

## Stop Street Harassment

### Virginia

A variety of forms of street harassment are illegal in Virginia, including verbal harassment, up-skirt photos, indecent exposure, obstructing paths, following, and groping. Here are the laws and reporting procedures you need to know.

#### Verbal Harassment:

In Virginia, there are five laws that may apply to some forms of verbal street harassment.

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

###### [§ 18.2-415](#)

The disorderly conduct law in Virginia is narrow and only covers actions that purposely mean to cause public inconvenience, annoyance, or alarm and have a tendency to result in acts of violence by the person at whom the behavior is directed.

This is what is known as 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 to report harassment that annoys or alarms you. If enough people make a case for why it should be used, then it might be applied more often.

Disorderly conduct also includes being publicly intoxicated and disrupting the operation of a school or school activity or a government meeting or funeral service.

Penalty: Disorderly conduct is a Class 1 misdemeanor and may result in confinement in jail for up to twelve months and a fine of up to \$2,500, or both.

##### ***Profane Swearing and Intoxication***

###### [§ 18.2-388](#)

It is illegal for anyone to be intoxicated or to use profane language in a public place.

If a street harasser is visibly drunk and bothering you, *or* if s/he is using profanity when harassing you or someone else, you can report that person.

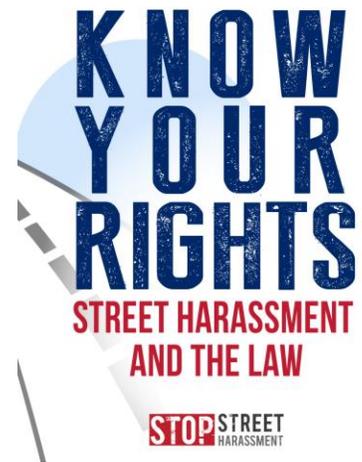
Penalty: Profane swearing or intoxication is a Class 4 misdemeanor, punishable by a fine of up to \$250.

##### ***Slander and Libel***

###### [§ 18.2-417](#)

Interestingly, this law focuses specifically on banning people from falsely and derogatorily speaking about a “virtuous and chaste” female’s character or using grossly insulting language about any “female of good character or reputation.”

While evaluating women based on their so-called chastity is outdated and not something we support, this is a good statute to use when street harassers call women “sluts” and “hoes.”



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If a street harasser (or anyone else) is attempting to insult or defame you based on assumptions about your sexuality, you can report him/her.

Penalty: Slander and libel is a Class 3 misdemeanor, punishable by a fine up to \$500.

### ***Soliciting Prostitution***

#### [§ 18.2-346](#)

Soliciting for the purposes of prostitution is illegal. If a street harasser solicits sexual activity from you, you can report him/her.

You can also make the case that harassers who yell, “How much?!” or offer you money, or anything else, for sex, even in jest, are soliciting prostitution.

Stop Street Harassment doesn’t oppose consensual sex work, but we do think it’s inappropriate for a street harasser to make assumptions about your sexual availability and make you feel uncomfortable.

Penalty: Soliciting an adult for prostitution is a Class 1 misdemeanor and may result in confinement in jail for up to twelve months and a fine of up to \$2,500, or both. The penalty is higher if the person solicited is a minor.

### ***Unlawful Assembly***

#### [§ 18.2-406](#)

It is illegal for three or more people to gather for the purpose of doing something through force or violence that is likely to jeopardize public safety, peace, or order and that makes someone else fear for his/her safety.

If at least three people are engaging in street harassment together and they make any kind of threat of force against you or otherwise make you fear for your safety, you can report him/her.

Penalty: Unlawful assembly is a Class 1 misdemeanor, punishable by up to 1 year in jail or a fine of up to \$2,500, or both.

