

### New York

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

#### Verbal Harassment

There are five laws that prohibit some form of verbal harassment in New York.

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

##### [Title N, Article 240 §20](#)

New York State has a broad law against “disorderly conduct;” prohibited actions relevant to street harassment include:

- Fighting or violent, tumultuous or threatening behavior.
- Unreasonable noise.
- Abusive or obscene language or obscene gestures in a public place.
- Obstructing vehicular or pedestrian traffic.
- Congregating with a group in a public place and refusing to comply with a lawful police officer’s order to disperse.
- Creating a hazardous or physically offensive condition by an act that serves no legitimate purpose.

Examples of street harassment that might be considered disorderly conduct in New York include yelling sexist or homophobic comments, using obscene, offensive, or lewd language, or someone blocking your path on the sidewalk or in the street. If you experience any of these, you can report the harasser.

Penalty: Disorderly conduct is a violation and carries a fine of up to \$250 and/or up to 15 days in jail.

##### ***Harassment in the Second Degree***

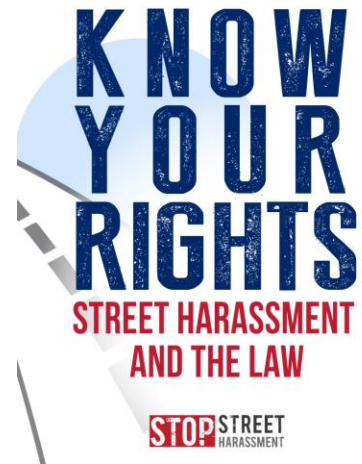
##### [Title N, Article 240 §25](#)

The law against harassment in New York prohibits a “course of conduct” or repeatedly committing acts that alarm or seriously annoy another person and serve no legitimate purpose.

A course of conduct means a series of actions over time that evidence a continuity of purpose.

If the same person makes alarming, seriously annoying, or threatening comments or takes other seriously alarming actions toward you at least twice, and/or subjects you to unwanted physical contact, you can report him/her.

Penalty: Harassment in the second degree is a violation in New York and punishable by a fine of up to \$250 and/or up to 15 days in jail.



Check all that apply:

- ☒ I am followed by older men every day after school.
- ☒ I am afraid to walk with my sisters or friends at night.
- ☒ Men think my name is "Psst... ma!" or "Ayo, shorty!"
- ☒ **I NEVER KNEW THAT I DON'T HAVE TO ACCEPT ALL OF THE ABOVE.**

**YOU DON'T!**

# Street Harassment is a Crime!

New York law prohibits street harassment (Article 120 and Article 240). You are not alone. For more information about your rights and resources for victims of street harassment, visit [www.ggenyc.org](http://www.ggenyc.org) or call 718-857-1393.



**GGE**  
GIRLS FOR GENDER EQUITY

Produced by GGE's Sisters in Strength teen women community organizing program, this poster was made possible by funding from the Office of Victims of Crime, in conjunction with the National Crime Prevention Council and the National Center for Victims of Crime.

DESIGN BY SHERALI.COM

Poster Courtesy of [Girls for Gender Equity](http://GirlsforGenderEquity.org)

## Stop Street Harassment

### ***Loitering***

#### [Title N, Article 240 §35 – 36](#)

It is illegal for a person to loiter:

- On or about the premises of a school, college, university, school bus, or children's summer camp facility without legitimate business to be there.
- In public places to gamble or play cards or dice.
- In a public transportation facility without a permit for the purpose of selling merchandise or performing.

You can report someone to the police or ask police to have the person disburse if the person is:

- Hanging out near any school, school bus stop, summer camp or institution of higher education and s/he is harassing you or other passerby.
- Involved in gambling, gaming, or illegally selling merchandise while harassing you or someone else.

Penalty: Loitering near a school, in a public transportation facility, or while gambling in public is a violation and carries a fine of up to \$250 and/or up to 15 days in jail.

### ***Loitering for the Purpose of Prostitution***

#### [Title N, Article 240 §37](#)

It is illegal for anyone to either loiter in a public place for the purpose of soliciting a prostitute or to actually request the services of a prostitute. 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.

Penalty: Loitering for the purpose of prostitution is a violation, punishable by a fine of up to \$250 and/or up to 15 days in jail.

### ***Patronizing a Prostitute***

#### [Title M, Article 230 §5](#)

There is also a statute that prohibits soliciting prostitution as a separate crime from loitering. It is illegal for anyone to solicit or request another person to engage in sexual conduct.

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: Patronizing a prostitute is a Class A misdemeanor if the person patronized is over 14 years of age, punishable by a fine of up to \$1,000 and/or up to one year imprisonment. The penalties are more severe if the person being patronized is less than 14 years of age, or less than 11 years of age.

### **Unlawful Filming/Photographing**

#### ***Unlawful Surveillance in the Second Degree***

##### **Title N, Article 250 § 45**

In New York, it is illegal for someone to intentionally photograph or film:

- A non-consenting person if it exposes that person's sexual or intimate parts or the person is dressing or undressing, and if it is done under circumstances when that person has a reasonable expectation of privacy.

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

- A non-consenting person under the clothing that person is wearing.

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 surveillance in the second degree is a Class E felony, punishable by up to four years in prison.

### **Indecent Exposure**

#### ***Exposure of a Person***

##### **Title N, Article 245 §1**

Anyone who appears in public with the private or intimate parts of his/her body exposed or unclothed is guilty of exposure of a person.

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:** Exposure is a violation punishable by a fine of up to \$250 and/or up to 15 days in jail.

