

Electronic Violence and Vandalism Reporting System

Incident Scenarios

Background

The purpose of presenting these scenarios is to supplement the incident detail (i.e., definitions) in the EVVRS User Manual with examples that contain factors to consider when deciding if the incident is one to be reported on the EVVRS and in which category to report the incident. Each district should have staff review the definitions and scenarios at the beginning of each school year to clarify the district's policies and practices in reporting incidents. It is expected that as districts conduct their reviews, greater consistency in reporting incidents will be observed.

Note that the decision to report the incident to the state is independent of the decision to discipline the offending student or to report a matter to the police or the prosecutor under the Memorandum of Agreement Between Education and Law Enforcement Officials, pursuant to N.J.A.C. 6A:16-6. Incidents may occur that are inappropriate behaviors for which the school imposes consequences or for which the school requires reporting that should not be reported on the EVVRS.

Definitions, Considerations, Examples, and Reporting Decisions

Simple Assault	A person attempts to cause, or purposely, knowingly, or recklessly causes bodily injury to another. One needs to consider age and developmentally appropriate behavior before using this category.
Fight	Mutual engagement in a physical confrontation that may result in bodily injury to either party. Does not include verbal confrontations or a minor confrontation such as a shoving match. All participants should be classified as offenders. One needs to consider age and developmentally appropriate behavior before using this category.

Considerations:

- Was the offender capable of knowing that the act would cause bodily injury (e.g., physical pain, illness or any physical impairment)? The offender must be developmentally mature enough to know that the action would cause bodily injury for the incident to be considered a simple assault.
- Did the offender intentionally cause or try to cause the injury? The offender must intend to cause an injury to the victim for the incident to be considered a simple assault.
- Were both students mutually engaged in a physical confrontation that could result in bodily injury to either party? The victim must avoid engaging in violent physical contact for the incident to be a simple assault. If both students are engaged in the physical confrontation, this incident would be considered a fight and both participants would be reported as offenders.

Example 1

A male student (Bob) punches (with a closed fist) another male student (Tim) in the back, while passing him in the corridor, and remarks, “That’s payback.” Tim begins to charge at Bob but is restrained by a classmate (Roy).

Reporting Decisions:

- a) The incident *would* be reported as a *simple assault* for the following reasons:
 - Bob purposely initiated the physical confrontation that could cause bodily injury. Tim attempted but did not succeed in engaging in physical contact. Bob would be the offender, Tim the victim.
- b) If, however, there was no need for Tim to defend himself against further attack, and yet he broke through Roy’s restraint in this instance and attacked Bob, then a *fight* would have occurred. Both Bob and Tim would be classified as offenders.

Example 2

Estelle confronts Grace on the sidewalk outside the school building and tells her to stay away from John, (Estelle’s boyfriend). She pushes Grace who responds immediately by pushing back. The two grab each other. A security guard commands them to stop. Grace hits Estelle with an open-fisted punch and they continue the physical engagement. The guard then physically separates the two.

Reporting Decisions:

- a) This incident *would* be reported as a *fight* for the following reasons:
 - Grace responded immediately, choosing not to avoid violence. This response by Grace creates the condition of “mutual engagement” in a physical confrontation. Although one participant initiated the altercation, both participants were offenders.
 - If the security guard observed the incident after punching already started, this also *would* be a *fight*.
- b) There are circumstances that would cause this incident *not* to be reported as a *fight*:
 - If Grace had responded verbally and Estelle had continued to shove and grab in an attempt to cause physical injury, this *would* be reported as an *assault*.
 - If Estelle and Grace had ceased their altercation at the original command of the security guard, then this incident would *not* be reported on the EVVRS either as an *assault* or a *fight*.

Example 3

Two six year-olds, a boy and a girl, are arguing, but they stop when cautioned by the teacher, who specifies consequences if the argument resumes. Later, while lining up to go outside, the boy utters something that upsets the girl, who punches the boy in the face.

Reporting Decisions:

- a) Absent other mitigating circumstances, this incident *would* be reported as a *simple assault*, for the following reasons:

- Since the teacher issued a warning, the girl knew the consequences of resuming the argument in any way.
 - She had the opportunity to report the boy’s comment to the teacher instead of engaging in physical contact.
 - She punched the boy in the face with a closed fist, intending injury.
- b) If the observer of the incident made the determination that due to the developmental immaturity of the aggressor, the aggressor did not know that the act would cause bodily injury, then the incident *may not* be reported as a *simple assault*.

