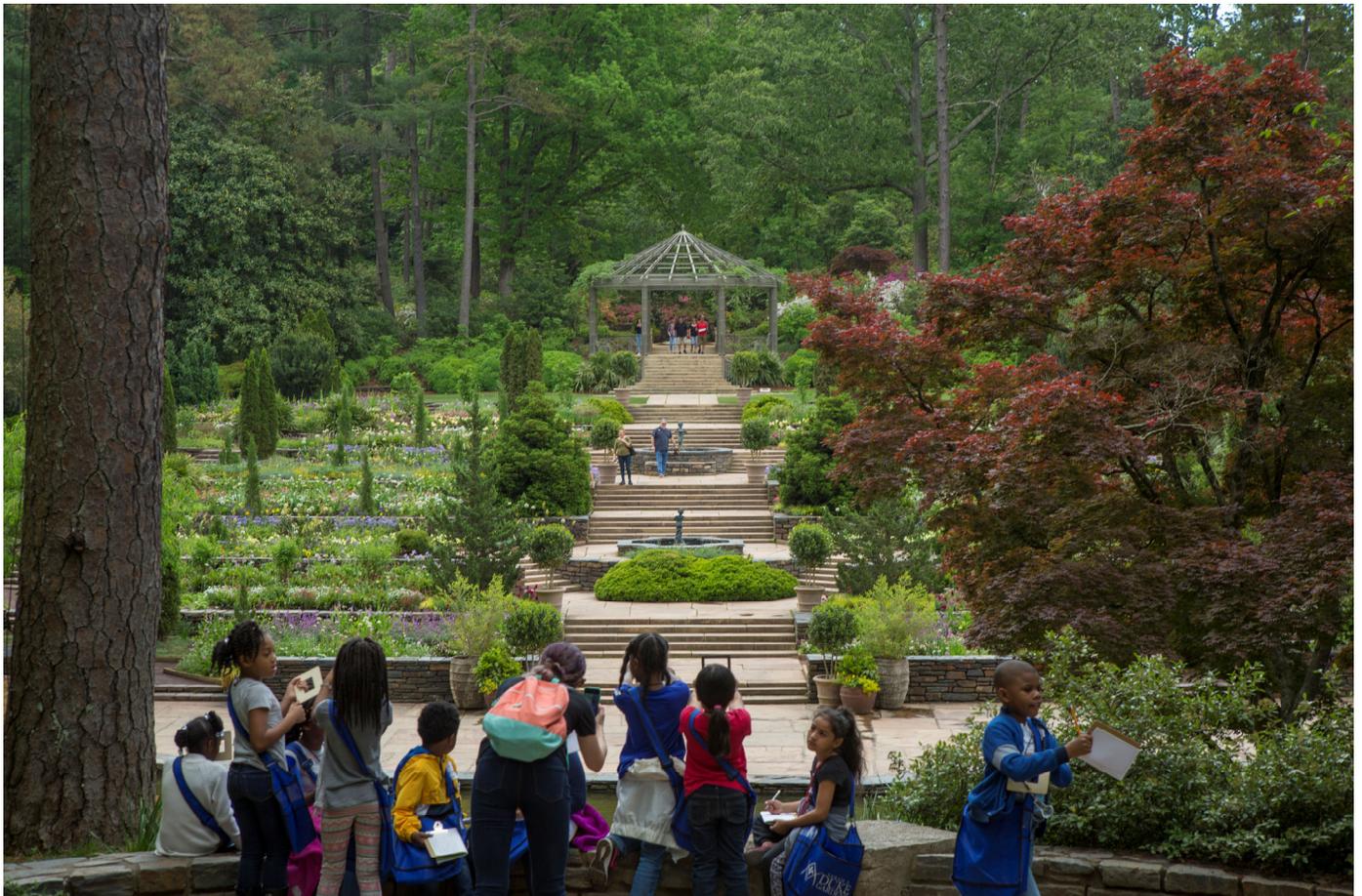


# Duke UNIVERSITY



## DUKE UNIVERSITY

(Main Campus, Marine Lab, DC Program)

## 2020 Annual Clery Security Report

Information for 2020-2021 Academic Year

## Table of Contents

Welcome.....	1
Overview of the Duke Police Department.....	2
The Campus Security Act and Legal Requirements.....	3
Professional Standards.....	4
Incident Reporting and Response; Durham Crime Stoppers.....	5
Voluntary and Confidential Reporting.....	6
Timely Warning Notification; Emergency Response Plan.....	7
Emergency Notification Systems at Duke University.....	8
Fire Safety Report.....	13
Sexual Assault, Domestic Violence, Dating Violence, and Stalking.....	14
Security and Access to Facilities.....	30
Alcoholic Beverages and Illegal Drugs.....	31
North Carolina State Law Regarding Alcohol.....	32
Drugs and Drug Paraphernalia.....	33
Missing Student Notification Policy.....	34
Crime Statistics; Explanation; and Terms.....	35
Crime Reduction: Information & Services.....	40
Risk Reduction.....	41
Safety Off-Campus.....	42
Safety at the Duke Marine Laboratory.....	43
Safety at the Duke in DC Program.....	44
Appendix 1: N.C. Criminal Law Definitions.....	46
Appendix 2: Federal Drug & Alcohol Law Definitions.....	50
Appendix 3: D.C. Drug & Alcohol Law Definitions.....	54

**PLEASE NOTE:**

**All policy statements contained in this report apply to all campuses unless otherwise indicated.**

## Welcome

Duke University is a large and complex institution with a workforce of more than 42,000, a student body of nearly 16,000, and numerous patients and visitors each year. Ensuring a safe environment across such a broad and dynamic campus is a shared responsibility that involves all members of the Duke community.

We rely on all members of the Duke community to help identify and report potential safety concerns. In addition, certain individuals and departments have unique responsibilities for helping to ensure a safe and secure campus; they include those identified as Campus Security Authorities — those with significant responsibility for students and student activity — and the Duke University Police Department.

The Duke University Police Department provides 24-hour law enforcement and security services for the main academic campus in Durham and Duke University Hospital. The department works closely with members of the Duke community to solve problems and proactively address issues that will reduce the likelihood of crime occurring on our campus.

Each year, Duke issues an annual report about safety and security programs and crime statistics as part of compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”). The statistics reflect incidents that have occurred within the main academic campus or Duke University Hospital and those from municipal police for the public areas immediately adjacent to the campus. In addition to these numbers, we include crime statistics for properties that are frequented by students such as the Duke Marine Lab and the Duke in DC Program that are owned or controlled by Duke but are not immediately adjacent to the main campus.

We hope you will find this report valuable. Please review this information carefully and, in particular, the crime prevention tips included. Personal safety is a responsibility of everyone, and we need your assistance in helping to make our campus a safe environment.

If you have any questions or suggestions about security or law enforcement at Duke University or Duke University Health System, please feel free to call us at (919) 684-6571 or send an email to [ruby.thompkins@duke.edu](mailto:ruby.thompkins@duke.edu).

Thank you.

Kyle Cavanaugh,

Vice President, Administration

## Overview of the Duke Police Department

The Duke University Police Department (DUPD) provides law enforcement and security services to Duke University.

The department is comprised of state certified police officers, security officers, communications officers, and civilian support staff. We also supplement staffing with contract and special event security. DUPD officers are commissioned under the North Carolina General Statutes. Police officers have full police enforcement authority granted to any municipal law enforcement officer, including the authority to make arrests. Police jurisdiction includes property owned by, or under the control of, Duke University, which includes adjacent public streets and sidewalks. DUPD also assigns security officers and contract security officers on campus. Security officers have authority to enforce University policies and rules. Security officers work closely with our police officers in constantly patrolling University properties and assisting employees and visitors. DUPD, along with various departments and Duke organizations, may also employ contract personnel for support during campus events. These event personnel enforce facility and University policy.

**John Dailey**

Chief of Police

Email:

[john.dailey@duke.edu](mailto:john.dailey@duke.edu)

Phone:

(919) 684-5615

The department also maintains a fully staffed investigations division, a professional recruiting and training unit, and a 9-1-1 Emergency Communications Center. In addition, DUPD has sophisticated communications and radio systems to provide for instant communication between local and state agencies in times of emergency.

DUPD maintains a close working relationship with the Durham Police Department (DPD), the Durham County Sheriff's Office, the SBI and FBI. In the normal course of business, DUPD takes all criminal reports and conducts criminal investigations for incidents arising on campus. On occasion, DUPD may request support from other law enforcement agencies to assist with an incident when that assistance will aid the investigation. DUPD also has a written agreement (MOU) with DPD that specifically addresses the response and assistance between campus and Durham City jurisdiction and the sharing of resources.

DUPD is accredited by the Commission on Accreditation for Law Enforcement Agencies through an independent evaluation by outside assessors. Our policies and procedures must meet and maintain accepted standards, developed by an extensive body of public safety practitioners.

Please visit the department's web site at <http://police.duke.edu/>. This site includes detailed information about our services, along with a telephone and email directory of key department personnel.

## The Campus Security Act and Legal requirements

### The Campus Security Act requires colleges and universities to:

- Publish an annual report every year by October 1 that contains three years of campus crime statistics and certain campus security policy statements;
- Disclose crime statistics for the campus, public areas immediately adjacent to, or running through, the campus, and certain non-campus facilities and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement, and other University officials who have “significant responsibility for student and campus activities;”
- Provide “timely warning” notices of those crimes that have occurred and “pose an ongoing threat to students and employees;”
- Disclose in a public crime log “any crime that occurred on campus. . . or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department;”
- Disclose any agreements with state and/or local law enforcement.

### Preparation of the Annual Security Report

DUPD prepares and distributes the Annual Security Report. DUPD gathers policy information and crime statistics from other Duke University departments and Campus Security Authorities, such as the Office of Student Conduct and other offices within the Division of Student Affairs. DUPD also requests crime statistics from the Durham Police Department and other law enforcement agencies where Duke University owns or controls property. All of the crime statistics gathered are then incorporated into the Crime Statistics tables located below.

DUPD encourages members of the Duke University community to use this report as a guide for safe practices on and off campus. It is available on the web at <https://police.duke.edu/news-stats/clery>.

Each member of the University community receives an email that describes the report and provides its web address. For a paper copy, contact the Duke University Police Department at 502 Oregon Street, Durham, NC 27708 or (919) 684-4026.

### Crime Log

DUPD updates the Daily Crime Log within two business days and includes all crimes reported to the DUPD. It is available during business hours at Duke University Police Department, 502 Oregon Street, Durham, NC 27708. It is updated and available on the DUPD website for 60 days at <https://police.duke.edu/summaries>.

Note: Unless otherwise indicated, all policy statements contained in this report apply to all campuses.

## Professional Standards

The Police Department's relationship with the community is vital to a safe and secure campus. All members of the Duke community should expect to be treated in a courteous and professional manner by members of our department. The Duke Police Department will not tolerate unprofessional behavior by an employee. We also wish to recognize instances where our employees have been especially helpful or have exceeded your expectations in the service they have provided.

The quality of our service is dependent, in part, on feedback from the community. The police department has an extensive professional standards process in place to respond to citizen complaints and concerns. The department also has various ways in which we are able to recognize outstanding performance by our employees.

Please help us improve our department by bringing your compliments and concerns to the attention of any of the following individuals in a timely manner:

- Request the on-duty Police Supervisor (normally a Police Lieutenant) by calling (919) 684-2444; this individual is available 24-hours a day.
- Address written correspondence to: Chief of Police, Duke University Police Department, Box 90425, Durham, NC 27708-0425.



## Incident Reporting and Response

### How to Report a Crime or Emergency

Students, employees, patients, and visitors are encouraged to immediately report any criminal offense, suspected criminal activity, or other emergency on campus directly to the Duke University Police Department (DUPD) or to the appropriate police agency for crimes occurring off campus. Sex Offenses and other incidents of sexual or relationship violence may be reported to the Title IX Coordinator at the Office of Institutional Equity ([oi@duke.edu](mailto:oi@duke.edu), 919-684-8222). Students may also report incidents to the Office of Student Conduct ([conduct@duke.edu](mailto:conduct@duke.edu), 919-684-6938).

Reporting crime to DUPD can be done in several ways. The first is to use one of the emergency or help phones available on campus and in the medical center. The second way is to simply dial 9-1-1 on any telephone. Dialing 9-1-1 will reach the Duke Police Department from every Duke telephone exchange. If dialing from a cell phone or an off-campus telephone within Durham, the call will reach the Durham Police Communications Center. In either case, each agency has communication with the other and calls can be transferred. For non-emergency calls to the Duke Police Department, dial (919) 684-2444. We encourage students and employees to put this non-emergency number into their cell phones as a speed dial entry. A third way to contact DUPD is by two-way texting from a mobile device; through the [LiveSafe mobile app](#), students and employees can text message police and emergency services immediately as well as submit tips to the police or even request a friend to watch them while walking alone.

Reporting crime to DUPD allows the University to maintain accurate records on the number of incidents for inclusion in the annual disclosure of crime statistics; determine if there is a pattern of crime with regard to a particular location, method or assailant; and alert the campus community of an ongoing threat, if needed.

Members of the Duke community are encouraged to accurately and promptly report crime and emergencies to the Duke University Police Department, including when a victim of a crime elects to, or is unable to, make such a report.

### Response to Calls

Dispatchers are available at the numbers above 24 hours a day to answer your calls. DUPD's procedures include an immediate response to emergency calls. DUPD works closely with the full range of city and county first responders to assure a complete and timely response to all emergency calls. Priority response is given to crimes against persons and personal injuries. In response to a non-emergency call, DUPD will take the required action, either dispatching an officer or asking the victim to report to DUPD to file an incident report. Special services include experienced investigators as well as the generous availability of local, state, and federal law enforcement agencies in providing support and assistance. DUPD incident information involving students is forwarded to the Office of Student Conduct for potential action, as appropriate; if the incident involves an employee, this information may be reported to Duke Human Resources.

### DukeReach

DukeReach directs faculty, staff, parents and others to the resources available to help a student in need. Services participating in DukeReach come from across campus. The program is managed by the Dean of Students Office. Access DukeReach at <http://www.studentaffairs.duke.edu/dukereach1>. This website provides students with the resources to find appropriate help for themselves or for others.

## Durham CrimeStoppers

In addition to the above means of reporting incidents and obtaining resources for them, you may report crimes that you witness or have information about that occur in the City of Durham or Durham County to Durham CrimeStoppers at (919) 683-1200.

## Voluntary and Confidential Reporting

Occasionally, victims of crime wish to report a crime but do not want to give their name and/or do not want to pursue action through the criminal justice or University disciplinary systems.

If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still want to consider making a confidential report. With your permission, a DUPD officer can file a report on the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of a reported sex offense or sexual harassment so that you can be offered support and resources). The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, DUPD can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed as statistics in the annual crime statistics for the institution.

As allowed by the Clery Act, pastoral and professional counselors who receive confidential reports are not required to report these crimes to the University Police for inclusion into the annual disclosure of crime statistics or for the purpose of a timely warning. These positions are defined as follows:

**Pastoral Counselor** - a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

**Professional Counselor** - person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

Pastoral counselors and professional counselors, if and when they deem it appropriate, are encouraged to inform the persons they are counseling of the procedures to a report crime to the Duke University Police Department for inclusion in the annual disclosure of crime statistics.

You may also report incidents anonymously at the Duke Police website through the [Silent Witness Program](#). Along with reports in which complete anonymity is desired, the Silent Witness program is also designed to provide the police with crime information.

## Timely Warning Notification

Duke University issues **Timely Warning Notices** for Clery crimes that occur in our geography (On Campus, Public Property, and Noncampus Property) and pose a serious or continuing threat to students and employees. The warnings are timely, issued in a manner that withholds the names of the victims as confidential, and may aid in the prevention of similar occurrences.

Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting, which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger Duke community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known; cases involving sexual assault are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.)
- Major incidents of Arson
- Other Clery crimes as determined necessary by the Chief of Police or designee

After notification by on duty staff, the Chief of Police or a designee and the VP for Administration or a designee determine on a case-by-case basis if a timely warning is necessary. Alerts are generally written and distributed to the community by the Duke Police Department or by Communications Services staff. These warnings may be made by e-mail and/or text messaging, along with Duke and local news service, as determined by each circumstance.

## Emergency Response Plan

The Duke University Emergency Management Plan (EMP) is the University’s emergency response plan. The EMP documents the framework, processes and communications required for a successful response to, and recovery from, an emergency incident. The plan includes descriptions of categories for the classification of emergency incidents, as well as specific responsibilities and actions by level. The EMP also discusses the role of Department Operations Teams (DOT), which are based at the local department or unit.

Duke University Police supervisors have received training in Incident Command and Responding to Critical Incidents on Campus. If a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually DUPD and the Durham Fire Department, and they typically respond and work together to manage the incident. Depending on the nature of the incident, other Duke University departments and other local or federal agencies could also be involved in responding to the incident.

General information about the emergency response and evacuation procedures for Duke University are publicized each year as part of the institution’s Clery Act compliance efforts, and that information is available on the Duke Police Department website at <http://www.duke.edu/police/index.php>.