#### ***Public Lewdness***

##### **Title N, Article 245 § 00**

Public lewdness occurs when a harasser, with the intent that s/he be observed, intentionally exposes the private or intimate parts of his or her body in a lewd manner or commits a lewd act in a public place or on private premises under circumstances that readily allow the actions to be viewed either from a public place or from other private premises.

Flashing or exposing oneself deliberately with the intent that you see the person is public lewdness and you can report that person.

**Penalty:** Public lewdness is a class B misdemeanor, punishable by a fine of up to \$500 and/or up to three months in jail.

## 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 in the First Degree***

##### Title N, Article 240 §25

New York's harassment law prohibits anyone from repeatedly and intentionally harassing another person by following that person around a public place.

If a harasser follows you at least twice, you can report that person.

Penalty: Harassment in the first degree is a class B misdemeanor and may be punishable by a fine of up to \$500 and/or up to three months in jail.

#### ***Stalking***

##### Title H, Article 120 §45, 50, 55, 60

Stalking is illegal in New York, and the actions that constitute the crimes of harassment and stalking are similar. However, the statute prohibiting stalking focuses much more on the fear created by a harasser's actions than on the act of being harassed or followed.

If the harasser causes you serious fear of bodily harm or repeatedly interferes with your life so as to jeopardize your employment or harm your mental health, s/he may be found guilty of stalking.

Penalty: Most stalking will fall under the law stalking in the fourth degree, which is a Class B misdemeanor. It may be punishable by a fine of up to \$500 and/or up to three months in jail.

### Groping

#### ***Aggravated Harassment in the Second Degree***

##### Title N, Article 240 § 30

In New York, it is illegal to have physical contact like striking, shoving, or kicking with the "intent to harass, annoy, threaten or alarm" someone and because of the targeted person's belief or perception (correct or not) about any of the following factors:

- Gender
- Sexual orientation
- Disability
- Race
- Color
- National origin
- Ancestry
- Religion or religious practice
- Age

## Stop Street Harassment

If a harasser gives you any reason to believe that their physical harassment of you is based on one of these biases, such as using a slur based on your gender, race, or sexual orientation, you can report this to the police.

Penalty: Aggravated harassment in the second degree is a Class A misdemeanor, punishable by a fine of up to \$1,000 and/or up to one year imprisonment. Penalties for the various types of harassment will be more severe if the person has been convicted of harassment before.

### ***Forcible Touching***

#### [Title H, Article 130 §52](#)

It is illegal in New York for a person to intentionally and for no legitimate purpose forcibly touch the sexual or intimate parts of another person's body in order to satisfy his or her sexual desire *or* to degrade or abuse that pers.

The law expressly states that forcible touching includes squeezing, grabbing, or pinching. Article 130, where this section appears, also expressly states that lack of consent is an element of this offense, and that lack of consent results from forcible compulsion, incapacity to consent, *and/or* any circumstances in which you do not expressly or impliedly acquiesce to the person's conduct.

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

Penalty: Forcible touching is a Class A misdemeanor and is punishable by a fine of up to \$1,000 and/or up to one year imprisonment.

## **Hate Crimes**

### ***Hate Crimes***

#### [Title Y, Article 485 §5](#)

New York State specifies that certain crimes are hate crimes when the victim of the crime is selected because of certain prejudices. The list of particular crimes includes stalking and harassment, as well as assault and rape.

If someone harasses, stalks, or assaults you because of the following characteristics, s/he may have committed a hate crime in addition to the original offense:

- Gender
- Sexual orientation
- Disability
- Race
- Color
- National origin
- Ancestry
- Religion or religious practice
- Age

## Stop Street Harassment

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.”

When reporting a hate crime, report the crime that was committed – harassment, stalking, etc. – and the indication that the crime was motivated by bias, citing any slurs or gendered insults the harasser might have used.

Penalty: If a court finds that the crime committed was also a hate crime, the penalty for that crime will be elevated according to the rules prescribed in [Article 485 §10](#) of the New York State Penal Code.

### 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 New York City, you can call (800) 577-TIPS and in Syracuse, you call 315-442-5111. 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).
  - 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 forcible touching, [Title H, Article 130 §52](#). 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. Visit your local police department’s website.
- 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 New York City, you can text “TIP577” plus your message to “CRIMES” (274637).
  - In Albany, you text “APDTips” and the tip information to 847411. In Buffalo you can submit your tip anonymous [online](#).
- In New York City, you can also report street harassment through the free Hollaback! [iPhone app](#) to your city council member for tracking purposes. You still have to contact the police separately.



## Stop Street Harassment

- 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.

**Sexual Harassment is a Crime in the subway, too—**  
A crowded train is no excuse for an improper touch.  
Don't stand for it or feel ashamed, or be afraid to speak up.  
**Report it to an MTA employee or police officer.**

### **For Transgender and Gender Non-Confirming Individuals: Dealing With Police in New York City**

As a transgender or gender non-confirming individual, you may have very valid concerns about interacting with police. Police in New York City have harassed law abiding transgender individuals in the past, and police can be street harassers themselves.

As of June 2012, the NYPD has new policies for appropriate police conduct regarding gender identity. You have the right to be free from street harassment and to be treated with respect by police. If you do have to interact with the NYPD, whether to report a crime or because an officer has stopped or harassed you, learn more about your rights in Make The Road New York's report "[Transgressive Policing: Police Abuse of LGBTQ Communities of Color in Jackson Heights](#)" (PDF, trigger warning for possibly upsetting content).