

SCHOOL RESOURCE OFFICER PROGRAMS AND TRAINING

This program is designed to target faculty, parents and students at the high school level. It can also be used with citizen police academies, college students, and community members. This program addresses certain issues and laws from:

- Pennsylvania Crimes Code
- Pennsylvania Vehicle Code
- Local Ordinances
- Classification of Offenses
- Arrest
- Act 33 Cases
- Sexual Assault Crimes
- Domestic Violence (PFA)
- Pennsylvania Schedule of Convictions and Points
- Personal Protection

The course objective is to learn about the issues confronting people, along with the understanding of the role of law enforcement in today's society. We also hope that by informing individuals about these issues and laws that they will be able to make educated decisions about their conduct and safety in the future. The entire goal for the law enforcement officer is to make society a safer place. We hope by providing this program to people they will not become a victim and will better understand the consequences for misconduct.

Quiz

School officials have an interagency agreement with local police to use drug dogs to **search vehicles** parked on **school property**. Police determine the date and time of the search and send officers and dogs over to conduct it.

1. Does the use of drug dogs constitute a “search” within the meaning of the 4th amendment to the U.S. constitution? Y___ N___
2. Is consent from the owners of the vehicles required as a condition for conducting this search? Y___ N___
3. If a drug dog alerts on a vehicle and if drugs are subsequently found in the car, are the school officials acting as agents of the police? Y___ N___
4. If a drug dog alerts on the car of a student and if drugs are not found, have the rights of the student been violated? Y___ N___
5. If a drug dog alerts on the car of a teacher and if drugs are subsequently found, have the rights of the teacher been violated? Y___ N___

ITINERARY

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- d. Safety at School
- e. Victimization

I. The Roll of the Law Enforcement Officer

a. Police Operation

i. Patrol

1. Residential- house checks (vacation) open windows or garage doors and power outages
2. Business-alarms, security checks, community events, open doors and window and suspicious vehicles
3. Traffic-speeding, accidents, parking, safety checks, locked cars, ordinances

ii. Investigations

1. Incidents- theft, CYF, county police, domestic violence, assault, etc.
2. Apprehension and arrest- venue, warrant, complaint, on view, summons
3. Disposition by court- magistrate, trial, court of common pleas and appeals