## Emergency Notification Systems at Duke University

Duke University has a number of communication systems to alert students, faculty, staff and visitors in the event of a significant emergency or dangerous situation on campus that involves an immediate threat to the health or safety of the campus community. Duke will initiate these systems, called DukeALERT, without delay, once first responders and/or the Emergency Coordinator confirm a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus.

The DukeALERT system includes the following communication options: text message, blast email, website web alert bar, digital signs, an outdoor siren system, as well as other contact methods outlined below. In considering the safety of the campus community, Duke officials will, without delay, and taking into account the safety of the community, determine the content of the emergency message and initiate the notification unless this will, in the professional judgment of responsible authorities, compromise the efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency. Community members, upon receiving a notice of an alert, should seek additional information primarily from Duke University Emergency webpage at <https://emergency.duke.edu> and take actions to protect themselves and to alert others.

### Duke | ALERT

Duke University is committed to the safety of its students, faculty, staff, patients and visitors. One component of Duke's comprehensive safety systems includes the ability to make mass, campus-wide notifications of emergency situations that may pose a threat to the health and safety of members of the Duke community.

These notifications can be classified generally as:

- DukeALERT Emergency Notification
- Timely Warning Notice (as described above)

For the latest  
DukeALERT  
Information, log onto:

<https://emergency.duke.edu>



**DukeALERT Emergency Notification** - notification of a significant emergency when individuals need to take immediate action to protect life.

Duke University has multiple communication options available for alerting the Duke community. Some or all of these methods of communication may be activated in an emergency situation. Examples of significant emergencies may include significant hazard material leaks, tornadoes, contagious and dangerous diseases, etc. The Chief of Police or designee and the Vice President for Administration or designee determine whether a notification will be made, develop its content, and send it or authorize the initiation of the system that sends it.

The emergency communication options, called DukeALERT, include:

<u>Option</u>	<u>Purpose / Target</u>
Outdoor siren system	→ alert persons outside to seek shelter and obtain more information
Text messaging	→ alert individuals who have registered their mobile device at <a href="https://emergency.duke.edu">https://emergency.duke.edu</a> by text message of an emergency or incident
Email	→ notify Duke email accounts
Duke Emergency Website	→ serve as the primary source and consolidation of emergency and information updates
Direct contact	→ officials may alert specific community members directly, depending on the situation
Digital signs	→ alert visitors and other members of the Duke community who are gathered in public areas such as the Bryan Center or Nasher Museum

Other options, such as notification through building fire alarms, public address systems, in person notices and announcements, as well as Duke Hospital notification systems and processes, may also be used. Duke community members may sign up to receive text messages at <https://emergency.duke.edu>. Notification to the larger community may be made through the local media. Follow-up information will be distributed using some or all of the identified communication systems (except fire alarm).

## Notification Process

The Duke University Police Department (DUPD) will respond to reported incidents and will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The response may be in conjunction with others, such as the Durham Fire Department or hazardous material officials.

In some cases, other University officials (such as members of Duke Occupational and Environmental Safety Office, the Vice President for Student Affairs, and the Vice President for Administration) may recognize and confirm a dangerous or emergency situation involving an immediate threat to the health and safety of the campus, such as a radiation safety incident, hazardous materials spill, pandemic flu, etc.

Upon confirmation of an emergency, following its emergency notification procedures, DUPD management or other University officials will typically coordinate with the Duke University Emergency Coordinator. Together, they will determine which segment(s) of the campus community will be warned and will determine the content of the warning. Depending on the circumstances, the Duke Police supervisor on duty has the authority and capability to activate the outdoor warning system. He/she would immediately coordinate with the Police Staff Duty Officer, who has the authority and capability to activate the mass email and text message systems. When information that abates the emergency has been received, a follow-up DukeALERT message will be sent to notify the community. Typically, the Chief of Police or designee and the Vice President for Administration or designee will be responsible for determining the content, i.e., writing the emergency notifications. Officials in DUPD and Duke Communications Services can activate the DukeALERT system to send mass emails and text messages. A Timely Warning will not be issued based on the same circumstances as the Emergency Notification, although the Emergency Notification uses the same methods of distribution.

## Tests and Drills

Duke assesses its emergency response plans and systems each year through scheduled drills, exercises and appropriate follow through activities designed for assessment of emergency plans and capabilities. These exercises are conducted both at the department/division level, as well as the institutional level.

In conjunction with other emergency agencies, the University conducts emergency response drills and exercises each year such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess the emergency plans and capabilities of the institution. Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

The DukeALERT outdoor siren system, text message, and email systems are tested three times annually (each semester, including once during summer session); emergency procedures and evacuation plans are publicized in conjunction with this test. Duke University Occupational and Environmental Safety Office also conducts announced and unannounced building evacuation drills each year.

The Duke University Emergency Coordinator chairs the Emergency Management Council (EMC). The EMC oversees Duke's preparation and planning for emergencies.

## Community Actions Upon Receipt of DukeALERT Message

Community members, upon receiving a notice of an alert, should seek additional information primarily from Duke University Emergency Webpage at <https://emergency.duke.edu> and take actions to protect themselves and to alert others. Generally, it is difficult to provide a set of instructions applicable to all community members. Individual actions will depend on factors such as the type and one's proximity to the emergency. We encourage everyone to be familiar with department and University emergency plans.

## Incident Information

Incidents may occur on campus that do not appear to involve an immediate threat to the health and safety of students or employees, but due to their significance, may justify community notification.

Incidents may include, but are not limited to: follow up to an emergency notification; a significant incident on or off campus; severe weather warning; or a major facilities failure.

Communication options for incident information include: email, <https://emergency.duke.edu>, Duke Today and media outlets.

## Shelter-in-Place Procedures – What it Means to “Shelter-in-Place”

If a dangerous incident occurs, there is a significant weather event, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to the dangerous condition. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments, this location can be made even safer and more comfortable until it is safe to go outside.

### How You Will Know to “Shelter-in-Place”

A shelter-in-place notification may come from several sources, including DukeALERT, Housing Staff members, Duke Police or other University employees, Durham Police, or other authorities using the University’s emergency communications tools.

### How to “Shelter-in-Place”

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  - An interior room;
  - Above ground level; and
  - Without windows or with the fewest windows possible. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows (tightly seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (if needed, University staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in to Duke Police so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. If safe to do so, turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

## Fire Evacuation Procedures

Duke University regularly conducts fire drills requiring evacuation in its facilities. These drills are conducted at least annually and are used to:

- Familiarize community members to the audible and visible evacuation signals and the exit routes available to use in the event of a fire or other situation that requires immediate evacuation
- Evaluate the performance of the employees in a fire incident and the effectiveness of the behaviors used in accordance with the fire drills and the emergency plans/site specific fire plans

The results of the drills are documented. Evacuation procedures are as follows:

1. Close all windows and (leave the overhead light ON.)
2. Before opening any door, feel the door. If it is HOT, do not open it; if it is not hot, brace yourself against the door, open it slightly, and if heat or heavy smoke are present, close the door and stay in your room.
3. If you cannot leave the room, open the window, hang a sheet or other light-colored object out of the window to attract the attention of emergency personnel and then close the window. If there is a phone in the room, call Campus Police (911) and report that you are trapped. Remain calm and give your room number and building location. Stuff towels, sheets, or similar materials under all doors leading into corridors. Stay close to the floor if smoke enters the room.
4. If conditions allow you to leave the room, close, but do not lock, the door and walk directly to the nearest exit and leave the building.
5. If you are away from your room when the alarm sounds, do not return to your room, but leave the building via the nearest exit.
6. DO NOT use elevators. If hallways and/or exit stairwells are not accessible because of heavy smoke, return to your room, close the door and follow the instructions given above.
7. If you have exited the facility, stand clear of the building and report to your designated check-in area. Emergency apparatus may be maneuvering around the building.
8. Follow the directions of fire and police personnel and NEVER re-enter the building until they give permission to do so.

## General Evacuation Procedures:

(**RACE** is an acronym used to help you respond safely and correctly)

- R - REMOVE ALL PERSONS IN IMMEDIATE DANGER TO SAFETY** to include patients, visitors, students and employees.
- A - ACTIVATE MANUAL PULL ALARM/DIAL 911.** Give the following information: The exact location of the fire (Building and Location-Area, Building Zone or Color or Zone Floor, Room Number) and the name of person calling and phone number.
- C - CLOSE ALL DOORS AND WINDOWS** to prevent the spread of fire and smoke.
- E - EXTINGUISH THE FIRE** with a portable fire extinguisher or **EVACUATE THE AREA. DO NOT USE THE ELEVATOR.**

Go to <https://www.safety.duke.edu/fire-life-safety/fire-drill-program> for additional information concerning the Fire Drill Program, fire safety and evacuations.

## Fire Alarm Evacuation Policy

Evacuation is mandatory for all individuals when the fire alarm is sounding. Anyone who fails to evacuate may face disciplinary action.

Once a fire alarm sounds, do not assume that a fire alarm is a drill or false alarm. Remain calm and evacuate the facility. Remember to follow the instructions of the emergency responders. Do not re-enter the facility until authorized. If you have any information regarding the alarm, present that information immediately to the responding emergency personnel.

While evacuating, remain attentive for dangerous or criminal activity that may be associated with the evacuation notice. Fire alarm activations may be associated with incidents other than fire. It is also possible that an individual has falsely activated the alarm system. If you observe criminal or suspicious activity, report it immediately to the Duke University Police.

## Fire Safety Report

### Campus Fire Safety Right-to-Know Act

The *Campus Fire Safety Right-to-Know Act* is an amendment to the *Higher Education Opportunity Act*. This amendment serves to increase campus fire safety awareness across the nation, providing students and their families with the fire safety records of colleges/universities. Signed into law by President George W. Bush on August 14, 2008, this amendment requires post-secondary institutions to publicly release fire safety information and statistics, much as they already do with other safety statistics, such as campus vehicle thefts and assaults. This information provides prospective and current students the policies, concerns, and fire safety conditions that are present at the institution to which they have applied or are enrolled. See <http://www.safety.duke.edu/fire-life-safety/campus-fire-safety-right-know-act>.

The current full report, including fire statistics for on campus residences and building evacuation procedures, can be accessed at: <http://www.safety.duke.edu/sites/default/files/AFSR2019.pdf>.

## Sexual Assault, Domestic Violence, Dating Violence, and Stalking

Duke University does not discriminate on the basis of sex in its educational programs, and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited, sexually based or not, and include dating violence, domestic violence, and stalking. As a result, Duke University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus within its program or activities, and when it is reported to a University official. In this context, Duke University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the University community.

Click here for information on Duke University's Policy on Prohibited Discrimination, Harassment, and Related Misconduct: <https://oie.duke.edu/knowledge-base/policies-statements-and-procedures>

Click here for information on Duke University's Workplace Violence Prevention and Response Policy: <https://hr.duke.edu/policies/workplace-health-safety/violence-prevention-response>.

### A. Definitions

**Consent:** While North Carolina law does not define "consent," the university defines consent as an affirmative decision to engage in mutually acceptable sexual activity freely given by clear actions and/or words. Consent may not be inferred from silence, passivity, or lack of active resistance alone.

- A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent is not freely given when the individual is incapacitated (Defined further below). Consent is not freely given when the individual is coerced into sexual activity, such as, for example, through the use of physical force, threat of physical or emotional harm, undue pressure, isolation, or confinement.
- Consent may be withdrawn at any time. Once withdrawn, sexual activity must cease.
- The perspective of a reasonable person will be the basis for determining whether a Respondent knew, or reasonably should have known, whether a Complainant was able to freely give consent and whether consent was given. Additionally, being intoxicated or incapacitated does not diminish one's responsibility to obtain consent and will not be an excuse for Prohibited Conduct.

The purposes for which this definition is used include sexual misconduct policy violations.

**Sexual Assault:** Under the Clery Act, "sexual assault" means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. —*Rape* is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

—*Fondling* is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

—*Incest* is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

—*Statutory Rape* is defined a nonforcible sexual intercourse with a person who is under the statutory age of consent.

**See "Appendix 1: Criminal Law Definitions" for the State of North Carolina criminal offenses for Sexual Assault.**

**Domestic Violence:** Under the Clery Act, the term “domestic violence” means

1) Felony or misdemeanor crimes of violence committed—

(i) By a current or former spouse or intimate partner of the victim;

(ii) By a person with whom the victim shares a child in common;

(iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

(iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or

(v) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

***See “Appendix 1: Criminal Law Definitions” for the State of North Carolina criminal offenses for Domestic Violence.***

**Dating Violence:** Under the Clery Act, the term “dating violence” means violence committed by a person

1) Who is or has been in a social relationship of a romantic or intimate nature with the victim and

2) The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition-

(i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(ii) Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

***See “Appendix 1: Criminal Law Definitions” for the State of North Carolina criminal offenses for Dating Violence.***

**Stalking:** Under the Clery Act, the term “stalking” means

1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(i) Fear for the person’s safety or the safety of others; or

(ii) Suffer substantial emotional distress.

2) For the purposes of this definition—

(i) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.

(ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(iii) Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.

3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

***See “Appendix 1: Criminal Law Definitions” for the State of North Carolina criminal offenses for Stalking.***

## B. Education and Prevention Programs

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and employees and ongoing awareness and prevention campaigns for students and employees that:

- a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- b. Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- c. Defines what behavior and actions constitute consent to sexual activity using the definition of consent found above, and the purposes for which the institutional definition is used. The local jurisdiction does not define consent. See Section A above, "Definitions", for the Duke University definition of Consent;
- d. Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or to intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- e. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
- f. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act, including information regarding:
  - i. Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking occurs (as described in "Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs" elsewhere in this document);
  - ii. How the institution will protect the confidentiality of victims and other necessary parties (as described in "Assistance for Victims: Rights and Options" elsewhere in this document);
  - iii. Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in "Assistance for Victims: Rights and Options" elsewhere in this document);
  - i. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in "Assistance for Victims: Rights and Options" elsewhere in this document); and
  - ii. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in "Adjudication of Violations" elsewhere in this document).

## Annual and Ongoing Prevention and Awareness Programs

The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials to, and participation in training for, new students, and participating in and presenting information and materials during orientation for new employees; in addition, the University offered ongoing prevention and awareness programs to current students and employees.

The University offered the following prevention and awareness programs in 2018/19:

### Primary Prevention and Awareness Programs for Students:

- Sexual Assault Prevention for Undergraduate Students (SAPU)—all incoming undergraduate students
- Sexual Assault Prevention for Graduate/Professional Students (SAPU)—all incoming graduate students
- First-Year Advisory Counselor (FAC) Spring Training—two trainings with 250 students
- New Resident Assistant Fall and Spring Trainings—four trainings with 215 students
- Returning Resident Assistant Training—two trainings with 60 students
- Resident Coordinator Training—one training with 12 students
- Peer Advocacy for Sexual Health Fall Training—one training with 20 students
- Rubenstein Scholars Training—one training with 30 students
- Gatekeepers of Community Orientation Session (Bystander Intervention Training for First Year Students)—one training with 1400 students
- True Blue Training for First Year Undergraduate Students
- Party Monitor Training
- First Year Orientation talks that included sexual assault awareness with topics defining “Consent” and focusing on sexual safety in dating relationships

### Primary Prevention and Awareness Programs for Employees:

- Employee Orientation workplace safety trainings with an emphasis on violence prevention
- Video— Duke University Discrimination and Harassment Compliance Training (for all employees)
- Video — Duke University Health System Discrimination and Harassment Compliance Training (for all employees)

### Ongoing Prevention and Awareness Programs for Students:

- PACT (Prevent, Act, Challenge, Teach)
- Let’s Talk Consent
- Let’s Talk Consent in the Greek Community
- 5 Key Norms Training
- Two Citizens Police Academy Domestic Violence Training & Awareness session for 37 students discussed how police respond to these incidents and incorporated a practical exercise with victim and offender role-play

### Ongoing Prevention and Awareness Programs for Employees:

- Video—Duke University Discrimination and Harassment Compliance Training (bi-annually for all employees)
- Video—Duke University Health System Discrimination and Harassment Compliance Training (bi-annually for all employees)
- 25 site-specific security awareness trainings that addressed domestic violence in the employment setting for 517 employees
- 36 verbal de-escalation briefings for 595 employees that: (a) focused on relationship stressors that could result in relationship violence and other aggressive behaviors that spill over into the workplace and (b) describe the resources available to help mitigate these behaviors and describe the resources available to help mitigate these behaviors
- Two Citizens Police Academy Domestic Violence Training & Awareness session for 43 employees discussed how police respond to these incidents and incorporated a practical exercise with victim and offender role-play

## C. Procedures for Reporting a Complaint

The University has procedures in place to support those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as written notification concerning the availability of resources such as counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus. Measures to prevent contact between a complainant and an accused party (such as housing, academic, transportation and work accommodations) may be requested and will be offered, if reasonably available. The University will make such accommodations if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to proceed with Duke's internal disciplinary process and/or report the incident to the Duke University Police Department or local law enforcement.

The written notification will include information regarding accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individuals or offices that can be contacted to request accommodations).

