicted under this section is subject to a fine of up to \$1,000 and/or up to 6 months in jail.



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### ***Harassment on Public Transportation***

#### [Title 15, Chap. 2 §640](#)

California code identifies a number of “miscellaneous offenses” that can protect you from harassment on public transportation. It is unlawful to do any of the following on public transportation:

- Disturb another person by making loud or unreasonable noise.
- Willfully disturb others on or in a system facility or vehicle by engaging in boisterous or unruly behavior.
- Willfully block the free movement of another person.
- Expectorate (spit) upon a system facility or vehicle.

If a harasser is excessively boisterous or loud, such as shouting at you, blocks your path, or spits at you while you’re on public transportation, you can report him/her.

**Penalty:** These acts are considered infractions and may be punishable by a fine of up to \$400, up to 48 hours of community service, and/or up to 90 days in jail. Disturbing others with boisterous or unruly behavior and blocking the movement of others carry the harshest penalties.

### ***Loitering At or Near a School (Vagrancy)***

#### [Title 15, Chap. 2 §653b](#)

In California, it is illegal for a person without legitimate business at a school or another public place where children typically congregate to loiter at or near the premises.

When it comes to street harassment, this may be particularly relevant in large cities where schools and children’s parks are in dense public areas. If you see someone hanging out near one of these facilities and harassing you or other passersby, you can report him/her to the police or another administrator or official and that person can ask that person to leave.

**Penalty:** Loitering at a school is considered vagrancy in California and is a misdemeanor, punishable by a fine of up to \$1,000 and/or up to 6 months in jail.

### ***Public Nuisance***

#### [Title 10, §370-372](#)

California 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.”

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.

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- 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.

California law also specifies that “an act which affects an entire community or neighborhood, or any considerable number of persons [...] is not less a nuisance because the extent of the annoyance or damage inflicted upon individuals is unequal.” Lawmakers, law enforcement officials, or judges may try to trivialize street harassment, but don't let someone who isn't affected by the problem tell you that it isn't a public nuisance.

Penalty: A public nuisance is a misdemeanor, punishable by a fine of up to \$1,000 and/or up to 6 months in jail.

### ***Unlawful Assembly***

#### [Title 11, §407-409](#)

California law stipulates “whenever two or more persons assemble together to do an unlawful act, or do a lawful act in a violent, boisterous, or tumultuous manner, such assembly is an unlawful assembly.” That means that if two or more individuals are harassing you, and their harassment *either* violates another California law *or* is being done in a “violent, boisterous, or tumultuous manner,” s/he may each be guilty of unlawful assembly.

It may be necessary to demonstrate that the individuals have assembled in a given place *for the purpose of* engaging in street harassment, but that would not be unheard of since there are men who have admitted to gathering on street corners to catcall women.

Penalty: Unlawful assembly is a misdemeanor in California, punishable by a fine of up to \$1,000 and/or up to 6 months in jail. Anyone who does not leave after being instructed to do so by a law enforcement officer may also face an additional misdemeanor charge.

## **Indecent Exposure**

### ***Indecent Exposure***

#### [Title 9, Chap. 8 §314](#)

In California, it is illegal for a harasser to expose his or her private parts in a public place, or in any place where there are others present who might be offended or annoyed.

If someone flashes or exposes him or herself to you, whether on the street, on public transportation, in a park, or in any other public place, you can report him or her for indecent exposure.

Penalty: Indecent exposure is a misdemeanor in California, punishable by a fine of up to \$1,000 and/or up to 6 months in jail.

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### Obstructing Your Path

#### **Obstructing Free Movement**

##### [Title 15, Chap. 2 §647c](#)

Anyone who “willfully and maliciously obstructs the free movement of any person on any street, sidewalk, or other public place or on or in any place open to the public is guilty of a misdemeanor.”

If a harasser is preventing you from passing on a sidewalk, street, or other public place, such as in a park, you can report him or her for obstructing free movement. (Obstructing your free movement on public transportation is also illegal under §640).

Penalty: A misdemeanor in California is punishable by a fine of up to \$1,000 and/or up to 6 months in jail.