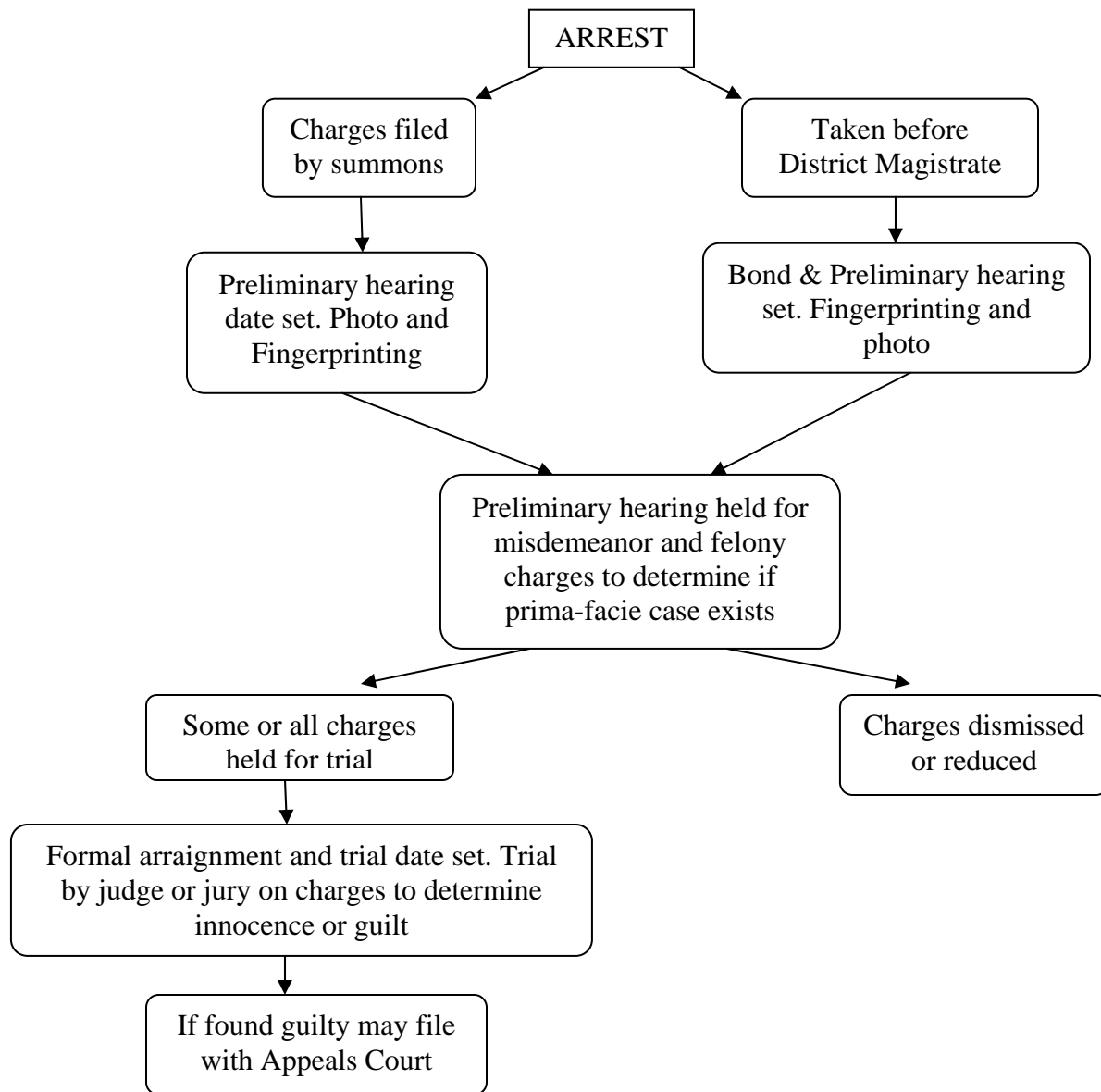
iii. Community relations

1. D.A.R.E., elderly programs, crime prevention fairs, bicycle fairs, child restraint systems and school walk through
2. Public assistance-non-police related items, advice, animals, civil, EMS and document transportation
3. Speaking at events, training, business, churches, preschools

b. Classification of Offences

- i. Felony 1st degree up to 20 years in prison
- ii. Felony 2nd degree up to 10 years in prison
- iii. Felony 3rd degree up to 7 years in prison
 1. Example: Burglary, arson, robbery, rape
- iv. Misdemeanor 1st degree up to 5 years in prison
- v. Misdemeanor 2nd degree up to 2 years in prison
- vi. Misdemeanor 3rd degree up to 1 year in prison
 1. Example: Theft, domestic violence, simple assault, DUI
- vii. Summary up to 300 dollar fine and 90 days in jail
 1. Example: Disorderly conduct, Harassment, under age drinking

c. Arrest Flowchart



d. Township ordinances

- i. Law that pertain to boroughs, municipalities, townships and cities
 - 1. Examples: parks, dogs, parking, snow removal, junk vehicle, noise and curfew

e. Criminal Law vs. Civil Law

- i. Civil law – no charges by the police
- ii. Handled at the Magistrate level
- iii. No arrest powers by the police

1. Examples of civil incidents: work items, accidents, items not witnessed, custody of children and property disputes

II. PA Motor Vehicle Code

a. Summary violations

- i. **Title-** needed for vehicle to be registered. Application must be made within 20 days of sale or transfer, or entry into commonwealth. Summary offense. \$100-\$300 fine if information in title is changed, altered or different.
- ii. **Registration-** card must be signed and within the vehicle. \$75 fine, however if expired within 60 days the fine is \$25. Sticker must be attached to the plate and in the upper left hand corner. Plate taken if dead or had a lift order.
- iii. **Insurance-** required and the card must be in the vehicle. \$300 fine, however if produced within five days no conviction
- iv. **Inspection-** summary offense for inspection and emission (county depends). Trailers over 3000 lbs must also be inspected. A newly purchased vehicle or resold vehicle must be inspected within 10 days. If the windshield is replaced the sticker must be attached within 5 days.

v. Operator's license

1. **Proper class-** motorcycle, CDL, class C. If expired within 1 year the fine is \$25, after the expiration date it is \$200. 15 days to produce license after violation and driver cannot hold two licenses at the same time.
2. **Learner's permit-** cannot drive between 2300hrs and 0500. # of passengers in the vehicle may not exceed the # of seat belts in the vehicle. Driver must complete a mandatory 6 months of driving with supervising adult after the permit. The permit is valid for 1 year. If convicted of a high-speed (26 mph or more) suspension will occur for mandatory 90 days.
3. **Junior Driver's License-** under the age of 17 can be issued. Prohibits operating the vehicle between 2300 and 0500, unless accompanied by a parent or legal guardian. Again # of passengers cannot exceed the # of seat belts in the vehicle. If an MVA occurs and the junior driver is partially or fully responsible, operating privileges may be suspended until the driver reaches 18 years of age, no more than 90 days. To obtain a full-unrestricted license, the driver must have had a junior license for 1 year and remain crash and conviction free.
4. **Suspension of operating privilege-** \$200 fine. Refusal to give blood for DUI – 1year and 1000 fine.