At a victim's request, and with the victim's cooperation and consent, university offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered protective measures and changes to academic, living, working, and transportation situations regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is not option for moving to a different section, etc. Potential changes to living situations may include an offer to move to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, students should contact the Office of Student Conduct ([conduct@duke.edu](mailto:conduct@duke.edu), 919-684-6938), the Women's Center ([wchelp@duke.edu](mailto:wchelp@duke.edu), 919-684-3897), and/or the Title IX Coordinator in the Office for Institutional Equity ([TitleIX@duke.edu](mailto:TitleIX@duke.edu), 919-684-8222); employees should contact the Office for Institutional Equity ([OIE-help@duke.edu](mailto:OIE-help@duke.edu), 919-684-8222).

Kimberly Hewitt (919-684-8228, [kimberly.hewitt@duke.edu](mailto:kimberly.hewitt@duke.edu)), Vice President of the Office for Institutional Equity (<https://oie.duke.edu/>), is the individual responsible for the coordination and administration of Duke's nondiscrimination and harassment policies generally. Duke University's Title IX Coordinator is responsible for overseeing the University's Title IX compliance efforts, including this policy and its complaint-resolution procedures. Students and employees may contact the Coordinator at:

- Jayne Grandes, Assistant Vice-President,  
Title IX (Title IX Coordinator)  
114 S. Buchanan Blvd., Bay 8  
Durham, NC 27708      Phone: 919-660-5766      Email: [Jayne.Grandes@duke.edu](mailto:Jayne.Grandes@duke.edu) or [TitleIX@duke.edu](mailto:TitleIX@duke.edu)

To file a complaint against a student for alleged sexual assault, domestic violence, dating violence, or stalking, please contact:

- Victoria Krebs  
Associate Dean of Students, Title IX Outreach & Response  
208 Crowell Hall  
Phone: 919-684-6938 | [Victoria.Krebs@duke.edu](mailto:Victoria.Krebs@duke.edu)      Email: [conduct@duke.edu](mailto:conduct@duke.edu)

To file a complaint against an employee or third party for alleged sexual assault, domestic violence, dating violence, or stalking, please contact:

- Cynthia Clinton, Assistant Vice President, Harassment & Discrimination Prevention and Compliance  
114 S. Buchanan Blvd., Bay 8  
P.O. Box 90012  
Durham, NC 27708      Phone: 919-668-6214    email: [cynthia.clinton@duke.edu](mailto:cynthia.clinton@duke.edu)

After an incident of sexual assault and/or domestic or dating violence, the victim should consider seeking medical attention. For immediate and urgent medical concerns, go directly to the Emergency Department (ED) of Duke University Hospital (off Erwin Road near Trent Hall). You can call the Duke University Police Department (919-684-2444) for transportation without having to make a report. For less immediate medical concerns, schedule an appointment at Student Health (919-681-WELL), Employee Occupational Health and Wellness (919-684-3136, option #2), or your primary care physician.

In North Carolina, evidence may be collected even if you choose not to make a report to law enforcement. If you do not wish to make a report to law enforcement, please notify the Sexual Assault Nurse Examiner. It is important that victims of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 120 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications; and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing boards/investigators or police. Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The University will assist any victim with notifying local police if they so desire; for such assistance, contact the Office of Student Conduct, the Office of Gender Violence Prevention and Intervention in the Women's Center, or the Office for Institutional Equity (see contact information above). The Duke University Police Department may also be reached directly by calling (919) 684-2444, or in person at 502 Oregon Street, Durham, NC to make an police report. Additional information about the Duke University Police department may be found online at: <http://www.duke.edu/police/>.

For reporting criminal incidents occurring within Durham, but outside Duke campus, contact the Durham Police Department, which may be reached directly by calling 919-560-4427 or in person at 602 E. Main Street, Durham, NC 27701. Additional information about the Durham Police department may be found online at <https://durhamnc.gov/149/Police-Department>.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator, 114 S. Buchanan Blvd., Bay 8, Durham, NC 27708 in person, or by calling 919-684-8222 or emailing [OIE-help@duke.edu](mailto:OIE-help@duke.edu), and/or to Duke Police (if the victim so desires.) An incident involving a student perpetrator should be reported to Victoria Krebs, Associate Dean of Students, Title IX Outreach & Response, 208 Crowell Hall, 919-684-6938, email [Victoria.Krebs@duke.edu](mailto:Victoria.Krebs@duke.edu) or [conduct@duke.edu](mailto:conduct@duke.edu).

If the perpetrator is an employee or any other non-Duke student, please report the incident to the Office for Institutional Equity (OIE) at Smith Warehouse, Bay 8, 919-684-8222. OIE oversees the Duke University Policy on Prohibited Discrimination, Harassment, and Related Misconduct, which may be found at:

<https://oie.duke.edu/knowledge-base/policies-statements-and-procedures>

The University will provide resources on campus, off campus, or both, to include medical and mental health support, to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking; to maintain confidentiality and fairness consistent with applicable legal requirements; and to impose appropriate sanctions on violators of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, they nevertheless should consider speaking with the Duke University Police Department or other law enforcement to preserve evidence in the event that the victim changes their mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, the University will follow the procedures below, including the standard of evidence, that will be used during any disciplinary hearing on campus arising from such a report. For detailed procedures involving alleged student perpetrators, or employees or third parties as alleged perpetrators, see the Duke University Policy on Prohibited Discrimination, Harassment, and Related Misconduct and Title IX Sexual Harassment Grievance Procedures at

<https://oie.duke.edu/knowledge-base/policies-statements-and-procedures>



Incident Being Reported:	Procedures Duke University Will Follow:	Evidentiary Standard:
<b>Sexual Assault;</b> <b>Stalking;</b> <b>Domestic Violence;</b> <b>Dating Violence</b>	<ol style="list-style-type: none"> <li>1. Depending on when and where reported, Duke University will provide complainant with referral to appropriate medical care.</li> <li>2. Duke University will assess immediate safety needs of complainant.</li> <li>3. Duke University will assist complainant in contacting Duke Police Department or local police if complainant requests AND provide contact information for police.</li> <li>4. Duke University will provide complainant with referrals to on and off campus mental health providers.</li> <li>5. Duke University will assess need to implement interim or long-term supportive measures, such as housing changes, change in class schedule, "No Contact" directive between both parties.</li> <li>6. Duke University will provide a "No Contact" directive to accused party, if deemed appropriate.</li> <li>7. Duke University will provide resources for victims to apply for a Protective Order.</li> <li>8. Duke University will notify the complainant and the respondent of the Duke Policy on Prohibited Discrimination, Harassment, and Related Misconduct and inform them of timeframes for inquiry, investigation and resolution.</li> <li>9. Duke University will inform the parties of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing or investigation is.</li> <li>10. Duke University will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ol>	<b>Preponderance of the Evidence</b>

## D. Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options.

Such written information required under the Clery Act will include:

- The procedures victims should follow if a crime of domestic violence, dating violence, sexual assault or stalking has occurred;
- Information about how the institution will protect the confidentiality of victims and other necessary parties;
- A statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- A statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures;
- An explanation of the procedures for institutional disciplinary action.

In North Carolina, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights as prescribed by law:

- To be informed of and to be present at court proceedings of the accused;
- To be heard at sentencing of the accused in the manner prescribed by law, and at other times as prescribed by law or deemed appropriate by the court;
- To receive restitution;
- To be given information about the crime, how the criminal justice system works, the rights of victims, and the availability of services for victims;
- To receive information about the conviction or final disposition and sentence of the accused;
- To receive notification of escape, release, proposed parole or pardon of the accused, or notice of a reprieve or commutation of the accused's sentence;
- To present their views and concerns to the Governor or agency considering any action that could result in the release of the accused, prior to such action becoming effective;
- To confer with the prosecution.

Further, Duke University complies with North Carolina law in recognizing protection orders. Any person who obtains an order of protection from North Carolina or any other state should provide a copy to Duke University Police and the Title IX Coordinator.

**County Clerk of Court (Protective Orders):** 919-808-3003

**Magistrate's Office:** 919-560-6827

### [\(HEOA\) Notification to Victims of Crimes of Violence](#)

The University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

A complainant may then meet with Duke Police to develop a Safety Action Plan, which is a plan for Duke Police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc. The University may issue an institutional “No Contact” order to a Duke affiliate, if deemed appropriate. To the extent of the victim’s cooperation and consent, University offices will work cooperatively to ensure that the complainant’s health, physical safety, work and academic status are protected, pending the outcome of a formal University investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, or working situations in addition to counseling, health services, visa and immigration assistance, and assistance in notifying appropriate local law enforcement.

The University may issue an institutional “No Contact” order if deemed appropriate or at the request of the victim or accused. If the University receives a report that such an institutional “No Contact” order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the “No Contact” order.

Additionally, personally identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. Further, the institution will maintain as confidential any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims nor house identifiable information regarding victims in the Duke Police Department’s Daily Crime Log or online. Victims may also request that the Office of Information Technology (Phone: 919-684-2200; Website: [www.oit.duke.edu/help](http://www.oit.duke.edu/help)) remove directory information on file from public sources. Students may also request a FERPA block through the Duke University Registrar’s Office (Phone: 919-684-2813; also, email: [registrar@duke.edu](mailto:registrar@duke.edu)). Individuals not affiliated with the University should contact the Duke University Police Department.

## **Title IX Compliance**

The Title IX Coordinator is responsible for administration and coordination of Duke's Title IX-related policies, programs and compliance efforts at Duke University and Duke University Health System. The scope of this responsibility includes, among other things, oversight of complaint resolution, resources, communications and training in connection with Title IX's prohibition of discrimination based upon gender. Contact the Coordinator: [TitleIX@duke.edu](mailto:TitleIX@duke.edu).



## On and Off Campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Duke University will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

	Employees	Students
<b>ON CAMPUS</b>		
<b>Counseling / Mental Health</b>	Personal Assistance Service (PAS); phone: 919-416-1727	Counseling and Psychological Services (CAPS); phone: 919-660-1000
<b>Health Services</b>	Employee Occupational Health & Wellness (EOHW); phone: 919-684-3136 (option #2)	Student Health Center; phone: 919-681-9355
<b>Title IX Coordinator</b>	Office of Institutional Equity; phone: 919-684-8222	Office of Institutional Equity; phone: 919-684-8222
<b>Visa and Immigration Assistance / International Student Support Services</b>	Duke Visa Services; phone: 919-681-8472	Duke Visa Services; phone: 919-681-8472
<b>Student Financial Aid</b>	NA	Undergraduate Financial Support; phone: 919-684-6225
<b>LGBTQA+ Advocacy and Education</b>	Office of Institutional Equity; phone: 919-684-8222	Center for Sexual and Gender Diversity; Phone: 919-684-6607
<b>Gender Violence Prevention &amp; Intervention (GVPI)</b>	<a href="https://police.duke.edu/report-crime/victim-assistance">https://police.duke.edu/report-crime/victim-assistance</a>	Duke Women's Center (serves all genders); Phone (M-F): 919-684-3897; after hours: 919-970-2108
<b>Pastoral Counseling</b>	Local institutions of faith	Religious Life at Duke: <a href="http://dukechapel.riversagency.com/student-engagement/religious-life-duke">http://dukechapel.riversagency.com/student-engagement/religious-life-duke</a>
<b>Police Services</b>	Non-Emergency Phone: 919-684-2444 Emergency Phone: 9-1-1 (from Campus phone)	Non-Emergency Phone: 919-684-2444 Emergency Phone: 9-1-1 (from Campus phone)
<b>Dean of Students</b>	NA	Associate Vice President for Student Affairs & Dean of Students; phone: 919-668-3853
<b>Victim Advocacy</b>	<a href="https://police.duke.edu/report-crime/victim-assistance">https://police.duke.edu/report-crime/victim-assistance</a>	<a href="https://studentaffairs.duke.edu/sexual-misconduct-prevention-and-response/do-you-need-help">https://studentaffairs.duke.edu/sexual-misconduct-prevention-and-response/do-you-need-help</a>
<b>Center for Multicultural Affairs</b>	Office of Institutional Equity; phone: 919-684-8222	<a href="mailto:dcma@studentaffairs.duke.edu">dcma@studentaffairs.duke.edu</a> ; phone: 919-684-6756
<b>Sexual Misconduct Resource Site</b>	<a href="https://police.duke.edu/sites/default/files/Victim-Assistance-brochure.pdf">https://police.duke.edu/sites/default/files/Victim-Assistance-brochure.pdf</a>	<a href="https://police.duke.edu/sites/default/files/Victim-Assistance-brochure.pdf">https://police.duke.edu/sites/default/files/Victim-Assistance-brochure.pdf</a>
<b>Facilitated Anonymous Reporting</b>	Silent Witness Program: <a href="https://police.duke.edu/report-crime/silent-witness">https://police.duke.edu/report-crime/silent-witness</a>	A student can go to the Women's Center or to a campus Chaplain to submit an anonymous report. The amount of detail provided in an anonymous report will determine the University's ability to investigate or respond.
<b>OFF CAMPUS</b>		
<b>Counseling / Mental Health</b>	Durham Crisis Response Center; phone: 919-403--9425	Durham Crisis Response Center; phone: 919-403--9425
<b>Health Services</b>	Duke University Hospital, 2301 Erwin Rd., Durham, NC 27710 Phone: 919-684-8111	Duke University Hospital, 2301 Erwin Rd., Durham, NC 27710 Phone: 919-684-8111
<b>Victim Advocacy</b>	Durham Crisis Response Center; phone: 919-403--9425	Durham Crisis Response Center; phone: 919-403--9425
<b>Legal Assistance</b>	Legal Aid of North Carolina; phone: 866-219-5262	Legal Aid of North Carolina; phone: 866-219-5262
<b>Visa and Immigration Assistance</b>	301 Roycroft Drive, Durham, NC 27703; phone: 919-998-5800	301 Roycroft Drive, Durham, NC 27703; phone: 919-998-5800
<b>Durham Police</b>	9-1-1 from non-Duke phone	9-1-1 from non-Duke phone

## On and Off Campus Services for Victims, continued

Forensic nurses also are available at the Emergency Department at Duke Hospital to conduct a forensic examination so that victims may take steps to have evidence preserved in case they wish to file criminal charges or request a protection order, even at a later date. **Note that having a forensic examination does not require victims to file a police report.**

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<https://www.justice.gov/ovw/sexual-assault> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office for Civil Rights

## Bystander Intervention

A bystander is someone other than the victim who is present when an act of dating violence, domestic violence, stalking or sexual assault is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent sexual assault, dating violence, domestic violence or stalking. Bystanders, if active, can prevent harm or intervene with safe and positive options before a situation gets worse. Examples of active bystander intervention include: not leaving an overly intoxicated person in a bar/party alone, walking a classmate to his/her car after class, calling police when a potentially violent situation is unfolding, not leaving an unconscious person alone (alerting an RA, EMS, campus police, etc.), or intervening when someone is being belittled, degraded or emotionally abused (walking victim away from abuser, contacting others for help, like counseling center, RA, Dean). While PACT is Duke's primary bystander intervention training, bystander Intervention is interweaved into every educational session during gender violence training.

## North Carolina Sex Offender and Public Protection Registry

All convicted sex offenders coming to or in North Carolina, at which the persons are employed, carry on a vocation, volunteer services, or are students are required to register with the local county sheriff's office for inclusion in the North Carolina Sex Offender and Public Protection Registry. This Registry may be viewed locally at the local county sheriff's office or accessed directly online at:

<http://sexoffender.ncsbi.gov>



## Warning Signs of Abusive Behavior and Future Risks

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual assault, domestic violence or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, recognize warning signs of abusive behavior and avoid potential attacks.

### Warning Signs of Abusive Behavior

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

- Being afraid of your partner.
- Constantly watching what you say to avoid a “blow up.”
- Feelings of low self-worth and helplessness about your relationship.
- Feeling isolated from family or friends because of your relationship.
- Hiding bruises or other injuries from family or friends.
- Being prevented from working, studying, going home, and/or using technology (including your mobile phone).
- Being monitored by your partner at home, work or school.
- Being forced or pressured to do anything you don’t want to do.

### Help Reduce Your Risk and Avoid Potential Attacks

- If you are being abused or suspect that someone you know is being abused, speak up or intervene.
- Get help by seeking information and support services from the Women’s Center’s Office of Gender Violence Prevention and Intervention (for students) or Personal Assistance Service (for employees).
- Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
- Consider making a report with Duke University Police, the Office of Student Conduct, and/or the Title IX Coordinator and ask for a No Contact directive from the University to prevent future contact.
- Consider getting a protective order or a no contact order from the local court. Call the Women’s Center, your local Clerk of Court or Duke University Police for more information.
- Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
- Trust your instincts—if something doesn’t feel right in a relationship, speak up or end it.

### Sexual Assault Prevention

- Be aware of rape drugs.
- Try not to leave your drink unattended.
- Only drink from un-opened containers or from drinks you have watched being made and poured.
- Avoid group drinks like punch bowls.
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle.
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible.

- If you suspect you have been drugged, go to a hospital and ask to be tested.
- Keep track of how many drinks you have had.
- Try to come and leave with a group of people you trust.
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take their number instead of giving out yours.