## **Unlawful Filming/Photographing:**

### ***Unlawful Filming, Videotaping or Photographing of Another***

#### [§ 18.2-386.1](#)

In Virginia, it is illegal to position a recording device directly beneath or between a person’s legs to film or photograph the person’s intimate parts or underwear when it would not otherwise be visible and when the person should reasonably expect privacy.

If a harasser films or photographs you someplace like public restrooms, dressing rooms, locker rooms, and hotel rooms, you can report him/her.

It is also illegal for anyone to intentionally film or photograph a non-consenting person if the image exposes the private areas of his or her body.

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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: Unlawful filming/photographing is a Class 1 misdemeanor, punishable by up to 1 year in jail and/or a fine of up to \$2,500, or both.

## **Indecent Exposure**

### ***Indecent Exposure***

#### **§ 18.2-387.1**

It is illegal in Virginia for a person to intentionally expose his or her private parts in any public place when others are present.

If a harasser flashes or otherwise exposes him or herself to you in a public place, such as a park, on public transportation, or in a store, you can report that person.

Penalty: Indecent exposure is a Class 1 misdemeanor and may result in confinement in jail for not more than twelve months and a fine of not more than \$2,500, or both.

### ***Obscene Sexual Display***

#### **§ 18.2-387.1**

It is illegal in Virginia for anyone to engage in actual or simulated masturbation in a public place where others are present and where the harasser knows s/he can be seen.

If a street harasser masturbates in front of you in a public place, you can report that person.

Penalty: Anyone who is found guilty of an obscene sexual display may be found guilty of a Class 1 misdemeanor and may spend up to twelve months in jail, face a fine of up to \$2,500, or both.

## **Obstructing Your Path**

### ***Obstructing Free Passage of Others***

#### **§ 18.2-404**

In Virginia, it is illegal to unnecessarily block or otherwise prevent someone from entering or leaving a public place or a private property that is open to the public.

If a street harasser is keeping you from going somewhere because s/he is physically blocking your way or s/he is in or near the doorway of a building (such as a convenience store) and is harassing you or others, you can report that person.

Penalty: Obstructing Free Passage of Others free passage of others is a Class 1 misdemeanor, punishable by up to 1 year in jail or a fine of up to \$2,500, or both.

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### Following

If you think someone is following you, you can call 911 right away – you do not have to wait for that person to commit a crime.

#### ***Stalking***

##### § 18.2-60.3

Stalking is illegal in Virginia. A person can be convicted of stalking if, on more than one occasion, s/he engages in conduct directed at another person with the intent to place (or when s/he knows or reasonably should know that the conduct places) that other person in reasonable fear of death, criminal sexual assault, or bodily injury.

If a harasser follows you more than once and makes you feel worried for your safety, then it is considered stalking and can be reported.

**Penalty:** Stalking is a Class 1 misdemeanor and persons convicted of this crime may spend up to twelve months in jail, face a fine of up to \$2,500, or both. The penalties may be harsher if there are prior convictions or if stalking occurs in conjunction with another crime.

### Groping

#### ***Sexual Battery***

##### § 18.2-67.4

It is illegal for a person to sexually abuse someone by force, threat, intimidation, or ruse.

Sexual abuse is defined as touching a person's intimate parts or touching the material directly covering such intimate parts or forcing someone to touch the harasser's intimate parts.

If anyone touches you in a sexual way against your will in a public place, like on the street, at a bus stop, or in a bar, you can report that person.

**Penalty:** Sexual battery is a Class 1 misdemeanor and may result in jail time for up to a year, a fine of up to \$2,500, or both.

### 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 Virginia Beach, the number is (757) 385-5000 and in Arlington it's (703) 558-2222. 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, contact information, date of birth).

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- A description of what happened.
  - The name and contact information of witnesses, if you spoke to any.
  - It can be helpful to include the law the crime falls under, such as Indecent Exposure, § 18.2-387. 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 Roanoke Police Department has a "[Citizen Concerns](#)" form, accessible.
  - Some police departments also allow you to anonymously text a tip about a crime, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
  - 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.