vi. Movement of vehicles

1. **Stop sign and yield sign**- \$25 fine, exception – when directed to proceed by a police officer or appropriately attired person/persons.
2. **Traffic control devices**- \$25 fine, citation given without the sanction of points. General signs and traffic markers or lights.
3. **Speeding**- 10mph over limit for speeding, use of vascar and accutrak. PSP can use Radar and make traffic stop at 6 mph over the limit. School zones do not apply. Fines \$2 per 1 mile over the limit.
4. **Careless and reckless driving**- careless is \$25 fine, reckless is \$200, must show willful and wanton disregard for persons and property.
5. **Trespass by motor vehicle**- damage caused by such trespass on land, soil, sod, trees, shrubs and flowers. The fine is \$500. If the trespassing occurs on cultivated and agricultural land the fine is \$500, however subsequent convictions the fine is \$1000. Restitution for damage shall also be included.
6. **Permitting violation of title**- one knowingly permits a driver unauthorized to drive under any violation of the title. Fine is the same for both driver and person allowing the violation.
7. **Minor prohibited operating with any alcohol in their system**- No driver under the age of 21 is to operate or be in physical control of a vehicle \$100 fine.
8. **Restraint system**- any child 4 yrs old and fewer than 8 must be secured in a seat belt system. Each driver and front passenger must wear a restraint system. Fine for the children 8 and under is \$100 fine, the other is \$10 (secondary offense).

b. Misdemeanor offenses

- i. **Fleeing or attempting to elude police**- signal given by hand, voice, lights and siren. Misdemeanor of the 2nd and \$500 fine.
- ii. **Hit and run**- damage to attended and unattended vehicle-attended is \$2500 fine and Misdemeanor of the 3rd. Unattended is a \$300 fine or 90 days in jail or both.
- iii. **Propulsion of missiles into a vehicle**- intentionally throws or propels into a vehicle which is occupied is a Misdemeanor 1st. If throws or propels onto a roadway is a Misdemeanor 2nd.
- iv. **Driving under the influence of alcohol or a controlled substance**
 1. **Guidelines**
 - a. **General impairment** - An individual may not drive, operate or be in actual **physical control** of the movement of a vehicle after imbibing a

sufficient amount of alcohol such that the individual is rendered incapable of safely driving, operating or being in actual physical control of the movement of the vehicle.

- b. **Rate of alcohol**-At least 0.08% but less than 0.10% within two hours after the individual has driven, operated or been in actual physical of a vehicle. At least 0.10% but less than 0.16% within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle. 0.16% or higher within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle.
- c. **Controlled substance**-An individual may not drive, operate or be in actual physical control of the movement of a vehicle under any of the following circumstances: There is in the individual's blood any amount of a Schedule I controlled substance- Schedule II or Schedule III controlled substance - metabolite of a substance-The individual is under the influence of a solvent or noxious substance.
- d. **Minors**-A minor may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the minor's blood or breath is 0.02% or higher within two hours after the minor has driven, operated or been in actual physical of a vehicle.
- e. **Commercial or school vehicles**— An individual may not drive, operate or be in actual **physical control** of the movement of a commercial vehicle, school bus or school vehicle in any of the following circumstances:
 - i. 0.04% or greater within two hours after the individual has driven, operated or been in actual physical control of the movement of a commercial vehicle other than a school bus or a school vehicle.
 - ii. 0.02% or greater within two hours after the individual has driven, operated or been in actual physical control of the movement of a school bus or a school vehicle.

2. Sentencing guidelines for DUI

- a. **General impairment** – for a first offense
 - i. Undergo a period of probation not to exceed six months

- ii. Pay a fine of \$300
- iii. Attend an alcohol highway safety school approved by the department
- iv. Comply with all drug and alcohol treatment requirement.

b. **High rate of blood alcohol** – for a first offense

- i. Undergo imprisonment of not less than 48 consecutive hours nor more than six months
- ii. Pay a fine of not less than \$500 nor more than \$5,000
- iii. Attend an alcohol highway safety school approved by the department
- iv. Comply with all drug and alcohol treatment requirements.

c. **Incapacity** – Highest blood alcohol; controlled substances; For a first offense

- i. Undergo imprisonment of not less than 72 consecutive hours nor more than six months
- ii. Pay a fine of not less than \$1,000 nor more than \$5,000
- iii. Attend an alcohol highway safety school approved by the department
- iv. Comply with all drug and alcohol treatment requirements imposed under sections 3814 and 3815

c. **Felony Offenses**

i. **Homicide by vehicle while driving under influence**

- 1. Any person who unintentionally causes the death of another person as the direct result of a violation of Driving while intoxicated. Guilty of a felony of the third degree when the violation is the cause of death and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than three years. A consecutive three-year term of imprisonment shall be imposed for each victim whose death is the result of the violation of section 3802.

ii. **Aggravated assault by vehicle while driving under the influence**

- 1. Any person who negligently causes serious bodily injury to another person as the result of a violation of Driving while intoxicated and who is convicted of violating section 3802 commits a felony of the second degree when the violation is the cause of the injury.

iii. **Accidents involving death or personal injury**

- 1. Any person violating this section commits a misdemeanor of the first if the victim suffers serious bodily injury, any

person violating subsection (a) commits a felony of the third degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than 90 days and a mandatory minimum fine of \$1,000, notwithstanding any other provision of law.

2. If the victim dies, any person violating subsection (a) commits a felony of the third degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than one year and a mandatory minimum fine of \$2,500, notwithstanding any other provision of law.