## Walking Around Campus

- Make sure your cell phone is easily accessible and fully charged.
- Be familiar with where emergency phones are installed on the campus.
- Be aware of open buildings where you can use a phone.
- Take major, public paths rather than less populated shortcuts.
- Avoid dimly lit places and talk to Facilities Management if lights need to be installed in an area.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- Walking back from the library very late at night is sometimes unavoidable, so try to walk with a friend.
- Carry a noisemaker (like a whistle) on your keychain.
- Carry a small flashlight on your keychain.
- If walking feels unsafe, contact Duke Van Rides, which provides transportation to and from on-campus locations (when bus service is not available), and to off-campus areas within the service boundary. The service is available from 5:00 PM until 6:45 AM daily by using the Duke Mobile app on your mobile device under the transportation tab or by calling (919) 684-2020.



## E. Adjudication of Violations

Whether or not criminal charges are filed, a person may file a complaint with the University. If the perpetrator is a student, or any other Duke-affiliated individual or a third party, the complaint will be adjudicated under the Duke University's Policy on Prohibited Discrimination, Harassment, and Related Misconduct:

<https://oie.duke.edu/knowledge-base/policies-statements-and-procedures>

and/or Duke University's Workplace Violence Prevention and Response Policy:

<https://hr.duke.edu/policies/workplace-health-safety/violence-prevention-response>.

### 1. How to File a Complaint of Sexual Assault, Dating Violence, Domestic Violence and Sex-Based Stalking Under Duke's Policy Prohibiting Discrimination, Harassment and Related Misconduct

Complaints against undergraduate, graduate, or professional students can be filed with:

Victoria Krebs

Associate Dean of Students, Title IX Outreach & Response

208 Crowell Hall

Phone: 919-684-6938 | [Victoria.Krebs@duke.edu](mailto:Victoria.Krebs@duke.edu) Email: [conduct@duke.edu](mailto:conduct@duke.edu)

Complaints against employees and third parties affiliated with the University or Health System may be filed with:

Cynthia Clinton, Assistant Vice President, Harassment & Discrimination Prevention and Compliance

114 S. Buchanan Blvd., Bay 8

P.O. Box 90012

Durham, NC 27708 Phone: 919-684-8222 email: [cynthia.clinton@duke.edu](mailto:cynthia.clinton@duke.edu)

### 2. How the University Determines Whether this Policy will be Used

The Office for Institutional Equity (OIE) will evaluate the complaint to determine whether it meets the conditions outlined in the Title IX Sexual Harassment Grievance Procedures within the Policy Prohibiting Discrimination, Harassment, and Related Misconduct.

### 3. Steps in the Disciplinary Process

If the complainant chooses to file a formal complaint and the OIE accepts the complaint, OIE will conduct an investigation. A hearing officer will then conduct a hearing to determine whether there has been a violation of the Policy. Either party may request an appeal of that determination. The information obtained during the investigation will only be shared with the parties, their advisors, those involved in the student conduct process, and other university officials with a need to know.

### 4. Anticipated Timelines

The Office of Student Conduct seeks to complete its process from formal complaint through an investigation report in 90 days, and from the investigation report through the hearing's notification of outcome in an additional 45 days thereafter. In the event of an appeal, it will generally take 20 days from the filing of an appeal statement through a decision from the appellate decision maker. The timeframes can be extended in extenuating circumstances with notice to the parties of the delay and including the reason(s) for the extension.

### 5. Decision-Making Process

The administrative hearing officer will base its decision on the information obtained through the investigation and at the hearing itself. This includes providing both parties with the opportunity to present their information as well as information obtained by the investigator independently. The decision will be based on a preponderance of evidence standard.

- **Retaliation**

Retaliation against anyone participating in the resolution of a complaint is prohibited by Duke University.

- **Hostile Work Environment**

A person alleging sexual assault, domestic violence, dating violence, or stalking may use the complaint and investigatory procedures set forth in the university's Policy Prohibiting Discrimination, Harassment, and Related Misconduct (<https://oie.duke.edu/knowledge-base/policies-statements-and-procedures>) or Workplace Violence Prevention and Response Policy (<https://hr.duke.edu/policies/workplace-health-safety/violence-prevention-response>) in order to remedy a hostile environment arising from these allegations.

- **Limitations on Response**

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, the university's ability to respond to the complaint may be limited.

- **Confidentiality**

Duke will attempt to protect the confidentiality of the complaint process to the extent reasonably possible.

- **Sanctions and Protective Measures**

In all cases, investigations and/or hearings that result in a finding of more likely than not (preponderance of evidence standard) that a violation of policy occurred will lead to the initiation of disciplinary procedures against the accused individual. Sanctions for each type of misconduct will depend on a number of factors, including the nature of the misconduct, prior disciplinary history of the respondent, previous university response to similar conduct, and university interests. Student sanctions may include expulsion, suspension, disciplinary probation, recommended counseling, and/or other educational sanctions. Employee sanctions may include written warning, final written warning or suspension, and termination. Each one of these sanctions, whether for students or employees, may be imposed for misconduct violations of dating violence, domestic violence, sexual assault, or stalking.

The University may also implement protective measures following the report of domestic violence, dating violence, sexual assault and/or stalking, which may include some or all of the following actions: reasonable academic accommodations, on-campus housing reassignment, a "no contact" directive between the accused and the victim, transportation, and working conditions, if reasonably available. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.



## Security and Access to Facilities

### Academic and Administrative Buildings

Academic and administrative buildings are open to the public, at a minimum, during normal business hours. Most facilities have individual hours, and the hours may vary at different times of the year. The administrators responsible for each facility determine access to each campus and health system facility. The Duke Police Department works closely with these administrators and the appointed building managers to maximize security coverage and to ensure appropriate access controls. Several classroom buildings, especially those that house computer clusters, also have electronic key card access systems that operate during other than normal working hours. Some interior spaces are also secured in this manner. Most academic and administrative buildings do not have a Duke Police officer assigned to them; however, Duke officers patrol the academic and administrative buildings on a regular basis. For information about the access protocol for a specific building, see the building manager, a department head, or contact Duke Police Department (NON EMERGENCY # 919-684-2444).

### Residence Halls

Residence hall exterior doors are provided with electronic key card access systems that are connected to a central computer monitored 24 hours a day. Access is restricted to students and their guests and to those with a valid ID and a need to access the residence hall. Duke Police Department is notified whenever a door is propped open for any significant period of time. Another important component of building security is preventing unknown individuals access to the residential buildings. The Housing staff and Duke Police monitor security in the residential facilities and encourage building residents both to report suspicious or unusual activity and to avoid allowing unknown persons access to their residence hall.

### Maintenance of Campus Facilities

Duke's Facilities Management Department (FMD) takes safety and security service needs as a high priority. FMD immediately responds to reports of inoperable doors, burned out lights, broken windows and screens, and requests from the DUPD to do such things as trim bushes for safety and security reasons.

Duke Police personnel closely monitor any security-related maintenance problems after hours until reported to and resolved by FMD personnel. Other members of the University community are helpful when they report equipment problems to DUPD or to the Facilities Management Department.

### Health System Security and Access

Health System buildings are equipped with a variety of card access and proximity readers to assist in controlling building access. These readers are monitored by the Building Automation System (BAS) office of Engineering & Operations, and Duke Police is notified and promptly respond to reported problems. In addition, security camera systems are installed at key points throughout the medical center complex.

Duke Police personnel respond to any security-related maintenance problems after hours until they are resolved by the Medical Center Engineering & Operations Department.

### Contact Information

For concerns regarding your physical security, contact the Duke Police at (919) 684-2444 (or 9-1-1 in an emergency). To report damages or repairs to buildings, property, or rooms within (malfunctioning doors, broken windows, etc.), contact the appropriate maintenance department for your location. For campus, the Facilities Management Department may be contacted at (919) 684-2122; for medical center, contact Engineering & Operations at (919) 684-3232.

## Alcoholic Beverages and Illegal Drugs

**Duke University policies and procedures, including the enforcement practices of the Duke University Police Department, are consistent with applicable local, state, and federal laws regarding the possession, use, and/or sale of alcohol and drugs.**

### Drug and Alcohol Abuse Programs

The Duke Student Wellness Center makes a special effort to reach out to all incoming students. Programs are presented during Welcome Week to introduce first year students to a variety of wellness topics and to familiarize them with campus wellness resources. Also, as part of our comprehensive substance abuse prevention program, Duke University requires that each member of the first-year class complete Alcohol Edu® – an online alcohol prevention program for college students.

In compliance with the Drug Free Schools and Communities Act, Duke University publishes information regarding the University's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for Duke University students and employees. A complete description of these topics is provided in the University's annual notification to students and employees.

See the Wellness Center website for information about additional drug and alcohol abuse educational programs and workshops: <https://studentaffairs.duke.edu/duwell/drug-education>. Programs for employees are described at: <https://hr.duke.edu/policies/workplace-health-safety/substance-abuse#Program>.

### Compliance & Enforcement: Employees

Substance abuse is detrimental to an individual's health and may jeopardize safety in the workplace. For these and other reasons, the unauthorized use, possession, storage, manufacture, distribution and sale of alcohol, controlled substances, and illegal drugs is prohibited on Duke's premises or during any business conducted in Duke-supplied vehicles or during working hours. DUPD has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws. See also the Duke Substance Abuse Policy Statement at <https://hr.duke.edu/policies/workplace-health-safety/substance-abuse> for more information, including the policy details.

### Compliance & Enforcement: Students

Failure to abide by University rules and regulations concerning alcohol and drug use may result in disciplinary action, on or off campus. Duke's substance abuse education programs exceed the requirements of the Higher Education Act of 1965, as amended. In addition to traditional enforcement methods, the Police Department works closely with the Office of Student Conduct in matters involving student alcohol consumption and related University policies.

See Duke University Student Affairs Alcohol Policy at:

<https://studentaffairs.duke.edu/conduct/z-policies/alcohol>

## North Carolina State Law Regarding Alcohol

For complete information regarding North Carolina state laws governing alcohol, one should consult North Carolina General Statutes, Chapter 18B. Some highlights are excerpted below. Of particular note are the provisions of “§ 18B-302. Sale to or purchase by underage persons.”

### It is illegal for anyone less than 21 years of age to:

- **Possess or consume any alcoholic beverage**

Penalty: If convicted, this offense is a misdemeanor, which will become a matter of public record and subject one to court costs and/or fines and/or community service.

- **Purchase or attempt to purchase any alcoholic beverage**

Penalty: If convicted, this offense is a misdemeanor resulting in court costs and/or a fine and/or community service; also, the Department of Motor Vehicles (DMV) will revoke the defendant's driver's license for one (1) year.

- **Use or attempt to use, in order to obtain alcoholic beverages when not of lawful age, a fraudulent or altered driver's license; or a fraudulent or altered identification document other than a driver's license; or a driver's license issued to another person; or an identification document other than a driver's license issued to another person**

Penalty: If convicted, this offense is a misdemeanor resulting in court costs and/or a fine and the DMV may revoke the defendant's driver's license for one (1) year.

- **Permit (aid or abet) the use of one's driver's license or any other identification-document of any kind by any person under 21 to purchase or attempt to purchase or possess alcohol**

Penalty: If convicted, this offense is a misdemeanor resulting in court costs and/or a fine and the DMV may revoke the defendant's driver's license for one (1) year.

### It is illegal for anyone (regardless of age) to:

- **Aid and abet an underage person in the sale, purchase, and/or possession of alcohol (including giving alcohol):**

Penalty: If convicted, this offense a misdemeanor punishable by a fine of up to \$500 or imprisonment for not more than six (6) months or both, and if the defendant is underage, upon conviction, the DMV will revoke the defendant's driver's license for one (1) year.

## Definitions

***Alcoholic Beverage***—any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including beer, wine, liquor, and mixed beverages.

***Malt Beverage***—beverage containing at least one-half of one percent (0.5%) and not more than six percent (6%) alcohol by volume.

***Sale of Alcohol***—any transfer, trade, exchange or barter, in any manner or by any means for consideration of alcohol (e.g., cover charges, mug/t-shirt sales, etc.).

***Spirituosous Liquor or Liquor***—distilled spirits or other alcohol and mixtures of cordials and premixed cocktails in closed containers for beverage use regardless of their dilution.

***Unfortified Wine***—wine with an alcohol content of not more than 17 percent.

***Use of Alcoholic Beverages***—possession, consumption, distribution, purchase, sale, or transfer of alcoholic beverages.

## Drugs and Drug Paraphernalia

North Carolina state law prohibits the manufacture, sale, delivery, possession, or use of a controlled substance without legal authorization. A controlled substance includes any drug, substance or immediate precursor covered under the North Carolina Controlled Substances Act, including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. The possession of drug paraphernalia is also prohibited under North Carolina state law and university policy. Drug paraphernalia includes all equipment, products and material of any kind that are used to facilitate, or intended or designed to facilitate, violations of the North Carolina Controlled Substances Act. Alleged violations of this policy may result in criminal charges and will also be adjudicated through University disciplinary procedure.

### Resources

- **The Duke Student Wellness Center: (919) 681-8421**
- **Duke Student Health Center – Main: (919) 681-9355**
- **Counseling and Psychological Services (CAPS): (919) 660-1000**
- **Employee Occupational Health & Wellness (EOHW): (919) 684-3136 (option #2).**
- **Personal Assistance Service (PAS): (919) 416-1727**
- **DukeReach: (919) 681-2455**

## Missing Student Notification Policy & Procedure

In accordance with the Higher Education Opportunity Act of 2008, Duke University has developed a policy for notifying the designated emergency contact in DukeHub for a student who is determined to be missing.

A student may be deemed missing if it is reported to appropriate university officials (Duke Police, Residence Coordinator-on-Call, or the Dean-on-Call) that the student has been unreachable via personal contact, telephone, e-mail, or other means of electronic communication for 24 hours or more. If members of the Duke community believe that a student has been missing for 24 hours, it is critical that they report that information to the Duke University Police at (919) 684-2444. A Residence Coordinator-on-Call or Dean-on-Call who receives such a report will immediately report it to Duke University Police. Duke University will notify any missing student's confidential contact(s), if provided, within 24 hours of the determination that the student is missing. In the event a student under 18 years of age and not emancipated, Duke University must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. For all missing students, Duke University will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

Upon determination by Duke University Police that a student is missing, the designated missing person contact will be notified as soon as possible, but no later than 24 hours after that determination that the student has been missing for 24 hours. The student's custodial parent or guardian will also be notified if that person is not the designated emergency contact and the student is under 18 years of age and not an emancipated individual. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, Duke University Police will inform local law enforcement (or the local law enforcement with jurisdiction) that the student is missing within 24 hours.

Duke provides the option for each student living in an on-campus student housing facility to identify, separate from an emergency contact, a contact person or persons to whom Duke will make notification within 24 hours of the determination that the student is missing. Students are encouraged to periodically review and update their emergency contact information in DukeHub. When students enter a separate "Missing Person" emergency contact or contacts in DukeHub, that information will remain confidential and shared only with appropriate university personnel involved with a missing person investigation and law enforcement, and may not be disclosed outside of a missing person investigation.



## Explanation of Crime Statistics & Terms

The crime statistics in the following tables are compiled based upon DUPD reports and those gathered from Campus Security Authorities (those with significant responsibility for students and student activity), as well as those incidents from local law enforcement agencies.

### Definition of Terms

(see pp 14-15 above for definitions of sexual assault, stalking, domestic violence, and dating violence)

### Definitions from the Federal Uniform Crime Reporting (“UCR”) Handbook

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property, etc.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joy riding).

**Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence:** The killing of another person through gross negligence.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and/or causing the victim fear.

**Weapons Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadones); and dangerous non-narcotic drugs (barbiturates, benzedrine).

**Liquor Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or in-temperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned acts. (Driving while intoxicated and public intoxication are NOT included in the statistics.)

### Statistics for Referred Violations:

The Clery Act also includes statistics for weapons, drug, and liquor law violations as described above that are referred for disciplinary action. Clery defines “referred for disciplinary action” as *the referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction*. All referrals are managed by the Office of Student Conduct. Most often, these are reports from Student Affairs staff (e.g., Resident Advisors).

### Unfounded Crimes:

Duke University may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where commissioned Duke Police officers or other sworn law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.”

## Location Definitions from the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

**On-Campus:** (1) Any building or property that is owned or controlled by an institution within the same reasonably contiguous geographic area and is used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and (2) any building or property that is within or reasonably contiguous to the area identified in paragraph (1) that is owned by the institution, but controlled by another person, is frequently used by students and supports institutional purposes (examples include food or retail vendor).

**Non-Campus Building Or Property:** (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

*Reported crime statistics do not include crimes that occur in privately owned homes or businesses on or adjacent to Duke's campuses.*

---

The crime statistics reflect those offenses mandated by the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act" that have been compiled by the Duke Police Department. These include all reports made to Duke Police, as well as officials of the University who have significant responsibility for student and campus activities. Local law enforcement provides most of the public property offenses.