#### **Obstructing Business Operations**

##### [Title 14, §602.1](#)

It is illegal in California for anyone to intentionally interfere with any lawful business operations or the operations of a public agency (like a post office) “by obstructing or intimidating those attempting to carry on business, or their customers” after having been asked to leave by the owner or owner’s agent.

This section applies if the harasser’s intent was to interfere with the operations of the business, and street harassment may have more to do with getting your attention than with whether or not you carry out your tasks. But if someone is harassing you while you are at, entering, or leaving a business open to the public or while you are working, and you feel it is interfering with the business being conducted, you have the right to tell him or her to stop. If you are an employee or business owner, you can either ask the person to leave yourself or ask your supervisor to do so; if you are a customer, ask an employee or manager of the business to ask the person to leave.

Penalty: Obstructing business operations is punishable by a fine of up to \$400 and/or up to 90 days in jail.

### 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.

#### **Stalking**

##### [Title 15, Chap. 2, §646.9](#)

In California, stalking is defined as “willfully, maliciously, and repeatedly” following or “willfully and maliciously” harassing someone *and* by making a credible threat to harm that person.

If the same person, on more than one occasion, follows you or harasses you and you feel threatened and unsafe, you can report that person.

Penalty: Stalking is Class A misdemeanor, punishable by a fine of up to \$1,000, and/or imprisonment in a county jail for up to a year.

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### Groping

#### **Sexual Battery**

##### [Title 8, Chap. 9 §234.4\(e\)](#)

In California, groping someone falls under the sexual battery statute. Sexual battery is when someone touches a non-consenting person's intimate part/s for the specific purpose of sexual arousal, sexual gratification, or sexual abuse.

If someone touches you in a sexual or inappropriate way, including touching your groin, sexual organs, buttocks, or breasts, either under or over your clothing, you can report him/her.

Penalty: Sexual battery is a misdemeanor, punishable by a fine of up to \$2,000 and/or up to 6 months in jail.

### Hate Crimes

##### [Title 11.6, Chap. 2 §422.6](#)

In California, it is illegal for anyone, even a law enforcement officer or other representative of the state, to “willfully injure, intimidate, interfere with, oppress, or threaten” you or to limit your free exercise and enjoyment of the rights guaranteed to you by the State of California or the U.S. government because of your:

- Gender
- Sexual orientation
- Race or ethnicity
- Nationality
- Religion
- Disability
- Association with a person or group with one or more of these actual or perceived characteristics

If a street harasser threatens, intimidates, or injures you because of any of these characteristics – such as using a racial, homophobic, or gender-based slur in a threat – this harassment may be considered a hate crime in California. You can report any crime s/he has committed, as well as any indication of hate or bias, to the police. The California statute indicates that a hate crime does *not* consist of speech alone *unless* the harasser has threatened violence and appears able to carry out their threat.

An example of a hate crime in the context of street harassment would be someone following you and shouting something like, “Don’t you know you shouldn’t be here because you’re [a woman/gay/black/white/Latina/etc.]? I should [violent threat] so you’ll stay inside.” This threat would be considered a hate crime if the person attempts to or does carry it out.

If a court finds that someone has committed a hate crime against you, the judge will issue a protective order. A restraining order may also be issued for the duration of court proceedings (prior to a conviction) if deemed necessary for your safety

Penalty: A hate crime is punishable by a fine of up to \$5,000, up to a year in jail, required counseling, and/or up to 400 hours of community service. The penalties are harsher if the crime committed is a felony or if the crime escalates to violence or physical injury, property damage, was done in concert with

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another person, or was a repeat offense. The court may also order that the harasser reimburse you for any reasonable expenses resulting from his or her actions, including any counseling you may need.

### Victim's Rights in California

The state of California has particular legal provisions for the rights of victims of a crime, including the right to be notified of these rights. If you have been the victim of a crime, including those described here, you can find more information in the [Victim's Bill of Rights](#).

### 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 San Diego, this number is (619) 531-2000 and in San Francisco it's (415) 553-0123. 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 Indecent Exposure, [Title 9, Chap. 8 §314](#). 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, the Oakland Police Department has an [Online Tip Form](#) where you can report crimes like harassment and sexual assault and you can even upload a photo of the perpetrator.
- 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.
  - In Los Angeles you can do this by texting "CRIMES (274637)" and begin your message with the letters LAPD.
- 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.