III. Motor Vehicle Accidents and Causation

a. Accident causation

- i. Violation of motor vehicle law
 1. Road rage, drinking, text messaging, cell phone
- ii. Unavoidable or unforeseen accidents
 1. Weather, snow, rain, road conditions debris

b. Types of accidents

- i. **Reportable accidents** – personal or bodily injury, vehicle needed to be towed, state accident report
- ii. **Non-Reportable accidents** – exchange of information, no state accident report, civil between insurance companies

c. Information required at the scene of a motor vehicle accident

- i. **Operator's license** – 15 days to produce
- ii. **Registration** – 5 days to produce
- iii. **Insurance** – If the owner of a motor vehicle involved in an accident requiring notice to a police department pursuant to section 3746 (relating to immediate notice of accident to police department) did not maintain financial responsibility on the motor vehicle at the time of the accident, the department shall suspend the operating privilege of the owner, where applicable, and the department shall revoke the registration of the vehicle.

d. Violations concerning reporting accidents

- i. **Duty to give information and render aid** – The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving, and shall upon request exhibit his driver's license and information relating to financial responsibility to any person injured in the accident or to the driver or occupant of or person attending any vehicle or other property damaged in the accident.
- ii. **Immediate notice of accident to police department** – The driver of a vehicle involved in an accident shall immediately by the quickest means of communication give notice to the nearest office of a duly authorized police department if the accident involves:

1. Injury to or death of any person
 2. Damage to any vehicle involved to the extent that it cannot be driven under its own power in its customary manner without further damage or hazard to the vehicle, other traffic elements, or the roadway, and therefore requires towing.
- iii. **Written report of accident by driver or owner** – If a police officer does not investigate an accident required to be investigated by section 3746 (relating to immediate notice of accident to police department), the driver of a vehicle which is in any manner involved in the accident shall, within five days of the accident, forward a written report of the accident to the department.
- iv. **False reports** – Any person who gives information in oral or written reports required by this subchapter knowing or having reason to believe that the information is false is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200

IV. PA Crimes Code

a. Summary offenses

- i. **Disorderly conduct** – with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, the person:
1. Engages in fighting or threatening, or in violent or tumultuous behavior
 2. Makes unreasonable noise
 3. Uses obscene language, or makes an obscene gesture
 4. Creates a hazardous or physically offensive condition by any act, which serves no legitimate purpose of the actor.
 - a. Misdemeanor of the third degree if the intent of the actor is to cause substantial harm or serious inconvenience or if he persists in disorderly conduct after reasonable warning or request to desist.
Otherwise disorderly conduct is a summary offense.
- ii. **Harassment** – when, with intent to harass, annoy or alarm another, the person:
1. Strikes, shoves, kicks or otherwise subjects the other person to physical contact, or attempts or threatens to do the same
 2. Follows the other person in or about a public place or places
 3. Engages in a course of conduct or repeatedly commits acts, which serve no legitimate purpose
- iii. **Stalking** – person commits the crime of stalking when he 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 of the following:

1. An intent to place the person in reasonable fear of bodily injury
 2. An intent to cause substantial emotional distress to the person
- iv. **Defiant Trespasser** – person enters or remains in any place to which notice against trespass is given by actual communication, posting, fencing or other enclosure, an actual communication to the actor to leave school grounds as communicated by a school, center or program official, employee or agent or a law enforcement officer
1. An offense under this subsection constitutes a misdemeanor of the third degree if the offender defies an order to leave personally communicated to him by the owner of the premises or other authorized person. Otherwise it is a summary offense
- v. **Public drunkenness** – person is guilty of a summary offense if he appears in any public place manifestly under the influence of alcohol or a controlled substance, to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity
- vi. **Purchase, consumption, possession or transportation of liquor or malt or brewed beverages** – being less than 21 years of age, attempts to purchase, purchases, consumes, possesses or knowingly and intentionally transports any liquor or malt or brewed beverages
- vii. **Criminal mischief** – damages tangible property of another intentionally, recklessly, or by negligence. Intentionally or recklessly tampers with tangible property of another so as to endanger person or property. Intentionally defaces or otherwise damages tangible public property or tangible property of another with graffiti by use of any aerosol spray-paint can, broad-tipped indelible marker or similar marking device; or intentionally damages real or personal property of another
- viii. **Retail theft** – takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment with the intention of depriving the merchant of the possession, use or benefit of such merchandise without paying the full retail value thereof; alters, transfers or removes any label, price tag marking
1. Retail theft-Summary when it is a 1st and less than 150.00
- ix. **Truancy** – when a school-age child does not attend school for three or more days in a row without a valid excuse for his/her absence