---

<b>Residential Facilities =</b>	Dormitory and apartment residences at the University including those on West Campus, East Campus, North Campus, and Central Campus.
<b>On Campus =</b>	Residential facilities as described above with the addition of parking lots, open areas, and non-residential facilities on the University's academic campus including West Campus, East Campus, and Central Campus as well as the facilities of Duke University Health System including Duke Clinics, Duke Hospital, and the Medical Center's North Campus.
<b>Non-Campus =</b>	Duke property not immediately adjacent to the main campus that is frequented by students; some examples include the Duke University Department of Psychiatry program in Durham, Duke Raleigh Hospital, and certain domestic and international programs.
<b>Public Property =</b>	Public streets passing through the campus; public property and streets immediately adjacent to and accessible from the campus as reported to the Duke and Durham Police Departments.
<b>Duke Marine Lab =</b>	A separate campus, the Duke Marine Lab is located on a small, self-contained island connected by causeway to the Town of Beaufort, NC.
<b>Duke in DC Program =</b>	A separate campus, the Duke in DC Program is located in a suite on the 5th floor at 1201 Pennsylvania Avenue, NW, Washington DC.

# Duke University Main Campus (includes hospital & medical research areas)

OFFENSE	On Campus			Residential			Non-Campus			Public Property		
	YEAR 2017	YEAR 2018	YEAR 2019	YEAR 2017	YEAR 2018	YEAR 2019	YEAR 2017	YEAR 2018	YEAR 2019	YEAR 2017	YEAR 2018	YEAR 2019
<b>PRIMARY CRIMES</b>												
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	17	15	10	13	13	8	2	2	1	0	0	0
FONDLING	12	7	2	4	2	0	6	6	2	1	0	0
INCEST	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	1	2	1	0	0	0	1	2	0	1	0	2
AGGRAVATED ASSAULT	7	2	2	0	0	0	0	1	3	0	1	0
BURGLARY	43	22	28	6	1	6	0	2	4	0	0	0
MOTOR VEHICLE THEFT	23	28	25	0	0	0	4	5	1	0	1	0
ARSON	1	0	2	1	0	1	0	0	0	0	0	0
<b>VIOLENCE AGAINST WOMEN ACT OFFENSES</b>												
STALKING (includes CYBERSTALKING)	38	42	37	11	15	8	0	8	8	0	0	0
DOMESTIC VIOLENCE	18	15	17	0	1	5	1	5	6	0	0	0
DATING VIOLENCE	5	8	0	3	4	0	0	0	0	1	0	0
<b>** CRIMES REPORTED IN THE RESIDENTIAL FACILITIES CATEGORY ARE ALSO INCLUDED IN THE ON CAMPUS CATEGORY **</b>												

Duke University had 15 crimes in 2017; 12 crimes in 2018; and 7 crimes in 2019 unfounded by law enforcement

Hate Crimes in 2019: Duke University had no reported Hate Crimes in 2019;

Hate Crimes in 2018: one on-campus vandalism incident characterized by anti-black bias;

and one on-campus intimidation incident characterized by anti-jewish bias;

Hate Crimes in 2017: Duke University had no reported Hate Crimes in 2017;

ARRESTS and REFERRALS	On Campus			Residential			Non-Campus			Public Property		
	YEAR	YEAR	YEAR	YEAR	YEAR	YEAR	YEAR	YEAR	YEAR	YEAR	YEAR	YEAR
	2017	2018	2019	2017	2018	2019	2017	2018	2019	2017	2018	2019
LIQUOR LAW ARRESTS	0	0	0	0	0	0	0	2	0	0	3	0
LIQUOR LAW VIOLATIONS REFERRED	327	266	416	281	234	384	0	0	8	2	2	3
DRUG LAW ARRESTS	4	7	6	0	0	0	1	8	10	4	0	0
DRUG LAW VIOLATIONS REFERRED	79	84	50	69	76	36	0	0	0	0	0	0
ILLEGAL WEAPONS POSSESSION ARRESTS	0	5	4	0	0	0	1	1	1	0	2	0
ILLEGAL WEAPONS VIOLATIONS REFERRED	2	2	1	0	1	0	0	0	0	0	0	0
<b>** CRIMES REPORTED IN THE RESIDENTIAL FACILITIES CATEGORY ARE ALSO INCLUDED IN THE ON CAMPUS CATEGORY **</b>												

REFERRED=referred for disciplinary action

## Duke University Marine Lab

OFFENSE	On Campus			Residential			Non-Campus			Public Property		
	YEAR 2017	YEAR 2018	YEAR 2019	YEAR 2017	YEAR 2018	YEAR 2019	YEAR 2017	YEAR 2018	YEAR 2019	YEAR 2017	YEAR 2018	YEAR 2019
<b>PRIMARY CRIMES</b>												
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	0	0	0	0	0	0	0	0	0	0	0	0
FONDLING	0	0	0	0	0	0	0	0	0	0	0	0
INCEST	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	0	0	0	0
ARSON	0	0	0	0	0	0	0	0	0	0	0	0
<b>VIOLENCE AGAINST WOMEN ACT OFFENSES</b>												
STALKING (includes CYBERSTALKING)	0	0	0	0	0	0	0	0	0	0	0	0
DOMESTIC VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0
DATING VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0
<b>** CRIMES REPORTED IN THE RESIDENTIAL FACILITIES CATEGORY ARE ALSO INCLUDED IN THE ON CAMPUS CATEGORY **</b>												

D.U. Marine Lab had no reported Hate Crimes for the years 2017-2019.

D.U. Marine Lab had no Clery crimes unfounded by law enforcement for the years 2017-2019.

ARRESTS and REFERRALS	On Campus			Residential			Non-Campus			Public Property		
	YEAR 2017	YEAR 2018	YEAR 2019	YEAR 2017	YEAR 2018	YEAR 2019	YEAR 2017	YEAR 2018	YEAR 2019	YEAR 2017	YEAR 2018	YEAR 2019
LIQUOR LAW ARRESTS	0	1	0	0	0	0	0	0	0	0	0	0
LIQUOR LAW VIOLATIONS REFERRED	0	0	0	0	0	0	0	0	0	0	0	0
DRUG LAW ARRESTS	0	0	0	0	0	0	0	0	0	0	0	0
DRUG LAW VIOLATIONS REFERRED	0	0	1	0	0	0	0	0	0	0	0	0
ILLEGAL WEAPONS POSSESSION ARRESTS	0	0	0	0	0	0	0	0	0	0	0	0
ILLEGAL WEAPONS VIOLATIONS REFERRED	0	0	0	0	0	0	0	0	0	0	0	0
<b>** CRIMES REPORTED IN THE RESIDENTIAL FACILITIES CATEGORY ARE ALSO INCLUDED IN THE ON CAMPUS CATEGORY **</b>												

REFERRED=referred for disciplinary action; UNF=crimes unfounded by law enforcement

## Duke in DC Program

OFFENSE	On Campus			Residential			Non-Campus			Public Property		
	YEAR 2017	YEAR 2018	YEAR 2019	YEAR 2017	YEAR 2018	YEAR 2019	YEAR 2017	YEAR 2018	YEAR 2019	YEAR 2017	YEAR 2018	YEAR 2019
<b>PRIMARY CRIMES</b>												
<b>Murder/Non-Negligent Manslaughter</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Manslaughter by Negligence</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>RAPE</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>FONDLING</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>INCEST</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>STATUTORY RAPE</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>ROBBERY</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>AGGRAVATED ASSAULT</b>	0	0	0	0	0	0	0	0	1	0	0	0
<b>BURGLARY</b>	0	0	0	0	0	0	0	0	1	0	0	0
<b>MOTOR VEHICLE THEFT</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>ARSON</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>VIOLENCE AGAINST WOMEN ACT OFFENSES</b>												
<b>STALKING (includes CYBERSTALKING)</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>DOMESTIC VIOLENCE</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>DATING VIOLENCE</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>** CRIMES REPORTED IN THE RESIDENTIAL FACILITIES CATEGORY ARE ALSO INCLUDED IN THE ON CAMPUS CATEGORY **</b>												

The Duke in DC Program had no Clery crimes unfounded by law enforcement for the years 2017-2019.

The Duke in DC Program had no reported Hate Crimes for the years 2017-2019.

ARRESTS and REFERRALS	On Campus			Residential			Non-Campus			Public Property		
	YEAR 2017	YEAR 2018	YEAR 2019	YEAR 2017	YEAR 2018	YEAR 2019	YEAR 2017	YEAR 2018	YEAR 2019	YEAR 2017	YEAR 2018	YEAR 2019
<b>LIQUOR LAW ARRESTS</b>	0	0	0	0	0	0	0	0	0	0	2	0
<b>LIQUOR LAW VIOLATIONS REFERRED</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>DRUG LAW ARRESTS</b>	0	0	0	0	0	0	0	1	0	0	0	2
<b>DRUG LAW VIOLATIONS REFERRED</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>ILLEGAL WEAPONS POSSESSION ARRESTS</b>	0	0	0	0	0	0	0	0	0	0	1	0
<b>ILLEGAL WEAPONS VIOLATIONS REFERRED</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>** CRIMES REPORTED IN THE RESIDENTIAL FACILITIES CATEGORY ARE ALSO INCLUDED IN THE ON CAMPUS CATEGORY **</b>												

REFERRED=referred for disciplinary action

## Crime Reduction: Information & Services

The Duke University Police Department promotes reporting of all crimes to all appropriate police agencies. Several policies and programs are used to encourage students and employees to be responsible for their own security and the security of others and promote safety, including:

### Duke Police Crime Prevention and Security Awareness Programs

Duke Police Officers deliver crime prevention and security awareness programs at student orientation and employee training sessions. The department also provides programs on rape awareness, robbery/shoplifting prevention and infant abduction prevention, violence in the workplace, and underage drinking/alcohol laws. In 2019, the Duke Police Crime Prevention Division conducted 442 of these safety, crime prevention and security awareness briefings/events, which were attended by some 23,798 students, employees, faculty and community members. Of these were 288 various types of personal safety talks, 54 involved community meetings/briefings, 32 engraving sessions, 16 informal security walk-thru assessments, and 10 community/resource fairs.

DUPD was involved in numerous Community Outreach initiatives such as 8 “Coffee with a Cop” events, 2 Citizen Police Academies (Consisting of 14 two-hour sessions), 1 Citizen Police Alumni Academies (Consisting of eight two/three hour sessions), 1 Student Citizen Police Academies and 1 Jr. Academy for young kids interested in Law Enforcement. In these programs, students and employees are encouraged to be responsible for their own security and the security of others.



### Security Audit Services

Duke Police officers perform security audits of facilities upon request. Recommendations for access and surveillance systems, alarm needs, and instruction and troubleshooting of alarm systems are also provided.

### Daily and Weekly Crime Publication

A printed daily crime log is available for public review in the police department’s lobby. It is typically made available on the department website.

### University Newspapers

The Duke University Police Department has frequent contact with the University newspaper, The Chronicle (the Duke student newspaper) and DukeTODAY online (from Duke Office of News & Communications) at <http://today.duke.edu/> and reports significant incidents that occur. Information on crimes is also solicited in this manner.

### Crime Reduction Information

Crime reduction information that includes requests to immediately report all crimes or suspicious activities to the police is regularly distributed during programs.

## Risk Reduction

### Personal Safety

- Walk or jog with a friend, not alone.
- Avoid isolated areas.
- Use Duke Vans (919) 684-2020.
- Know your limits on dates and communicate them to your partner.
- Know your limits with alcohol and do not accept drinks from others.
- Tell a friend where you are going and when you will return.
- Report concerning behaviors (unwanted texts, threats, etc.)
- Use a help phone or raise the hood and stay in your car if it breaks down. If people stop to assist, ask them to call the police.
- Be aware of your surroundings.

### Protection from Date Rape Drugs

- Never leave your drink unattended. Because they are colorless and odorless, date rape drugs can be slipped into any type of beverage.
- Do not accept drinks from anyone but a bartender or server.
- Try to attend bars or parties with a group of friends, arranging beforehand to watch each other's drinks.
- If you think your drink has been tampered with, seek medical attention immediately and request the hospital conduct toxicology testing.

### Residential Safety

- Lock your dorm room or apartment whenever you leave and when you are sleeping.
- Do not prop open card reader doors.
- Call 9-1-1 if you see someone in the building who does not belong.
- Do not allow strangers to follow you into the building.

### Workplace Safety

- Keep personal items (purses, book bags) locked up.
- Secure the work area when no one is in it.
- Report suspicious people to the police.

### Protecting Your Property

- Record the serial numbers of your valuables.
- Protect your data and devices: see <http://security.duke.edu/>
- Register your bike with Parking Services.
- Keep your vehicle locked when it is parked and when you drive.
- Consider installing anti-theft or alarm devices on your vehicle.
- Do not leave textbooks, purses, or book bags unattended.
- Do not leave laptop computers unattended.



### Reporting Lost or Stolen Access Cards

- Lost or stolen Duke Cards should be reported to the Duke Card Office at (919) 684-5800.
- Lost or stolen medical center access cards should be reported to Medical Center Engineering & Operations at (919) 668-3607 or email [mccard@mc.duke.edu](mailto:mccard@mc.duke.edu).

## Safety Off-Campus

Duke University has no University owned off-campus (“non campus”) housing or student organization facilities. Additionally, Duke University does not have officially recognized student organizations that own or control housing facilities outside of the Duke University core campus. Many Duke graduate and professional students and a number of undergraduate students live away from the campus. Duke University does have a variety of satellite facilities located away from the main academic campus and Duke University Health System complex. With some exceptions (e.g., Duke Marine Lab, Duke Regional Hospital), these are primarily administrative offices and not educational facilities.

### Relationship with local law enforcement

The Duke Police Department maintains excellent working relationships with all area law enforcement agencies including the City of Durham Police Department, the Durham and Orange County Sheriff’s Offices, the North Carolina Highway Patrol, the North Carolina State Bureau of Investigation (SBI), and the local field office of the Federal Bureau of Investigation (FBI). These working relationships are maintained through periodic communication among agency administrators and by frequent contact between line officers and investigators cooperating on specific cases.

The Duke Police Department handles criminal matters on the main campus. The Duke Police Department, by MOU with the Durham Police Department, maintains an exercise of concurrent jurisdiction within several blocks of the main Duke University Campus property. However, the Durham Police are primarily responsible for handling cases of serious criminal activity in the concurrent jurisdiction. The Duke Police Department has an MOU with the City of Durham regarding jurisdiction, responsibilities within that agreed upon jurisdiction, including the investigation of criminal incidents. Matters occurring at properties that are more distant from the main campus are handled either entirely by the local law enforcement agency with jurisdiction (i.e. City Police or County Sheriff’s Offices) or handled by such agencies supported by Duke Police.

If one of the local law enforcement agencies responds or is contacted about criminal activity occurring off-campus involving Duke students, they may notify the Duke University Police Department. However, other agencies’ policies do not require such notification. Students, in these cases, may be subject to arrest by the local agencies and subject to University disciplinary action through the Office of Student Conduct. Also, see *The Duke Community Standard in Practice: A Guide for Undergraduates* at

<http://registrar.duke.edu/university-bulletins/duke-community-standard-practice-guide-undergraduates>

The Duke University Police Department may provide a timely warning or other advisory for significant off-campus criminal activity impacting the University community. This information may be disseminated via campus media, outdoor warning system, text and e-mail messaging, posted bulletins, and through the student residential staff. Although the department does not routinely record statistics on crimes that occur outside its legal jurisdiction, it does collect and publish statistics for Clery crimes occurring on public property immediately adjacent to the University.

In general, prospective students, employees, and visitors to Duke University should know that as with any campus, there is crime both on and off campus and that it is important to take reasonable precautions at all times. DUPD can assist any member of the Duke community in determining an appropriate point of contact for police matters falling outside of the department’s jurisdiction. Contact the Assistant Chief Raines at 919-684-2210 for assistance. **For additional local, off-campus information, you may contact the [Durham Police Department](#) and the [Durham County Sheriff’s Office](#).**

## Safety at the Duke Marine Laboratory

The Duke University Marine Laboratory is a division within the Nicholas School of the Environment and Earth Sciences. Its mission is education and research in the basic ocean processes, coastal environmental management, marine biotechnology and marine biomedicine. It is situated on Pivers Island within the Outer Banks of North Carolina, only 150 yards across the channel from the historic town of Beaufort. A bridge connects the island with US Highway 70, making the laboratory accessible by automobile.

The Marine Laboratory consists of 24 buildings, including several dormitories, a large dining hall, a boathouse that has been remodeled as a student commons, classroom laboratories, six research buildings, and a maintenance complex. The laboratory also maintains wet labs with running seawater, a workshop, a stockroom, and a purchasing department. Building access control is by lock and key. A maintenance employee is on duty or can be called 24/7 to assist with access, monitor building security and to report safety or security concerns to the Marine Laboratory administration.

The Marine Laboratory operates year-round to provide educational, training, and research opportunities to about 3,500 persons annually, including undergraduate, graduate and professional students enrolled in the University's academic programs; visiting student groups who use the laboratory's facilities; and scientists who come from North America and abroad to conduct their own research.

### Contact Information

Note that the immediate responding local law enforcement agencies to the Marine Laboratory campus are the Town of Beaufort Police Department and the Carteret County Sheriff's Office.

- In any emergency (medical or criminal), dial 911.
- The non-emergency telephone number for the law enforcement response is (252) 726-1911, Carteret County Emergency Communications.