Example 4 (teacher as a victim-developmental age)

A six-year old student, with a consistent pattern of behavior problems, is banging on the lunch table with his fork and displaying it in a threatening manner to other students sitting at the table. He ceases the unruly behavior upon a verbal reprimand and warning from the teacher on duty. He starts the behavior once again, and the teacher demands that he give her the fork. He refuses. While she is taking the fork from him, he bites her on the hand and kicks her in the leg.

Reporting Decisions:

- a) This incident would *not* be reported on the EVVRS as an *assault on a teacher* if:
- The teacher determined that the child was developmentally immature and did not know that the actions would cause bodily injury, even though the child was warned to cease the disruptive and threatening behavior and responded aggressively.
- b) This incident *would* be reported as a *simple assault* if the determination of immaturity was not made.

Example 5 (teacher as a victim)

A fight between two boys breaks out in the classroom. The male teacher tries to step in and break it up after a verbal command produces no response. One of the boys, in breaking loose from the second boy, strikes the teacher in the chest with his forearm. At that point, the fight ends. The teacher is not injured.

Reporting Decisions:

- a) The *fight would* be reported on the EVVRS, but the “striking the teacher” would *not* be reported as an *assault on staff* for the following reason:
- The boy did not intend to cause bodily injury to the teacher.
- b) Had the boy strongly pushed the teacher out of the way, the result of which was an injury of any kind, then this act by the student *would* be considered “recklessly causing bodily injury” and be reported on the EVVRS as an *assault on staff*.
- c) If it is the determination of the teacher that the student attempted to cause bodily injury to the teacher, “striking the teacher” *would* be reported as a *simple assault* and the teacher *would* be reported as the victim.

Robbery	Obtaining money or other material things (regardless of value) from another by means of violence or threat of immediate violence.
Extortion	Obtaining money or other material things (regardless of value) from another by means of stated or implied threat of future violence.

Considerations:

- Did the offender obtain money or other material things by committing or threatening to commit a violent act (i.e., an assault of any kind) against the victim? The offender must obtain money or other material things using violence or threatening violence in order for the incident to be considered robbery or extortion.
- Did the offender use violence, threaten immediate violence or threaten future violence? The offender must use violence or threaten immediate violence in obtaining the money or other material thing for the incident to be considered robbery. If the money or material thing is obtained using the threat of future violence, the incident would be considered extortion.
- Was the victim afraid that the offender would carry out the threat of violence if the victim did not allow the offender to obtain the money or material things? The victim must believe and be fearful that the offender would commit the violent act for the incident to be considered robbery or extortion.

Example 6 (robbery/extortion)

John says to Ron, “I think you should let me have that pen. Like right now. That’s a beauty”
Ron gives John the pen.

Reporting Decisions:

- a) Based on the words alone, the incident would *not* be reported on the EVVRS as *robbery or extortion* since:
 - There was no threat of immediate violence.
 - There was no stated or implied threat of future violence.
- b) However, if the threat of violence is explicit or implied based upon a witness’s observation, or as reported by the victim, then the incident *would* be reported as a *robbery* (if threatened violence is immediate) or *extortion* (if threatened violence is in the future).
- c) If there is *no* verbal or nonverbal indication of a *threat of immediate or future violence*, then the incident would *not* be reported on the EVVRS.

Example 7 (robbery/extortion)

Tim and Harry are talking in the lunchroom. Bob walks by and says to Tim, “You better have twenty bucks for me by tomorrow if you know what’s good for you. Remember what happened the last time. Your wrist was swollen for a week.” Tim gives Bob the twenty dollars. Harry tells his counselor about the incident.

Reporting Decisions:

- a) The incident *would* be reported on the EVVRS as *extortion* since:
 - Bob acquired twenty dollars from Tim by a verbal threat of future violence.

Threat	Attempting by physical menace (e.g., verbal threats) to put another in fear of future serious bodily injury. (Do not include bomb threats in this category.) One needs to consider age and developmentally appropriate behavior before using this category.
Terroristic Threat	Threatening to commit one of the following criminal offenses: homicide, assault, sexual assault, robbery, kidnapping or arson with the purpose of placing others in imminent fear of one of the violent acts under circumstances reasonably causing the victims(s) to believe the immediacy of the threat and the likelihood that it will be carried out. One needs to consider age and developmentally appropriate behavior before using this category.