1. Parents can be cited for their children being truant, and the fine can be up to \$300 plus the completion of an education program
 2. Police can arrest the child and return them to the school.
 3. Judge finds it is not the fault of the parent and the child is 13 or older the child must pay the fine and education program. If the child has a driver's license it can be suspended for 90 days and 6 months for additional offenses
- x. **Sale and use of air rifles** – Shall be unlawful for any dealer to sell, lend, rent, give, or otherwise transfer an air rifle to any person under the age of 18 years, where the dealer knows, or has reasonable cause to believe, the person to be under 18 years of age.
- xi. **Carrying or discharging air rifles**
1. It shall be unlawful for any person under 18 years of age to carry any air rifle on the highways or public lands unless accompanied by an adult, except that a person under 18 years of age may carry such rifle unloaded in a suitable case or securely wrapped.
 2. It shall be unlawful for any person to discharge any air rifle from or across any highway or public land or any public place, except on a properly constructed target range
- xii. **Scattering Rubbish** – causes any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish, or any dangerous or detrimental substance to be deposited into or upon any road, street, highway, alley or railroad right-of-way, or upon the land of another or into the waters of this Commonwealth
- xiii. **Interferes with, scatters, or disturbs the contents of any receptacle containing ashes, garbage, household waste, or rubbish.**

b. Misdemeanor Offenses

- i. **Recklessly endangering another person** – person commits a misdemeanor of the second degree if he recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury
- ii. **Simple assault** – A person is guilty of assault if he:
 1. Attempts to cause or intentionally, knowingly or recklessly causes bodily injury to another
 2. Negligently causes bodily injury to another with a deadly weapon
 3. Attempts by physical menace to put another in fear of imminent serious bodily injury
 - a. **Grading** – Simple assault is a misdemeanor of the second degree unless committed:
 - i. In a fight or scuffle entered into by mutual consent, in which case it is a misdemeanor of the third degree

- ii. Against a child under 12 years of age by an adult 21 years of age or older, in which case it is a misdemeanor of the first degree
- iii. **Retail theft** – takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale by any store or other retail mercantile establishment with the intention of depriving the merchant of the possession, use or benefit of such merchandise without paying the full retail value thereof.
 - 1. Misdemeanor of the second degree when the offense is a second offense and the value of the merchandise is less than \$150
 - 2. Misdemeanor of the first degree when the offense is a first or second offense and the value of the merchandise is \$150 or more
- iv. **Unauthorized use of automobiles and other vehicles** – A person is guilty of a misdemeanor of the second degree if he operates the automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle of another without consent of the owner.
- v. **Unauthorized school bus entry** – A person who enters a school bus without prior authorization of the driver or a school official with intent to commit a crime or disrupt or interfere with the driver or a person who enters a school bus without prior authorization of the driver or a school official who refuses to disembark after being ordered to do so by the driver commits a misdemeanor of the third degree.
- vi. **Harassment and stalking by communication or address** – A person commits the crime of harassment by communication or address when, with intent to harass, annoy or alarm another person:
 - 1. communicates to or about such other person any lewd, lascivious, threatening or obscene words, language, drawings or caricatures
 - 2. communicates repeatedly in an anonymous manner
 - 3. communicates repeatedly at extremely inconvenient hours
 - 4. Any offense committed 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. An offense under this subsection shall constitute a misdemeanor of the third degree.
- vii. **Prohibited offensive weapons** – A person commits a misdemeanor of the first degree if, except as authorized by law, he repairs, sells, or otherwise deals in, uses, or possesses any offensive weapon.

1. **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.
 2. **Offensive weapons** – Any bomb, grenade, machine gun, sawed-off shotgun with a barrel less than 18 inches, firearm specially made or specially adapted for concealment or silent discharge, any blackjack, sandbag, metal knuckles, dagger, knife, razor or cutting instrument, the blade of which is exposed in an automatic way by switch, push-button, spring mechanism, or otherwise, or other implement for the infliction of serious bodily injury which serves no common lawful purpose
- viii. **Possession of weapon on school property** – person commits a misdemeanor of the first degree if he possesses a weapon in the buildings of, on the grounds of, or in any conveyance providing transportation to or from any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school.

Quiz for Weapons on School Property

An administrator has just received information from a teacher that a student may have brought a weapon onto campus.

1. Can the educators search the **locker** of the student? Y___ N___
2. Can the educators search the **desk** of the student? Y___ N___
3. Can educators search the **bag/purse** of the student? Y___ N___
4. Can the educators search the **body** of the student? Y___ N___
5. Must **Miranda warnings** be given? Y___ N___
6. Must **parents** be notified **before** and action is taken? Y___ N___
7. Can the educators search **every student** in the teacher's classroom in search of the weapon? Y___ N___
8. Can the educators search the **entire student body** in search of the weapon? Y___ N___
9. If so, must the search exclude **Special Education** students? Y___ N___
10. If the search is conducted and no weapon is found, have rights been violated? Y___ N___