Both the Town of Beaufort Police Department and the Carteret County Sheriff's Office respond to calls for service and investigate crimes. If a crime occurs that requires a Timely Warning assessment, the Marine Laboratory's Director or his designee will notify the Duke University Campus Police Department, which will then follow procedures outlined above.

The Marine Lab also has security officers on the island from 6 p.m. to 6 a.m. on week days and 24-hour coverage on weekends and holidays, phone number is (252) 659-0572. While they do not have police enforcement authority, they are responsible for monitoring safety and have authority to enforce policy. These security officers are also CPR trained.

The Duke Marine Lab Crime Log is available during business hours at the Administration Building on site.

Anonymous reports of criminal activity can be reported to Carteret County Crime Stoppers by dialling (252) 726-INFO or by submitting an email to Carteret County Sheriff's Office [CRIME TIPS](#). This e-mail address is being protected from spambots. JavaScript must be enabled to view it. Crime Stoppers texting is available by dialling (252) 241-0946.

The Duke University Police Department may also assist local law enforcement in investigating crimes reported at the Marine Laboratory campus. It is also available to provide crime prevention programs for student orientations, as well as programs on alcohol impairment and laws. Although crime is infrequent at the lab, please remember to follow the advice as outlined above in the Crime Reduction Tips section. Emergency management of the Marine Lab is coordinated with the main campus.

---

These specific policy statements apply to the Marine Laboratory; otherwise, all other policy statements about other topics not addressed here that are contained in this Annual Security Report apply to the Marine Laboratory.

## Safety at Duke in DC



Duke in DC is Duke's embassy in the nation's capital. We work with policymakers, academics, researchers, alumni and the higher education community to advance the intellectual life of the university beyond campus. Founded in April of 2012, Duke's previously decentralized activities gained a home base and a permanent presence in the heart of Washington, D.C.

Duke University is committed to a belief that the 21st century research institution is grounded in real-world applications, is responsive to local needs and global aspirations.

### Housing

Students are housed in the Washington Intern Housing Network (WIHN) apartments in the Atlas arts and entertainment District. Living in the Washington Intern Housing Network's (WIHN) Senate Square Apartments will provides the opportunity to live and learn with fellow residents. The following policies are in place for your happiness, health and safety.

---

These specific policy statements, descriptions of facility, and contact information apply to Duke in DC. All other policy statements about other topics not addressed here that are contained above in this Annual Security Report apply to Duke in DC.

## Safety at Duke in DC

### Student Conduct

Although you are off campus for the semester, you are still expected to adhere to the Duke University Community Standard. Violations of the Duke Community Standard, even while studying off campus, may result in judicial board action back at Duke.

### Safety and Contact Information and Support

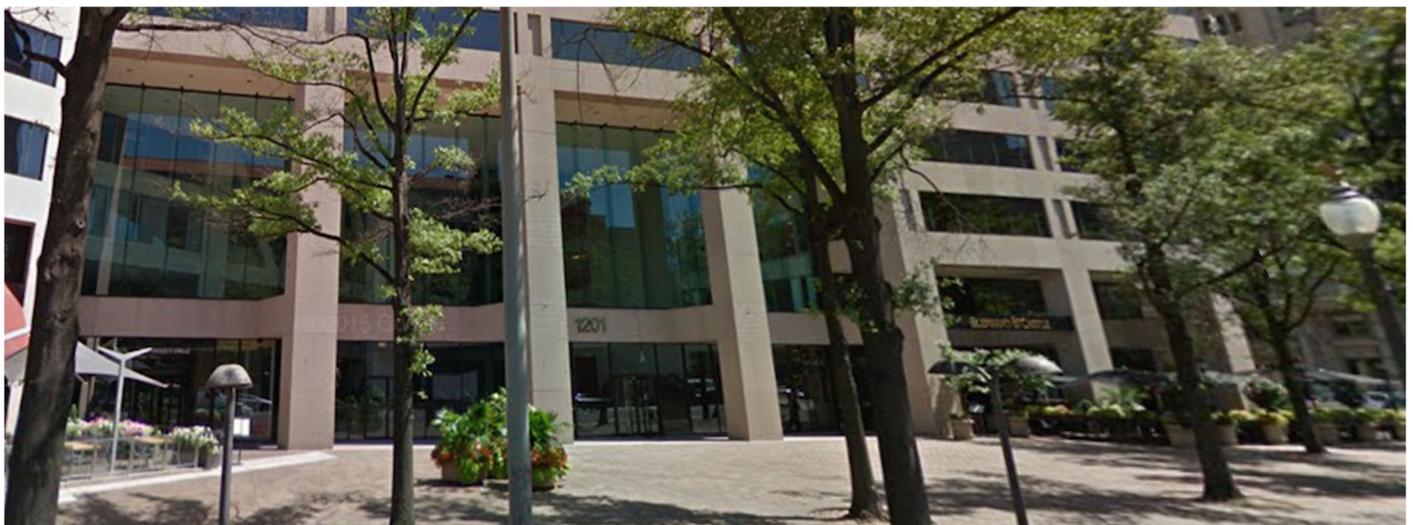
Washington, DC is a much safer city than it was 30 years ago, but as in any heavily populated place, you need to stay alert and use common sense. Keep the following in mind when traveling around the city:

- Know where your wallet, purse, or other valuables are at all times. Don't keep your wallet in the back pocket of your pants or in a back pack.
- Don't carry too much cash on you and never display large amounts of cash in public.
- Ignore panhandlers.
- After dark, stay on main streets where there are other people.
- Ride in metro cars that have other people in them.
- Don't travel in unmarked or unlicensed taxi cabs.

**To report crimes or other emergencies**, students and staff should contact the local Washington DC Metropolitan Police Department at 9-1-1 and the on-site Director. If the director is unavailable, individuals should contact the Duke Police at 919-684-2444. If a crime occurs that requires a Timely Warning assessment, the Duke in DC's on-site Director or her designee will notify the Duke University Campus Police Department, which will then follow procedures outlined above.

### Access to the Facility

Duke in DC is located on the fifth floor, Suite 500, at 1201 Pennsylvania Avenue, N.W. The main building lobby has security as the front desk 24/7/365 and the fifth floor suite is secured with a separate keycard access system.



# Appendix 1: N.C. Criminal Law Definitions

## North Carolina Statutes: Sexual Assault, Domestic Violence, Dating Violence, and Stalking

### **Sexual Assault**

#### First-degree Forcible Rape - NCGS 14-27.21:

(a) A person is guilty of first-degree forcible rape if the person engages in vaginal intercourse with another person by force and against the will of the other person, and does any of the following:

- (1) Uses, threatens to use, or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon.
- (2) Inflicts serious personal injury upon the victim or another person.
- (3) The person commits the offense aided and abetted by one or more other persons.

#### Second-degree Forcible Rape - NCGS 14-27.22:

(a) A person is guilty of second-degree forcible rape if the person engages in vaginal intercourse with another person:

- (1) By force and against the will of the other person; or
- (2) Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally disabled, mentally incapacitated, or physically helpless.

#### Statutory Rape

NCGS 14-27.23: A person is guilty of statutory rape of a child by an adult if the person is at least 18 years of age and engages in vaginal intercourse with a victim who is a child under the age of 13 years.

NCGS 14-27.24: A person is guilty of first-degree statutory rape if the person engages in vaginal intercourse with a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim.

NCGS 14-27.25: A defendant is guilty of a Class B1 felony if the defendant engages in vaginal intercourse with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person

#### First-degree Forcible Sexual Offense - NCGS 14-27.26:

A person is guilty of a first degree forcible sexual offense if the person engages in a sexual act with another person by force and against the will of the other person, and does any of the following:

Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon.

- (2) Inflicts serious personal injury upon the victim or another person.
- (3) The person commits the offense aided and abetted by one or more other persons.

#### Second-degree Forcible Sexual Offense - NCGS 14-27.27:

A person is guilty of second degree forcible sexual offense if the person engages in a sexual act with another person:

- (1) By force and against the will of the other person; or
- (2) Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

#### Statutory Sexual Offense

##### NCGS 14-27.28:

A person is guilty of statutory sexual offense with a child by an adult if the person is at least 18 years of age and engages in a sexual act with a victim who is a child under the age of 13 years.

##### NCGS 14- 27.29:

A person is guilty of first-degree statutory sexual offense if the person engages in a sexual act with a victim who is a child under the age of 13 years and the defendant is at least 12 years old and is at least four years older than the victim.

##### NCGS 14-27.30:

A defendant is guilty of a Class B1 felony if the defendant engages in a sexual act with another person who is 15 years of age or younger and the defendant is at least 12 years old and at least six years older than the person, except when the defendant is lawfully married to the person.

## Sexual Assault, continued

### Sexual Activity by a Substitute Parent or Custodian - NCGS 14-27.31:

If a defendant who has assumed the position of a parent in the home of a minor victim engages in vaginal intercourse or a sexual act with a victim who is a minor residing in the home, the defendant is guilty of a Class E felony.

If a person having custody of a victim of any age or a person who is an agent or employee of any person, or institution, whether such institution is private, charitable, or governmental, having custody of a victim of any age engages in vaginal intercourse or a sexual act with such victim, the defendant is guilty of a Class E felony.

### Sexual Activity with a Student - NCGS 14-27.32:

If a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel, and who is at least four years older than the victim engages in vaginal intercourse or a sexual act with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school, but before the victim ceases to be a student, the defendant is guilty of a Class G felony, except when the defendant is lawfully married to the student. The term "same school" means a school at which the student is enrolled and the defendant is employed, assigned, or volunteers.

A defendant who is school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and is less than four years older than the victim and engages in vaginal intercourse or a sexual act with a victim who is a student, is guilty of a Class I felony.

### Sexual Battery - NCGS 14-27.33:

A person is guilty of sexual battery if the person, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person:

- (1) By force and against the will of the other person; or
- (2) Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

### Taking indecent liberties with children - NCGS 14-202.1:

A person is guilty of taking indecent liberties with children if, being 16 years of age or more and at least five years older than the child in question, he either:

Willfully takes or attempts to take any immoral, improper, or indecent liberties with any child of either sex under the age of 16 years for the purpose of arousing or gratifying sexual desire; or

Willfully commits or attempts to commit any lewd or lascivious act upon or with the body or any part or member of the body of any child of either sex under the age of 16 years.

### Indecent liberties between children - NCGS 14-202.2:

A person who is under the age of 16 years is guilty of taking indecent liberties with children if the person either:

Willfully takes or attempts to take any immoral, improper, or indecent liberties with any child of either sex who is at least three years younger than the defendant for the purpose of arousing or gratifying sexual desire; or

Willfully commits or attempts to commit any lewd or lascivious act upon or with the body or any part or member of the body of any child of either sex who is at least three years younger than the defendant for the purpose of arousing or gratifying sexual desire.

### Taking indecent liberties with a student - NCGS 14-202.4:

(a) If a defendant, who is a teacher, school administrator, student teacher, school safety officer, or coach, at any age, or who is other school personnel and is at least four years older than the victim, takes indecent liberties with a victim who is a student, at any time during or after the time the defendant and victim were present together in the same school but before the victim ceases to be a student, the defendant is guilty of a Class I felony, unless the conduct is covered under some other provision of law providing for greater punishment. A person is not guilty of taking indecent liberties with a student if the person is lawfully married to the student.

(b) If a defendant, who is school personnel, other than a teacher, school administrator, student teacher, school safety officer, or coach, and who is less than four years older than the victim, takes indecent liberties with a student as provided in subsection (a) of this section, the defendant is guilty of a Class I felony.

## Sexual Assault, continued

### Solicitation of a Child by Computer to Commit an Unlawful Sex Act - NCGS 14-202.3:

Offense.—A person is guilty of solicitation of a child by a computer if the person is 16 years of age or older and the person knowingly, with the intent to commit an unlawful sex act, entices, advises, coerces, orders, or commands, by means of a computer or any other device capable of electronic data storage or transmission, a child who is less than 16 years of age and at least five years younger than the defendant, or a person the defendant believes to be a child who is less than 16 years of age and who the defendant believes to be at least five years younger than the defendant, to meet with the defendant or any other person for the purpose of committing an unlawful sex act. Consent is not a defense to a charge under this section.

Jurisdiction.—The offense is committed in the State for purposes of determining jurisdiction, if the transmission that constitutes the offense either originates in the State or is received in the State.

## Domestic Violence

### Simple Assault - NCGS 14-33(a)

Any person who commits a simple assault or a simple assault and battery or participates in a simple affray is guilty of a Class 2 misdemeanor

### Assault inflicting Serious Injury - NCGS 14-33(c)(1)

Unless the conduct is covered under some other provision of law providing greater punishment, any person who commits any assault, assault and battery, or affray is guilty of a Class A1 misdemeanor if, in the course of the assault, assault and battery, or affray, he or she:

Inflicts serious injury upon another person or uses a deadly weapon

### Assault on a Female - NCGS 14-33(c)(2)

Unless the conduct is covered under some other provision of law providing greater punishment, any person who commits any assault, assault and battery, or affray is guilty of a Class A1 misdemeanor if, in the course of the assault, assault and battery, or affray, he or she:

Assaults a female, he being a male person at least 18 years of age

### Assault by Pointing a Gun - NCGS 14- 34

If any person shall point any gun or pistol at any person, either in fun or otherwise, whether such gun or pistol be loaded or not loaded, he shall be guilty of a Class A1 misdemeanor.

### Violation of a Domestic Violence Protection Order - NCGS 50B-4.1:

Except as otherwise provided by law, a person who knowingly violates a valid protective order entered pursuant to this Chapter or who knowingly violates a valid protective order entered by the courts of another state or the courts of an Indian tribe shall be guilty of a Class A1 misdemeanor.

## Dating Violence

### Violation of a Domestic Violence Protection Order - NCGS 50B-4.1:

Except as otherwise provided by law, a person who knowingly violates a valid protective order entered pursuant to this Chapter or who knowingly violates a valid protective order entered by the courts of another state or the courts of an Indian tribe shall be guilty of a Class A1 misdemeanor.

## Stalking

### Stalking - NCGS 14-277.3A (c)

Offense.—A defendant is guilty of stalking if the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the harassment or the course of conduct would cause a reasonable person to do any of the following:

- (1) Fear for the person's safety or the safety of the person's immediate family or close personal associates.
- (2) Suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment.

## Stalking, continued

Cyberstalking - NCGS 14- 196.3:

It is unlawful for a person to:

(1) Use in electronic mail or electronic communication any words or language threatening to inflict bodily harm to any person or to that person's child, sibling, spouse, or dependent, or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person.

(2) Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of abusing, annoying, threatening, terrifying, harassing, or embarrassing any person.

(3) Electronically mail or electronically communicate to another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct of the person electronically mailed or of any member of the person's family or household with the intent to abuse, annoy, threaten, terrify, harass, or embarrass.

(4) Knowingly permit an electronic communication device under the person's control to be used for any purpose prohibited by this section.

(5) Knowingly install, place, or use an electronic tracking device without consent, or cause an electronic tracking device to be installed, placed, or used without consent, to track the location of any person.

(c) Any offense under this section committed by the use of electronic mail or electronic communication may be deemed to have been committed where the electronic mail or electronic communication was originally sent, originally received in this State, or first viewed by any person in this State.



## Appendix 2: Federal Codes and Penalties for Drug Abuse, Prevention & Control

### United States Code, Title 21, Chapter 13, Subchapter I, Part D, §844

#### *Penalties for simple possession*

##### **(A) UNLAWFUL ACTS; PENALTIES**

It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this subchapter or subchapter II. It shall be unlawful for any person knowingly or intentionally to possess any list I chemical obtained pursuant to or under authority of a registration issued to that person under section 823 of this title or section 958 of this title if that registration has been revoked or suspended, if that registration has expired, or if the registrant has ceased to do business in the manner contemplated by his registration. It shall be unlawful for any person to knowingly or intentionally purchase at retail during a 30 day period more than 9 grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base in a scheduled listed chemical product, except that, of such 9 grams, not more than 7.5 grams may be imported by means of shipping through any private or commercial carrier or the Postal Service. Any person who violates this subsection may be sentenced to a term of imprisonment of not more than 1 year, and shall be fined a minimum of \$1,000, or both, except that if he commits such offense after a prior conviction under this subchapter or subchapter II, or a prior conviction for any drug, narcotic, or chemical offense chargeable under the law of any State, has become final, he shall be sentenced to a term of imprisonment for not less than 15 days but not more than 2 years, and shall be fined a minimum of \$2,500, except, further, that if he commits such offense after two or more prior convictions under this subchapter or subchapter II, or two or more prior convictions for any drug, narcotic, or chemical offense chargeable under the law of any State, or a combination of two or more such offenses have become final, he shall be sentenced to a term of imprisonment for not less than 90 days but not more than 3 years, and shall be fined a minimum of \$5,000. Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section, or both. The imposition or execution of a minimum sentence required to be imposed under this subsection shall not be suspended or deferred. Further, upon conviction, a person who violates this subsection shall be fined the reasonable costs of the investigation and prosecution of the offense, including the costs of prosecution of an offense as defined in sections 1918 and 1920 of title 28, except that this sentence shall not apply and a fine under this section need not be imposed if the court determines under the provision of title 18 that the defendant lacks the ability to pay.