Considerations:

Threat

- Did the offender threaten the victim with *bodily injury*? The offender must use words or actions that place the individual in fear of bodily injury for the incident to be considered a threat.
- Was the victim afraid of *future* bodily injury as a result of the threat? The victim must believe and be fearful that the offender would actually cause bodily injury for the incident to be considered a threat.
- Was the offender *capable of knowing* that the act would cause bodily injury (e.g., physical pain, illness or any physical impairment) and be capable of the act described? The observer must consider whether or not the offender is developmentally mature enough to know that the action would cause *serious* bodily injury and be capable of carrying out the act for the incident to be considered a threat.

Terroristic Threat

- Did the offender *threaten* the victim with one of the *violent criminal offenses* listed in the definition with the purpose of making the victim fearful? The offender must threaten the victim with one of the violent offenses for the purpose of making the victim fearful for the incident to be considered a terroristic threat.
- Was the victim *afraid* that the offender would carry out the threat of the violent offense? The victim must *believe and be fearful* that the offender would actually carry out the threat of the violent criminal offense for the incident to be considered a terroristic threat.
- Was the offender capable of knowing that the threat would cause the victim to be fearful that the offender would carry out the threat? The observer must consider whether or not the offender is developmentally mature enough to know that the criminal offense would make the victim fearful that the action would really happen for the incident to be considered a terroristic threat.

Example 8 (threat)

Jose and Dwayne, eighth graders, have a shoving match in the classroom. The teacher breaks it up quickly. Jose says to Dwayne, “Just wait. This isn’t over. I’ll be waiting for you after school.” Dwayne responds, “I’ll be ready; just make sure you are.”

Reporting Decisions:

- a) While both boys seem to be cognizant of their actions, this incident would *not* be reported

as a *threat* for the following reason:

- Neither Jose nor Dwayne appears to be fearful of serious bodily injury.
- b) If the boys mutually engage in a physical confrontation after school, this incident *would* be reported as a *fight*.
- c) If subsequent to the shoving match, one of the boys expresses concern that he is going to be subject to serious bodily injury (e.g., beat up after school), the incident *would* be reported as a *threat*.

Example 9

Third grader Tommy, while on the playground, tells Bobby, “Wait ‘til I get you alone in the boy’s room.” Bobby runs away and tells his friends, “Tommy’s gonna’ beat me up.” One of Bobby’s friends tells their teacher.

Reporting Decisions:

- a) The incident *would* be reported as a *threat* for the following reasons:
- Tommy’s words strongly implied physical menace.
 - Bobby expressed fear of future bodily injury based on Tommy’s menacing statement.
- b) If Tommy had a history of making these types of statements and not acting on them, and Bobby responded, “Yeah, right,” and laughingly told his friends, this would *not* be reported as a *threat*.

Example 10 (terroristic threat)

As they leave school, Mary, a tenth grader, confronts Jane who had just been talking to Mary’s boyfriend: “I am gonna’ cut you girl,” displaying a box cutter, “just to teach you a lesson.” Jane freezes.

Reporting Decisions:

- a) The incident *would* be reported as a *terroristic threat* for the following reasons:
- Mary’s statement represents a real threat of assault with a weapon, a criminal offense.
 - The fact that Mary displayed the weapon established the unambiguous meaning of her message, the immediacy of the threat and the likelihood that it would be carried out.
- b) If Mary cut Jane with the box cutter, the incident *would* be reported as *an assault with a weapon*.

Sex Offense	<p>Subjecting another to sexual contact or exposure. For the incident to be considered a sex offense, the offender must (1) intentionally touch, either directly or through clothing, the victim's intimate parts, for the purpose of degrading or humiliating the victim; (2) sexually arouse or sexually gratify himself or herself in view of the victim whom the offender knows to be present; (3) force or coerce the victim to participate in any contact or exposure; or (4) commit any act of sexual assault defined under N.J.S.A. 2C:14-2, which includes provisions related to the age of the victim and the offender. Incidents of sexual assault should be reported in this category. Intimate body parts are defined by statute (N.J.S.A. 2C:14-1e) to include "sexual organs, genital area, anal area, inner thigh, groin, buttock or breast of a person." Consider age and developmentally appropriate behavior before using this category. <i>Note: Sexual harassment has been added to the reporting system in 2003-2004 under the violence reporting category Harassment/Intimidation/Bullying.</i></p>
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Considerations:

- Did the offender intentionally touch, either directly or through clothing, the victim's intimate parts? The offender must intentionally touch an intimate part of the victim for this to be considered a sexual offense. The contact must be intentional. Unintentional or incidental touching would not be reported on EVVRS.
- Did the offender subject the victim to sexual exposure? In this case, offender must make sexual contact with his or her intimate body parts in view of the victim whom the offender knows to be present for the incident to be considered a sex offense.
- Was the offender's purpose to degrade or humiliate the victim? The victim's description, a witness's observation(s), or the offender's statement(s) must clearly indicate that the purpose of the offender was to degrade or humiliate the victim.
- Was the offender capable of knowing that the contact or exposure was sexual in nature and was unacceptable behavior? The student must be developmentally mature enough to know that the action was unacceptable behavior and the consequences for such behavior for the act to be considered a sex offense.