- ix. **Possession of Marijuana** – Knowingly or intentionally possessing a controlled or counterfeit substance by a person not registered under this act:
 - 1. The possession of a small amount of marihuana only for personal use; the possession of a small amount of marihuana with the intent to distribute it but not to sell it; or the distribution of a small amount of marihuana but not for sale
- x. For purposes of this subsection, thirty (30) grams of marihuana or eight (8) grams of hashish shall be considered a small amount of marihuana
- xi. **False identification to law enforcement authorities** – person commits an offense if he furnishes law enforcement authorities with false information about his identity after being informed by a law enforcement officer who is in uniform or who has identified himself as a law enforcement officer that the person is the subject of an official investigation of a violation of law. An offense under this section is a misdemeanor of the third degree.
- xii. **False alarms to agencies of public safety** – A person who knowingly causes a false alarm of fire or other emergency to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property commits a misdemeanor of the first degree.

c. Felony Offenses

- i. **Aggravated assault** – attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life
 - 1. causes bodily injury to another with a deadly weapon
 - 2. attempts to cause or intentionally or knowingly causes bodily injury to a teaching staff member, school board member, or other employee, including a student employee, of any elementary or secondary publicly-funded educational institution, any elementary or secondary private school licensed by the Department of Education or any elementary or secondary parochial school while acting in the scope of his or her employment or because of his or her employment relationship to the school.
 - 3. attempts by physical menace to put any of the officers, agents, employees or other persons enumerated in subsection (c), while in the performance of duty, in fear of imminent serious bodily injury
- ii. **Burglary** – person is guilty of burglary if he enters a building or occupied structure, or separately secured or occupied portion

thereof, with intent to commit a crime therein, unless the premises are at the time open to the public or the actor is licensed or privileged to enter.

1. If the building, structure or portion entered is not adapted for overnight accommodation and if no individual is present at the time of entry, burglary is a felony of the second degree

iii. **Sexual Offences – 3 most common**

1. **Rape** – person commits a felony of the first degree when he or she engages in sexual intercourse with a complainant:
 - a. By forcible compulsion.
 - b. By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
 - c. Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.
 - d. 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.
 - e. Who suffers from a mental disability which renders the complainant incapable of consent.
 - f. Who is less than 13 years of age
2. **Statutory sexual assault** – a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is four or more years older than the complainant and the complainant and the person are not married to each other.
3. **Sexual assault.** 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 (saying No)
4. **General Provisions for Sexual Offences**
 - a. **Mistake as to age** – 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.
 - b. **Evidence of victim's sexual conduct** – 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.

- c. **Prompt complaint** – Prompt reporting to public authority is not required in a prosecution under this chapter.
- d. **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.
- e. **Resistance not required** – The alleged victim need not resist the actor in prosecutions under this chapter.
- f. **Marital status of the parties is no longer relevant under Pennsylvania law** in determination whether a sexual relationship with another person is criminal or not, except as otherwise expressly provided by law.

5. Grading for Sexual Offenses under PA Law

Grading for Sexual Offenses under Pennsylvania Law		
Offense	Section	Grade
§ 3121	Rape	Felony 1
§ 3122.1	Statutory Sexual Assault	Felony 2
§ 3123	Involuntary Deviant Sexual Intercourse	Felony 1
§ 3124.1	Sexual Assault	Felony 2
§ 3124.2	Institutional Sexual Assault	Felony 3
§ 3125	Aggravated Indecent Assault	Misdemeanor 1
§ 3126	Indecent Assault	Felony 2
§ 3127	Indecent Exposure	Misdemeanor 2 with exception
§ 3129	Sexual intercourse with animal	Misdemeanor 2
§ 4302	Incest	Felony 2

iv. Uniform Firearms act

- 1. **Firearms not to be carried without a license** – Any person who carries a firearm in any vehicle or any person who carries a firearm concealed on or about his person, except in his place of abode or fixed place of business, without a valid and lawfully issued license under this chapter commits a felony of the third degree.
- 2. **Persons not to possess, use, manufacture, control, sell or transfer firearms** – A person who has been convicted of an offense enumerated in subsection (b), within or without this Commonwealth, regardless of the length of sentence or whose conduct meets the criteria in subsection (c) shall not

possess, use, control, sell, transfer or manufacture or obtain a license to possess, use, control, sell, transfer or manufacture a firearm in this Commonwealth, felony.

V. ACT 33 Cases

- a. Any of the following prohibited conduct where the child was **15 years of age or older** at the time of the alleged conduct and a deadly weapon as defined in 18 PA C.S. § 2301 (relating to definitions) was used during the commission of the offense which, if committed by an adult, would be classified as:
 - i. Rape as defined in [18 Pa.C.S. § 3121 \(relating to rape\)](#).
 - ii. Involuntary deviate sexual intercourse as defined in [18 Pa.C.S. § 3123 \(relating to involuntary deviate sexual intercourse\)](#).
 - iii. Aggravated assault as defined in [18 Pa.C.S. § 2702\(a\)\(1\) or \(2\) \(relating to aggravated assault\)](#).
 - iv. Robbery as defined in [18 Pa.C.S. § 3701\(a\)\(1\)\(i\), \(ii\) or \(iii\) \(relating to robbery\)](#).
 - v. Robbery of motor vehicle as defined in [18 Pa.C.S. § 3702 \(relating to robbery of motor vehicle\)](#).
 - vi. Aggravated indecent assault as defined in [18 Pa.C.S. § 3125 \(relating to aggravated indecent assault\)](#).
 - vii. Kidnapping as defined in [18 Pa.C.S. § 2901 \(relating to kidnapping\)](#).
 - viii. Voluntary manslaughter.
 - ix. An attempt, conspiracy or solicitation to commit murder or any of these crimes as provided in [18 Pa.C.S. §§ 901 \(relating to criminal attempt\), 902 \(relating to criminal solicitation\) and 903 \(relating to criminal conspiracy\)](#)