##### **(b) REPEALED.**

##### **(c) "DRUG, NARCOTIC, OR CHEMICAL OFFENSE" DEFINED**

As used in this section, the term "drug, narcotic, or chemical offense" means any offense which proscribes the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell or transfer any substance the possession of which is prohibited under this subchapter.

### United States Code, Title 21, Chapter 13, Subchapter I, Part D §859

#### *Distribution to persons under age twenty-one*

##### **(A) FIRST OFFENSE**

Except as provided in section 860 of this title, any person at least eighteen years of age who violates section 841(a)(1) of this title by distributing a controlled substance to a person under twenty-one years of age is (except as provided in subsection (b)) subject to (1) twice the maximum punishment authorized by section 841(b) of this title, and (2) at least twice any term of supervised release authorized by section 841(b) of this title, for a first offense involving the same controlled substance and schedule. Except to the extent a greater minimum sentence is otherwise provided by section 841(b) of this title, a term of imprisonment under this subsection shall be not less than one year. The mandatory minimum sentencing provisions of this subsection shall not apply to offenses involving 5 grams or less of marijuana.

##### **(B) SECOND OFFENSE**

Except as provided in section 860 of this title, any person at least eighteen years of age who violates section 841(a)(1) of this title by distributing a controlled substance to a person under twenty-one years of age after a prior conviction under subsection (a) of this section (or under section 333(b) of this title as in effect prior to May 1, 1971) has become final, is subject to (1) three times the maximum punishment authorized by section 841(b) of this title, and (2) at least three times any term of supervised release authorized by section 841(b) of this title, for a second or subsequent offense involving the same controlled substance and schedule. Except to the extent a greater minimum sentence is otherwise provided by section 841(b) of this title, a term of imprisonment under this subsection shall be not less than one year. Penalties for third and subsequent convictions shall be governed by section 841(b)(1)(A) of this title.

## Federal Codes and Penalties for Drug Abuse, Prevention & Control, continued

### United States Code, Title 21, Chapter 13, Subchapter I, Part D, §860

#### *Distribution or manufacturing in or near schools and colleges*

##### **(A) PENALTY**

Any person who violates section 841(a)(1) of this title or section 856 of this title by distributing, possessing with intent to distribute, or manufacturing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, or a playground, or housing facility owned by a public housing authority, or within 100 feet of a public or private youth center, public swimming pool, or video arcade facility, is (except as provided in subsection (b)) subject to (1) twice the maximum punishment authorized by section 841(b) of this title; and (2) at least twice any term of supervised release authorized by section 841(b) of this title for a first offense. A fine up to twice that authorized by section 841(b) of this title may be imposed in addition to any term of imprisonment authorized by this subsection. Except to the extent a greater minimum sentence is otherwise provided by section 841(b) of this title, a person shall be sentenced under this subsection to a term of imprisonment of not less than one year. The mandatory minimum sentencing provisions of this paragraph shall not apply to offenses involving 5 grams or less of marijuana.

##### **(B) SECOND OFFENDERS**

Any person who violates section 841(a)(1) of this title or section 856 of this title by distributing, possessing with intent to distribute, or manufacturing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, or a playground, or housing facility owned by a public housing authority, or within 100 feet of a public or private youth center, public swimming pool, or video arcade facility, after a prior conviction under subsection (a) has become final is punishable (1) by the greater of (A) a term of imprisonment of not less than three years and not more than life imprisonment or (B) three times the maximum punishment authorized by section 841(b) of this title for a first offense, and (2) at least three times any term of supervised release authorized by section 841(b) of this title for a first offense. A fine up to three times that authorized by section 841(b) of this title may be imposed in addition to any term of imprisonment authorized by this subsection. Except to the extent a greater minimum sentence is otherwise provided by section 841(b) of this title, a person shall be sentenced under this subsection to a term of imprisonment of not less than three years. Penalties for third and subsequent convictions shall be governed by section 841(b)(1)(A) of this title.

**(C) EMPLOYING CHILDREN TO DISTRIBUTE DRUGS NEAR SCHOOLS OR PLAYGROUNDS** Notwithstanding any other law, any person at least 21 years of age who knowingly and intentionally—

- (1) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to violate this section; or
- (2) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to assist in avoiding detection or apprehension for any offense under this section by any Federal, State, or local law enforcement official, is punishable by a term of imprisonment, a fine, or both, up to triple those authorized by section 841 of this title.

##### **(d) SUSPENSION OF SENTENCE; PROBATION; PAROLE**

In the case of any mandatory minimum sentence imposed under this section, imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual convicted under this section shall not be eligible for parole until the individual has served the mandatory minimum term of imprisonment as provided by this section.

##### **(e) DEFINITIONS**

For the purposes of this section—

- (1) The term “playground” means any outdoor facility (including any parking lot appurtenant thereto) intended for recreation, open to the public, and with any portion thereof containing three or more separate apparatus intended for the recreation of children including, but not limited to, sliding boards, swingsets, and teeterboards.
- (2) The term “youth center” means any recreational facility and/or gymnasium (including any parking lot appurtenant thereto), intended primarily for use by persons under 18 years of age, which regularly provides athletic, civic, or cultural activities.
- (3) The term “video arcade facility” means any facility, legally accessible to persons under 18 years of age, intended primarily for the use of pinball and video machines for amusement containing a minimum of ten pinball and/or video machines.
- (4) The term “swimming pool” includes any parking lot appurtenant thereto.

## Federal Codes and Penalties for Drug Abuse, Prevention & Control, continued

### United States Code, Title 21, Chapter 13, Subchapter I, Part D, §863

#### *Drug paraphernalia*

(a) **IN GENERAL** It is unlawful for any person—

- (1) to sell or offer for sale drug paraphernalia;
- (2) to use the mails or any other facility of interstate commerce to transport drug paraphernalia; or
- (3) to import or export drug paraphernalia.

(b) **PENALTIES**

Anyone convicted of an offense under subsection (a) of this section shall be imprisoned for not more than three years and fined under title 18.

(c) **SEIZURE AND FORFEITURE**

Any drug paraphernalia involved in any violation of subsection (a) of this section shall be subject to seizure and forfeiture upon the conviction of a person for such violation. Any such paraphernalia shall be delivered to the Administrator of General Services, General Services Administration, who may order such paraphernalia destroyed or may authorize its use for law enforcement or educational purposes by Federal, State, or local authorities.

(d) **“DRUG PARAPHERNALIA” DEFINED** The term “drug paraphernalia” means any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under this subchapter. It includes items primarily intended or designed for use in ingesting, inhaling, or otherwise introducing marijuana,[1] cocaine, hashish, hashish oil, PCP, methamphetamine, or amphetamines into the human body, such as—

- (1) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
- (2) water pipes;
- (3) carburetion tubes and devices;
- (4) smoking and carburetion masks;
- (5) roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- (6) miniature spoons with level capacities of one-tenth cubic centimeter or less;
- (7) chamber pipes;
- (8) carburetor pipes;
- (9) electric pipes;
- (10) air-driven pipes;
- (11) chillums;
- (12) bongs;
- (13) ice pipes or chillers;
- (14) wired cigarette papers; or
- (15) cocaine freebase kits.

(e) **MATTERS CONSIDERED IN DETERMINATION OF WHAT CONSTITUTES DRUG PARAPHERNALIA** In determining whether an item constitutes drug paraphernalia, in addition to all other logically relevant factors, the following may be considered:

- (1) instructions, oral or written, provided with the item concerning its use;
- (2) descriptive materials accompanying the item which explain or depict its use;
- (3) national and local advertising concerning its use;
- (4) the manner in which the item is displayed for sale;
- (5) whether the owner, or anyone in control of the item, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (6) direct or circumstantial evidence of the ratio of sales of the item(s) to the total sales of the business enterprise;
- (7) the existence and scope of legitimate uses of the item in the community; and
- (8) expert testimony concerning its use.

(f) **EXEMPTIONS** This section shall not apply to—

- (1) any person authorized by local, State, or Federal law to manufacture, possess, or distribute such items; or
- (2) any item that, in the normal lawful course of business, is imported, exported, transported, or sold through the mail or by any other means, and traditionally intended for use with tobacco products, including any pipe, paper, or accessory.

## Federal Drug Trafficking Penalties

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)					
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty	
II	Cocaine 500-4999 grams mixture	First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.	Cocaine 5 kilograms or more mixture	First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.	
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture		
II	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more		
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more		Second Offense: Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture		
I	LSD 1-9 grams mixture	Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment.	LSD 10 grams or more mixture	2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture	Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Methamphetamine 50 grams or more pure or 500 grams or more mixture		
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture		



## Appendix 3: District of Columbia Crimes & Penalties—Alcohol Violations

### DC Official Code, Title 25, Chapter 10, D.C. Code § 25-1002

#### *Purchase, possession or consumption by persons under 21; misrepresentation of age; penalties.*

- (a) No person who is under 21 years of age shall purchase, attempt to purchase, possess, or drink an alcoholic beverage in the District, except as provided under subchapter IX of Chapter 7.
- (b) (1) No person shall falsely represent his or her age, or possess or present as proof of age an identification document which is in any way fraudulent, for the purpose of purchasing, possessing, or drinking an alcoholic beverage in the District.
- (2) No person shall present a fraudulent identification document for the purpose of entering an establishment possessing an on-premises retailer's license, an Arena C/X license, or a temporary license.
- (3) For the purpose of determining valid representation of age, each person shall be required to present to the establishment owner or representative at least one form of valid identification, which shall have been issued by an agency of government (local, state, federal, or foreign) and shall contain the name, date of birth, signature, and photograph of the individual; provided, that a military identification card issued by an agency of government (local, state, federal, or foreign) shall be an acceptable form of valid identification whether or not it contains the individual's signature.
- (c) (1) Except as provided in paragraph (4)(D) of this subsection, any person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine and suspension of driving privileges as follows:
- (A) Upon the first violation, a fine of not more than \$300 and suspension of driving privileges in the District for 90 consecutive days;
- (B) Upon the second violation, a fine of not more than \$600 and suspension of driving privileges in the District for 180 days; and
- (C) Upon the third and each subsequent violation, a fine of not more than \$1,000 and suspension of driving privileges in the District for one year.
- (2) In lieu of proceeding to trial or disposition under paragraph (1) of this subsection, the Mayor shall offer persons who are arrested, or criminally charged by information, for a first or second violation of this section, the option of completing a diversion program authorized and approved by the Mayor. The Mayor shall determine the content of the diversion program, which may include community service and alcohol awareness and education. If the person rejects enrollment in, or fails to comply with the requirements of, or fails to complete within 6 months, the diversion program, he or she may continue to be prosecuted in accordance with paragraph (1) of this section [subsection]. The Mayor, may, at his discretion, decline to offer diversion to any person who has previously been convicted of, any felony, misdemeanor, or other criminal offense.
- (3) As a condition to acceptance into a diversion program, the Mayor may request that the person agree to pay the District, or its agents, a reasonable fee, as established by rule, for the costs to the District of the person's participation in the program; provided, that:
- (A) The fee shall not unreasonably discourage persons from entering the diversion program; and
- (B) The Mayor may reduce or waive the fee if the Mayor finds that the person is indigent.
- (4) (A) Upon the expiration of 6 months following the date of a conviction or a dismissal of a proceeding, or upon the expiration of 6 months following the date of arrest if no information was filed, any person who was arrested for, or criminally charged by information with, any offense under this section may petition the court for an order expunging from the official records all records relating to the arrest, information, trial, conviction, or dismissal of the person; provided, that a nonpublic record shall be retained by the court and the Mayor solely for the purposes of conducting a criminal record check for persons applying for a position as a law enforcement officer or determining whether a person has previously received an expungement under this subsection.
- (B) The court shall grant the petition described in subparagraph (A) of this paragraph if the petitioner has no pending charges for and has not been convicted of, any other felony, misdemeanor, or other criminal offense and if any fine imposed as a result of a conviction under this section has been paid; provided, that the court may grant the petition described in subparagraph (A) of this paragraph if, other than a conviction for a misdemeanor under this section, the petitioner has no pending charges for, and has not been convicted of, any felony, misdemeanor, or other criminal offense.
- (C) Except as provided by this subsection, the effect of an expungement order shall be to lawfully restore the person receiving the expungement to the status he or she occupied before the arrest or information described in subparagraph (A) of this paragraph. No person for whom an expungement order permitted by this subsection has been entered may be held thereafter, under any provision of law, to be guilty of perjury or otherwise giving a false statement by failing to recite or acknowledge such arrest, information, trial, conviction, or dismissal for which the order permitted by this paragraph has been entered. The expungement of such records shall not relieve the person of the obligation to disclose such arrest, information, trial, conviction, or dismissal in response to a direct questionnaire or application for a position as a law enforcement officer.

## District of Columbia Crimes & Penalties—Alcohol Violations, continued

- (D) No person under the age of 21 shall be criminally charged with the offense of possession or drinking an alcoholic beverage under this section, but shall be subject to civil penalties under subsection (e) of this section.
- (6) Failure to pay the fines set forth in paragraph (1) of this subsection shall result in imprisonment for a period not exceeding 30 days.
- (7) The Metropolitan Police Department may enforce provisions of this section by issuing to a person alleged to have violated this section a citation under § 23-1110(b)(1). The person shall not be eligible to forfeit collateral.
- (d) Repealed.
- (e) (1) In lieu of criminal prosecution as provided in subsection (c) of this section, a person who violates any provision of this section shall be subject to the following civil penalties:
- (A) Upon the first violation, a fine of not more than \$300 and the suspension of driving privileges in the District for 90 consecutive days;
  - (B) Upon the second violation, a fine of not more than \$600 and the suspension of driving privileges in the District for 180 days; and
  - (C) Upon the third or subsequent violation, a fine of not more than \$1,000 and the suspension of driving privileges in the District for one year.
- (2) ABRA inspectors or officers of the Metropolitan Police Department may enforce the provisions of this subsection by issuing a notice of civil infraction for a violation of subsections (a) and (b) of this section in accordance with Chapter 18 of Title 2. A violation of this subsection shall be adjudicated under Chapter 18 of Title 2.
- (3) (A) In lieu of or in addition to the civil penalties provided under paragraph (1) of this subsection, as a civil penalty, the Mayor may require any person who violates any provision of this section to complete a diversion program authorized and approved by the Mayor. The Mayor shall determine the content of the diversion program, which may include community service, and alcohol awareness and education.
- (B) As a condition to acceptance into a diversion program, the Mayor may request that the person agree to pay the District, or its agents, a reasonable fee, as established by rule, for the costs to the District of the person's participation in the program; provided, that:
- (i) The fee shall not unreasonably discourage persons from entering the diversion program; and
  - (ii) The Mayor may reduce or waive the fee if the Mayor finds that the person is indigent.

### DC Official Code, Title 25, Chapter 10, D.C. Code § 25-1001

#### ***Drinking of alcoholic beverage in public place prohibited; intoxication prohibited.***

- (a) Except as provided in subsections (b) and (c) of this section, no person in the District shall drink an alcoholic beverage or possess in an open container an alcoholic beverage in or upon any of the following places:
- (1) A street, alley, park, sidewalk, or parking area;
  - (2) A vehicle in or upon any street, alley, park, or parking area;
  - (3) A premises not licensed under this title where food or nonalcoholic beverages are sold or entertainment is provided for compensation;
  - (4) Any place to which the public is invited and for which a license to sell alcoholic beverages has not been issued under this title;
  - (5) Any place to which the public is invited for which a license to sell alcoholic beverages has been issued under this title at a time when the sale of alcoholic beverages on the premises is prohibited by this title or by the regulations promulgated under this title; or
  - (6) Any place licensed under a club license at a time when the consumption of the alcoholic beverages on the premises is prohibited by this title or by regulations promulgated under this title.
- (b) Subsection (a)(1) of this section shall not apply if drinking or possession of an alcoholic beverage occurs:
- (1) In or on a structure that projects upon the parking, and which is an integral, structural part of a private residence, such as a front porch, terrace, bay window, or vault, by, or with the permission of, the owner or resident; or
  - (2) At an event licensed by the Board.
- (c) No person, whether in or on public or private property, shall be intoxicated and endanger the safety of himself, herself, or any other person or property.
- (d) Any person violating the provisions of subsection (a) or (c) of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than the amount set forth in [§ 22-3571.01], or imprisoned for not more than 60 days, or both.
- (e) Any person in the District who is intoxicated in public and who is not conducting himself or herself in such manner as to endanger the safety of himself, herself, or of any other person or of property shall be treated in accordance with Chapter 6 of Title 24.

## District of Columbia Crimes & Penalties—Drug Violations

### DC Official Code, Title 48, Subtitle III, Chapter 9, Subchapter IV, §48-904.03

#### *Prohibited acts A; penalties*

(a) (1) Except as authorized by this chapter or Chapter 16B of Title 7, it is unlawful for any person knowingly or intentionally to manufacture, distribute, or possess, with intent to manufacture or distribute, a controlled substance.