Example 11

Fred comes up behind Ann and grabs her "behind."

Reporting Decisions:

- a) Based on the observation alone, the incident would *not* be reported as a *sex offense* for the following reasons:
 - While the offender did touch an "intimate" body part of the victim, per the definition, there was insufficient information without interviewing the students to determine the purpose of the contact.
- b) If there is no indication of provocation and the victim reports feeling that the behavior was intended to humiliate or degrade her, then the incident *would* be reported as a *sex offense*.
- c) If an observer interpreted that the act was clearly intended to humiliate or degrade, but the victim did not do so, the incident *would be* reported as a *sex offense*.

Note: There may be "same gender" sex offenses.

<p>Possession of Other Weapon</p>	<p>Having on one's person or in one's locker or vehicle any weapon (other than a firearm). A weapon is any instrument readily capable of lethal use or of inflicting bodily injury that includes, but is not limited to, knives, clubs or other bludgeons, chains, sling shots, leather bands studded with metal filings and razor blades. This category also includes stun guns and any device which projects, releases or emits tear gas or any other substance (e.g., pepper spray) intended to produce temporary discomfort or permanent injury through being vaporized or otherwise dispensed in the air. Components that can readily be assembled into a weapon also apply. An incident of possession, if not reported on the EVVRS, may, of course, still be reported in the district's disciplinary record system.</p> <p>If Assault with Other Weapon is checked, Possession of Other Weapon cannot be checked. Consider age and developmentally appropriate behavior before using this category.</p>
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Considerations:

- Was the object found on the student or in the student's locker one of the instruments or devices identified above that is readily capable of lethal use or inflicting bodily injury, or, in the case of devices for releasing vaporous substances, intended to produce temporary discomfort or permanent injury through being vaporized or otherwise released in the air?
- What was the student's reason for having the object ("weapon")?
 - If the student had the object for a **legitimate school-approved purpose** (e.g., drafting tools for a drafting class, compass for geometry class) the incident would not be considered possession of a weapon.
 - Possessing a weapon to use *potentially* in an offensive or defensive capacity (e.g., carrying a knife for protection) would be reported.
- Did the student voluntarily turn the weapon in to school officials? If the student turned the weapon in as soon as it was discovered, the incident would not be reported as possession of a weapon.
- Was the offender reasonably capable of knowing, under the circumstances, that the instrument was capable of lethal use or inflicting bodily injury? The observer must consider whether or not the victim is developmentally mature enough to know that the instrument is a weapon and not permitted in school.

Example 12

A high school male student is found with a box cutter in his jacket pocket. He claims he needs it for his job at the local grocery store. This claim is confirmed upon investigation. The youth has no history of violent behavior, nor is there any indication of likely future violent behavior on his part in school.

Reporting Decisions:

- a) The incident *would* be reported as *possession of a weapon* for the following reasons:
 - The object is readily capable of lethal use or inflicting serious bodily injury.

- The student did not voluntarily inform and voluntarily turn over the weapon to school staff. The weapon was found on the student.
- b) If the student had voluntarily informed school officials that he possessed a weapon for job purposes and voluntarily turned over the weapon the incident would *not* be reported as *possession of a weapon*.
- c) Since it was confirmed that the box cutter was related to the youth’s employment, the district should act in accordance with its policy and might consider confiscating the weapon and advising the student and the student’s parents and consulting with them on other arrangements, including leaving the box cutter at home to pick up before going to work or making arrangements to leave the box cutter in a secure place at work.

Example 13

A middle school girl is found with a pen knife in her jacket. She states that she needs to carry it as protection against another girl with whom she has been having a dispute.

Reporting Decisions:

- a) This incident *would* be reported as *possession of a weapon* for the following reasons:
- The object is readily capable of lethal use or inflicting serious bodily injury.
 - Intent to possibly use as a weapon is indicated.
 - The weapon was found on the student. The student did not voluntarily inform and voluntarily turn over the weapon to school staff.

Example 14

A middle school student removes his jacket to hang it in his locker. A fishing knife falls out of out of the jacket. The student immediately picks up the knife and notifies school officials and turns over the knife, explaining that he had been on a fishing trip with his family over the weekend, returned home late Sunday night, and forgot that the knife was in his jacket.