VI. Crimes against the family and child abuse

a. Domestic Violence Cases

- i. 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(b) (relating to harassment and stalking) against a family or household member although the offense did not take place in the presence of the police officer.
- ii. 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.
- iii. The arresting police officer shall seize all weapons used by the defendant in the commission of the alleged offense.

b. Protection from Abuse Order (PFA)

- i. Pennsylvania's Protection From Abuse Act defines abuse as 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 (with or without a weapon):
 - a. bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, indecent assault or incest
 2. Placing another in reasonable fear of imminent serious bodily injury. In other words, threats of physical violence.
 3. False imprisonment
 4. Physically or sexually abusing minor children
 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. In other words, stalking or harassment that makes you afraid of bodily injury*
- ii. Protection from Abuse Order can do more than protect you and your children. It may:
1. Order your abuser not to abuse, harass, or stalk you, your relatives or your minor children
 2. Grant you possession of your home or order the abuser to provide suitable alternate housing, whether or not you own or lease your home together or separately
 3. Award temporary custody or temporary visitation rights of your minor children
 4. Order the abuser to pay financial support (including medical bills, health insurance, rent or mortgage payments) to you or your children
 5. Prohibit the abuser from having any contact with you or minor children, including staying away from your or your child's place of employment or business or school
 6. Order your abuser to turn any of his firearms, other weapons or ammunitions to the sheriff or police, if he used them or threatened to use them during the abuse
 7. Order your abuser to pay you for losses resulting from the abuse (this may include medical, dental, relocation, attorney and counseling costs, as well as loss of earnings or support).
 8. Grant any other appropriate relief you request
- iii. Whether a judge orders any or all of the above depends on the facts of your case
- iv. Indirect criminal complaint (violation of PFA)
1. Arrest for violation of order – An arrest for violation of an order issued pursuant to this chapter may be without

warrant upon probable cause whether or not the violation is committed in the presence of the police officer.

2. Subsequent to an arrest, the police officer shall seize all weapons used or threatened to be used during the violation of the protection order or during prior incidents of abuse.
3. Subsequent to an arrest, the defendant shall be taken by the police officer without unnecessary delay before the court in the judicial district where the contempt is alleged to have occurred.
4. Trial and punishment – A sentence for contempt under this chapter may include imprisonment up to six months or a fine of not less than \$100 or more than \$1,000, or both, and may include other relief set forth in this chapter.

c. Student Assistance Program

- i. The *Student Assistance Program* (SAP) offers:
 1. Identification, assessment, and diagnosis of personal, family, and school/work-related problems
 2. Brief counseling and consultation
 3. Referral to appropriate and accessible services and resources

VII. The Pennsylvania Point System

a. Under the Age of 18

- i. The driving privilege of a person under the age of 18 will be suspended if that person accumulates six (6) or more points convicted of driving 26 miles per hour or more over the posted speed limit
- ii. The first suspension will be for a period of 90 days
- iii. Any additional occurrences will result in a suspension of 120 days

b. First Accumulation of 6 Points

- i. When any driving record reaches 6 or more points for the first time, the driver will receive a written notice to take a special written point examination. The examination will address:
 1. Knowledge of Safe Driving Practices
 2. Knowledge of Departmental Sanctions
 3. Knowledge of Related Safety Issues
- ii. The driver has 30 days to successfully pass the exam or else the license will be suspended until the exam is passed. If the exam is passed within the 30 day period, 2 points will be removed from the driving record
- iii. When any driving record reaches 11 or more points, the driver's license will automatically be suspended

c. Point Removal for Safe Driving

- i. Three (3) points are removed from a driving record for every 12 consecutive months a person drives (from the date of the last violation) without a violation which results in points, license suspension or revocation

The following schedule indicates the violations and the number of points given for committing each violation:

Vehicle Code Description # of Points

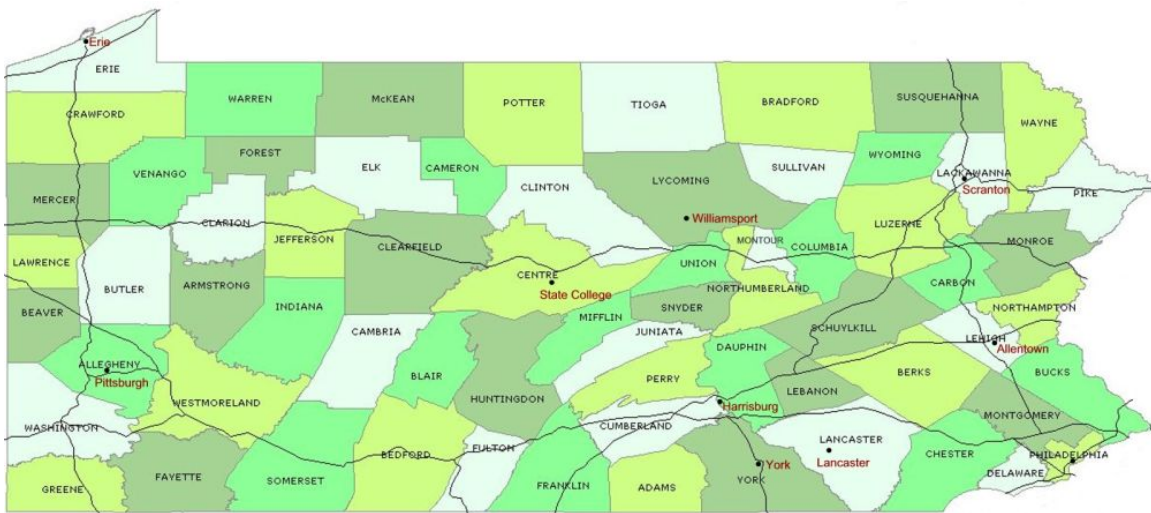
- 1512 Violation of restriction on driver's license - wearing glasses, etc. **2**
- 1571 Violation concerning license **3**
- 3102 Failure to obey authorized persons directing traffic **2**
- 3112(a)(3)(i) or (ii) Failure to stop for a red light **3**
- 3114(a)(1) Failure to stop for a flashing red light **3**
- 3302 Failure to yield half of roadway to oncoming vehicle **3**
- 3303 Improper passing, overtaken driver to maintain speed; passing driver to pull in at safe distance **3**
- 3304 Improper passing on the right **3**
- 3305 Improper passing on the left, clear distance ahead **3**
- 3306(a)(1) Improper passing on a hill **4**
- 3306(a)(2) Improper passing at a railroad crossing or intersection. **3**
- 3306(a)(3) Improper passing at a bridge or tunnel **3**
- 3307 Improper passing in a no-passing zone **3**
- 3310 Following too closely **3**
- 3321 Failure to yield to driver on the right at intersection **3**
- 3322 Failure to yield to oncoming driver when making left turn **3**
- 3323(b) Failure to stop for stop sign **3**
- 3323(c) Failure to yield at yield sign **3**
- 3324 Failure to yield when entering or crossing roadway between intersections **3**
- 3332 Improper turning around - illegal U-turns **3**
- 3341(a) Failure to obey signal indicating approach of train **2**
- 3341(b) Failure to comply with crossing gate or barrier 30-day suspension and **4**
- 3342(b) or (e) Failure to stop at railroad crossings **4**
- 3344 Failure to stop when entering from alley, driveway or building **3**
- 3345(a) Failure to stop for school bus with flashing red lights 60-day suspension **5**
- 3361 Driving too fast for conditions (if violation occurs in an active work zone and in conjunction with an accident, 15-day suspension) **2**
- 3362 Exceeding maximum speed (Miles over Speed Limit):
 - 6 to 10 **2**
 - 11 to 15 (if violation occurs in an active work zone, 15-day suspension) and **3**
 - 16 to 25 (if violation occurs in an active work zone, 15-day suspension) and **4**
 - 26 to 30 (if violation occurs in an active work zone, 15-day suspension) and **5**
 - 31 and over Departmental Hearing and Sanctions provided under Section 1538(d) and **5** (if violation occurs in an active work zone, 15-day suspension)
- 3365(b) Exceeding special speed limit in school zone **3**
- 3365(c) Exceeding special speed limit for trucks on downgrades **3**

- 3542(a) Failure to yield to pedestrian in crosswalk **2**
- 3547(a) Failure to yield to pedestrian on sidewalk when entering from a driveway or alley **3**
- 3549(a) Failure to yield to blind pedestrians **3**
- 3702 Improper backing **3**
- 3714(a) Careless driving **3**
- 3745 Leaving scene of accident involving property damage only **4**

VIII. Crime Prevention

a. Uniform Crime Prevention

- Crime Prevention is: "Being aware that a crime **can** occur, **anticipating** its form, location, time and victim, and **taking action** to reduce the chances of its happening."
- There are three elements the criminal must possess for a crime to occur:
 1. Desire
 2. Ability
 3. Opportunity



Link on your specific county and view the statistics for you particular borough, municipality, township or city.

<http://ucr.psp.state.pa.us/UCR/Reporting/RUAware/RUAwareCountyUI.asp>

b. Personal safety

- i. Bump and Rob
 - ii. Carjacking
 - iii. Road Rage
 - iv. On Foot-Day and Night
- c. Safety at Home**
 - i. Alarms
 - ii. Home Security Checklist
 - iii. Apartments
 - iv. Vacation
- d. Safety at School**
 - i. Emergency Response Plan
- e. Victimization**
 - i. Local, county, district services

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