(2) Any person who violates this subsection with respect to:

(A) A controlled substance classified in Schedule I or II that is a narcotic or abusive drug shall be imprisoned for not more than 30 years or fined not more than \$500,000, or both;

(B) Any other controlled substance classified in Schedule I, II, or III, except for a narcotic or abusive drug, is guilty of a crime and upon conviction may be imprisoned for not more than 5 years, fined not more than \$50,000, or both; except that upon conviction of manufacturing, distributing or possessing with intent to distribute 1/2 pound or less of marijuana, a person who has not previously been convicted of manufacturing, distributing or possessing with intent to distribute a controlled substance or attempting to manufacture, distribute, or possess with intent to distribute a controlled substance may be imprisoned for not more than 180 days or fined not more than \$1000 or both;

(C) A substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than 3 years, fined not more than \$25,000, or both; or

(D) A substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than \$10,000, or both.

(b) (1) Except as authorized by this chapter, it is unlawful for any person to create, distribute, or possess with intent to distribute a counterfeit substance.

(2) Any person who violates this subsection with respect to:

(A) A counterfeit substance classified in Schedule I or II that is a narcotic or abusive drug shall be imprisoned for not more than 30 years or fined not more than \$500,000, or both;

(B) Any other counterfeit substance classified in Schedule I, II, or III, except for a narcotic or abusive drug, is guilty of a crime and upon conviction may be imprisoned for not more than 5 years, fined not more than \$50,000, or both;

(C) A counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than 3 years, fined not more than \$25,000, or both; or

(D) A counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than 1 year, fined not more than \$10,000, or both.

(c) Repealed.

(d) (1) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter or Chapter 16B of Title 7. Except as provided in paragraph (2) of this subsection, any person who violates this subsection is guilty of a misdemeanor and upon conviction may be imprisoned for not more than 180 days, fined not more than \$1,000, or both.

(2) Any person who violates this subsection by knowingly or intentionally possessing the abusive drug phencyclidine in liquid form is guilty of a felony and, upon conviction, may be imprisoned for not more than 3 years, fined not more than \$3,000, or both.

(e) (1) If any person who has not previously been convicted of violating any provision of this chapter, or any other law of the United States or any state relating to narcotic or abusive drugs or depressant or stimulant substances is found guilty of a violation of subsection (d) of this section and has not previously been discharged and had the proceedings dismissed pursuant to this subsection, the court may, without entering a judgment of guilty and with the consent of such person, defer further proceedings and place him or her on probation upon such reasonable conditions as it may require and for such period, not to exceed one year, as the court may prescribe. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against such person and discharge him or her from probation before the expiration of the maximum period prescribed for such person's probation. If during the period of probation such person does not violate any of the conditions of the probation, then upon expiration of such period the court shall discharge such person and dismiss the proceedings against him or her. Discharge and dismissal under this subsection shall be without court adjudication of guilt, but a nonpublic record thereof shall be retained solely for the purpose of use by the courts in determining whether or not, in subsequent proceedings, such person qualifies under this subsection. Such discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime (including the penalties prescribed under § 48-904.08 for second or subsequent convictions) or for any other purpose.

## District of Columbia Crimes & Penalties—Drug Violations, continued

(2) Upon the dismissal of such person and discharge of the proceedings against him under paragraph (1) of this subsection, such person may apply to the court for an order to expunge from all official records (other than the nonpublic records to be retained under paragraph (1) of this subsection) all recordation relating to his or her arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this subsection. If the court determines, after hearing, that such person was dismissed and the proceedings against him or her discharged, it shall enter such order. The effect of such order shall be to restore such person, in the contemplation of this law, to the status he or she occupied before such arrest or indictment or information. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge such arrest, or indictment, or trial in response to any inquiry made of him or her for any purpose.

(f) The prosecutor may charge any person who violates the provisions of subsection (a) or (b) of this section relating to the distribution of or possession with intent to distribute a controlled or counterfeit substance with a violation of subsection (d) of this section if the interests of justice so dictate.

(g) For the purposes of this section, “offense” means a prior conviction for a violation of this section or a felony that relates to narcotic or abusive drugs, marijuana, or depressant or stimulant drugs, that is rendered by a court of competent jurisdiction in the United States.

### DC Official Code, Title 48, Subtitle III, Chapter 9, Subchapter IV, § 48-904.03

#### *Prohibited acts C; penalties.*

(a) It is unlawful for any person knowingly or intentionally:

(1) To distribute as a registrant a controlled substance classified in Schedule I or II, except pursuant to an order form as required by § 48-903.07;

(2) To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;

(3) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge;

(4) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this chapter, or any record required to be kept by this chapter; or

(5) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

(b) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than 4 years, fined not more than the amount set forth in § 22-3571.01, or both.

### DC Official Code, Title 48, Subtitle III, Chapter 9, Subchapter IV, § 48-904.06

#### *Distribution to minors.*

(a) Any person who is 21 years of age or over and who violates § 48-904.01(a) by distributing a controlled substance which is listed in Schedule I or II and which is a narcotic drug, phencyclidine, or a phencyclidine immediate precursor to a person who is under 18 years of age may be punished by the fine authorized by § 48-904.01(a)(2)(A), by a term of imprisonment of up to twice that authorized by § 48-904.01(a)(2)(A), or by both.

(b) Any person who is 21 years of age or over and who violates § 48-904.01(a) by distributing for remuneration any other controlled substance which is listed in Schedule I, II, III, IV, or V, except for phencyclidine or a phencyclidine immediate precursor, to a person who is under 18 years of age may be punished by the fine authorized by § 48-904.01(a)(2)(B), (C), or (D), respectively, by a term of imprisonment up to twice that authorized by § 48-904.01(a)(2)(B), (C), or (D), respectively, or both.

### DC Official Code, Title 48, Subtitle III, Chapter 9, Subchapter IV, § 48-904.07

#### *Enlistment of minors to distribute.*

(a) Any person who is 21 years of age or over and who enlists, hires, contracts, or encourages any person under 18 years of age to sell or distribute any controlled substance, in violation of § 48-904.01(a), for the profit or benefit of such person who enlists, hires, contracts, or encourages this criminal activity shall be punished for sale or distribution in the same manner as if that person directly sold or distributed the controlled substance.

(b) Anyone found guilty of subsection (a) of this section shall be subject to the following additional penalties:

(1) Upon a first conviction the party may be imprisoned for not more than 10 years, fined not more than the amount set forth in § 22-3571.01, or both;

(2) Upon a second or subsequent conviction, the party may be imprisoned for not more than 20 years, fined not more than the amount set forth in § 22-3571.01, or both.

## District of Columbia Crimes & Penalties—Drug Violations, continued

### DC Official Code, Title 48, Subtitle III, Chapter 9, Subchapter IV, § 48-904.07a

#### ***Drug free zones.***

(a) All areas within 1000 feet of an appropriately identified public or private day care center, elementary school, vocational school, secondary school, junior college, college, or university, or any public swimming pool, playground, video arcade, youth center, or public library, or in and around public housing, as defined in section 3(1) of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of which is assisted by Department of Housing and Urban Development, or in or around housing that is owned, operated, or financially assisted by the District of Columbia Housing Authority, or an event sponsored by any of the above entities shall be declared a drug free zone. For the purposes of this subsection, the term “appropriately identified” means that there is a sign that identifies the building or area as a drug free zone.

(b) Any person who violates § 48-904.01(a) by distributing or possessing with the intent to distribute a controlled substance which is listed in Schedule I, II, III, IV, or V within a drug free zone shall be punished by a fine up to twice that otherwise authorized by this chapter to be imposed, by a term of imprisonment up to twice that otherwise imposed, or both.

### DC Official Code, Title 48, Subtitle III, Chapter 9, Subchapter IV, § 48-904.08

#### ***Second or subsequent offenses.***

(a) Any person convicted under this chapter of a second or subsequent offense may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.

(b) For purposes of this section, an offense is considered a second or subsequent offense if, prior to commission of the offense, the offender has at any time been convicted under this chapter or under any statute of the United States or of any state relating to a controlled substance.

(c) A person who is convicted of violating § 48-904.06 may be sentenced according to the provisions of § 48-904.06 or according to the provisions of this section, but not both.

### DC Official Code, Title 48, Subtitle III, Chapter 9, Subchapter IV, § 48-904.10

#### ***Possession of drug paraphernalia.***

Whoever, except for a physician, dentist, chiropodist, or veterinarian licensed in the District of Columbia or a state, registered nurse, registered embalmer, manufacturer or dealer in embalming supplies, wholesale druggist, industrial user, official of any government having possession of the proscribed articles by reason of his or her official duties, nurse or medical laboratory technician acting under the direction of a physician or dentist, employees of a hospital or medical facility acting under the direction of its superintendent or officer in immediate charge, person engaged in chemical, clinical, pharmaceutical or other scientific research, acting in the course of their professional duties, has in his or her possession a hypodermic needle, hypodermic syringe, or other instrument that has on or in it any quantity (including a trace) of a controlled substance with intent to use it for administration of a controlled substance by subcutaneous injection in a human being shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both.

## District of Columbia Crimes & Penalties—Drug Violations, continued

### DC Official Code, Title 48, Subtitle III, Chapter 11, Subchapter I, § 48-1101

#### **Definitions.**

For purposes of this subchapter, the term:

(1) **Blunt wrap**” means any product that is manufactured for encasing, wrapping, or rolling materials of any kind for purposes of smoking, if such product is designed to be filled by the consumer and is:

(A) Made wholly or in part of tobacco; or

(B) Made of paper or any other material that does not contain tobacco, and is:

(i) Intended, when filled by the consumer, to produce a finished wrap that measures more than 120 millimeters on its longest side; or

(ii) Sold as a pre-rolled hollow cone, the circumference of which is not equal at both ends.

(1A) **“Controlled substance”** has the same meaning as that provided in § 48-901.02(4).

(2) **“Court”** means the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

(3) **“Drug paraphernalia”** means:

(A) Kits or other objects used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(B) Kits or other objects used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;

(C) Isomerization devices or other objects used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(D) Testing equipment or other objects used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness, or purity of a controlled substance;

(E) Scales and balances or other objects used, intended for use, or designed for use in weighing or measuring a controlled substance;

(F) Diluents and adulterants, including, but not limited to: quinine, hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting a controlled substance;

(G) Separation gins and sifters or other objects used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, Cannabis or any other controlled substance;

(H) Blenders, bowls, containers, spoons, and other mixing devices used, intended for use, or designed for use in compounding a controlled substance;

(I) Capsules, balloons, envelopes, glassy plastic bags, or zip-lock bags that measure 1 inch by 1 inch or less, and other containers used, intended for use, or designed for use in packaging small quantities of a controlled substance;

(J) Containers and other objects used, intended for use, or designed for use in storing or concealing a controlled substance;

(K) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting a controlled substance into the human body; and

(L) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing Cannabis, cocaine, hashish, hashish oil, or any other controlled substance into the human body, including, but not limited to:

(i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(ii) Water pipes;

(iii) Carburetion tubes and devices;

(iv) Smoking and carburetion masks;

(v) Roach clips;

(vi) Miniature spoons with level capacities of one-tenth cubic centimeter or less;

(vii) Chamber pipes;

(viii) Carburetor pipes;

(ix) Electric pipes;

(x) Air-driven pipes;

(xi) Bongs;

(xii) Ice pipes or chillers;

(xiii) Wired cigarette papers;

(xiv) Cocaine freebase kits; or

(xv) Cigarette rolling paper or cigar wrappers sold at a commercial retail or wholesale establishment, which does not derive at least 25% of its total annual revenue from the sale of tobacco products and which does not sell loose tobacco intended to be rolled into cigarettes and cigars.

The term “drug paraphernalia” shall not include any article that is 50 years of age or older.

## District of Columbia Crimes & Penalties—Drug Violations, continued

### DC Official Code, Title 48, Subtitle III, Chapter 11, Subchapter I, § 48-1102

#### ***Factors to be considered in determining whether object is paraphernalia.***

(a) In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically and legally relevant factors, the following factors:

- (1) Statements by an owner or by anyone in control of the object concerning its use;
- (2) The proximity of the object, in time and space, to a violation of § 48-1103(a) or to a controlled substance;
- (3) The existence of any residue of a controlled substance on the object;
- (4) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intends to use the object to facilitate a violation of § 48-1103(a); the innocence of an owner, or of anyone in control of the object, as to a violation of § 48-1103(a) shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- (5) Instructions, oral or written, provided with the object concerning its use;
- (6) Descriptive materials accompanying the object which explain or depict its use;
- (7) National and local advertising concerning the use of the object;
- (8) The size or packaging of the object, or the manner in which it is displayed;
- (9) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, including, but not limited to, a licensed distributor or dealer of tobacco products;
- (10) Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;
- (11) The existence and scope of legitimate uses for the object in the community; and
- (12) Expert testimony concerning its use.

(b) Where the alleged violation of the act occurred at a commercial retail or wholesale establishment, the court or other authority may infer, based upon consideration of the factors in subsection (a) of this section, that the following items are drug paraphernalia:

- (1) Glassy plastic bags or zip-lock bags that measure 1 inch by 1 inch or less; or
- (2) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctuated metal bowls.

### DC Official Code, Title 48, Subtitle III, Chapter 11, Subchapter I, § 48-1103

#### ***Prohibited acts.***

(a)(1) Except as authorized by Chapter 16B of Title 7 [§ 7-1671.01 et seq.], it is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inhale, ingest, or otherwise introduce into the human body a controlled substance; except that it shall be lawful for any person 21 years of age or older to use, or possess with intent to use, drug paraphernalia to possess or use marijuana if such possession or use is lawful under § 48-904.01(a), or to use, or possess with intent to use, drug paraphernalia to grow, possess, harvest, or process cannabis plants, the growth, possession, harvesting or processing of which is lawful under § 48-904.01(a).

(1A)(A) Notwithstanding paragraph (1) of this subsection, it shall not be unlawful for a person to use, or possess with the intent to use, the materials described in § 48-1101(3)(D) for the purpose of testing personal use quantities of a controlled substance.

(B) For the purposes of this paragraph, the term "personal use quantities" means possession of a controlled substance in circumstances where there is no other evidence of an intent to distribute, or to facilitate the manufacturing, compounding, processing, delivering, importing, or exporting of any controlled substance.

(2) Whoever violates this subsection shall be imprisoned for not more than 30 days or fined not more than the amount set forth in § 22-3571.01, or both.

## District of Columbia Crimes & Penalties—Drug Violations, continued

**(b)(1)** Except as authorized by Chapter 16B of Title 7 [§ 7-1671.01 et seq.], it is unlawful for any person to deliver or sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell drug paraphernalia, knowingly, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance; except that it shall be lawful for any person to deliver or sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia under circumstances in which one knows or has reason to know that such drug paraphernalia will be used solely for use of marijuana that is lawful under § 48-904.01(a), or that such drug paraphernalia will be used solely for growing, possession, harvesting, or processing of cannabis plants that is lawful under § 48-904.01(a).

**(1A)** Notwithstanding paragraph (1) of this subsection, it shall not be unlawful for a community-based organization, as that term is defined in § 7-404(a)(1), to deliver or sell, or possess with intent to deliver or sell, the materials described in § 48-1101(3)(D).

**(2)** Whoever violates this subsection shall be imprisoned for not more than 6 months or fined not more than the amount set forth in § 22-3571.01, or both, unless the violation occurs after the person has been convicted in the District of Columbia of a violation of this subchapter, in which case the person shall be imprisoned for not more than 2 years, or fined not more than the amount set forth in § 22-3571.01, or both.

**(c)** Any person 18 years of age or over who violates subsection (b) of this section by delivering drug paraphernalia to a person under 18 years of age who is at least 3 years his or her junior is guilty of a special offense and upon conviction may be imprisoned for not more than 8 years, fined not more than the amount set forth in § 22-3571.01, or both.

**(d)** Where the violation of the section involves the selling of drug paraphernalia by a commercial retail or wholesale establishment, the court shall revoke the license of any licensee convicted of a violation of this section and the certificate of occupancy for the premises.

**(e) (1)** Except as provided in paragraphs (2), (3), and (3A) of this subsection, it is unlawful to sell the following products in the District of Columbia:

**(A)** Cocaine free base kits;

**(B)** Glass or ceramic tubes less than 6 inches in length and 1 inch in diameter sold or possessed with or without any screen-like device;

**(C)** Cigarette rolling papers; and

**(D)** Cigar wrappers, including blunt wraps.

**(2)** A commercial retail or wholesale establishment may sell cigarette rolling papers if the establishment:

**(A)** Derives at least 25% of its total annual revenue from the sale of tobacco products; and

**(B)** Sells loose tobacco intended to be rolled into cigarettes or cigars.

**(3)** A wholesaler may sell cigarette rolling papers to retail establishments described in paragraph (2) of this subsection.

**(3A)** A cultivation center or dispensary may sell cigarette rolling papers in accordance with Chapter 16B of Title 7 [§ 7-1671.01 et seq.].

**(4)** A person who violates this subsection shall be imprisoned for not more than 180 days or fined not more than the amount set forth in § 22-3571.01, or both, unless the violation occurs after the person has been convicted in the District of Columbia of a violation of this subchapter, in which case the person shall be imprisoned for not more than 2 years, or fined not more than the amount set forth in § 22-3571.01, or both.