Reporting Decisions:

- a) This incident would *not* be reported as *possession of a weapon* for the following reasons:
- The student did not know that he had the “weapon” in his possession until it fell out of his pocket.
 - The student immediately and voluntarily turned the “weapon” in to school officials.

Note: Though not reported, the school should impose consequences as appropriate to its student code of conduct and advise the parents of the incident and the school’s policy.

Example 15

A first grade student brings his grandfather’s pocket knife to school to fulfill a “show and tell” classroom assignment.

Reporting Decisions:

- a) This incident would *not* be reported as a *weapons possession* incident for the following reason:
- While the school did not permit the student to bring the knife to school, the student was too young to understand that bringing the pocket knife to school was not permitted and dangerous.
 - The student had a legitimate school-related (i.e., “school-approved”) purpose (i.e., classroom assignment) for carrying the “weapon.”

Note: Though not reported, the school should impose consequences as appropriate to its student code of conduct and advise the parents of the incident and the school’s policy.

Harassment, Intimidation or Bullying	Any gesture or written, verbal or physical act that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory handicap, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus and that : a) a reasonable person should know, under the circumstances, will have the effect of harming a student or damaging the student’s property; or b) has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school. (N.J.S.A. 18A:37-13)
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Considerations:

- Did the gesture or written, verbal or physical act harm a student, damage a student’s property or insult or demean a student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school? The observer must be sensitive to the kinds of disruption and interference that this type of behavior may cause. Some are obvious while others are subtle. For example, a fight might erupt due to harassment or bullying which clearly disrupts the orderly operations of the school; however, an exchange of insults while students enthusiastically continue to play basketball on the playground *might* not. A disparaging or abusive word or phrase directed at a student in front of other students regarding a perception or opinion about the student’s sexual orientation may have the effect of harming a student, however, an act of name calling (e.g., “you’re a punk”) *might* not. Behaviors such as a student walking out of a classroom without permission, disobeying the teacher’s direction to stand next to a certain individual in line, refusing to answer the teacher’s questions or participate verbally in class, or making up excuses not to go to school, interfere with the orderly operation of the school and if caused by intimidation, harassment or bullying must be considered in this category.
- Did the gesture or written, verbal or physical act take place, *wholly or in part*, on school property, at any school-sponsored function or on a school bus?
- Was the gesture or act perceived by the victim or observer as being motivated by any actual or perceived characteristic or by any other distinguishing characteristic? The victim or group of victims must believe that the act was motivated by any actual or perceived characteristic for the incident to be considered harassment, intimidation or bullying.

- Was the offender reasonably capable of knowing, under the circumstances, that the behavior would harm a student or damage the student’s property? The observer must consider whether or not the victim is developmentally mature enough to know that the criminal offense would harm the victim or damage the victim’s property for this to be considered harassment, intimidation or bullying.

Example 16

Elliot is a twelve-year old regular education student whose build and height is smaller than his classmates and has few friends in school. A few classmates took his back pack, while calling him a “sissy,” pushing him around and knocking him to the floor. His mother has reported that recently he has been losing sleep and fears going to school.

Reporting Decisions:

- a) This incident *would* be reported as *harassment/intimidation/bullying* for the following reasons:
 - The term, “sissy,” referred to distinguishing characteristics (i.e., smaller build and height) and thereby demeaned the student; and
 - There was harm (i.e., being knocked to the floor, losing sleep, fearing school) to the student.
- b) This incident *would also* be reported as a *robbery*, since a material thing (i.e., the back pack) was taken by means of violence.
- c) The district might also require a report under the local school district’s disciplinary system, separate from the EVVRS, that addresses other behaviors not directed at a distinguishing characteristic or that did not harm the student.

Example 17

Jimmy, an intermediate school student, used a racial slur in addressing John, a classmate, and pushed him into another student standing nearby. A fight broke out in the hall which delayed the beginning of class.

Reporting Decisions:

- a) This occurrence *would* be reported as *harassment/intimidation/bullying* since an insulting or demeaning comment was made on a distinguishing characteristic (i.e., race) of John, and the action caused substantial interference with the orderly operation of the school.

Example 18

Four ninth grade students shouted derogatory religious slurs at a classmate, while one of the four students drew on the chalkboard a symbol that represents something of religious significance (e.g., swastika, cross, Star of David) to the classmate. Upon hearing the teacher approach the classroom, one of the four students immediately erased the symbol from the chalkboard and they all took their seats before the teacher entered the room. After class, the victim told the teacher of the occurrence and that she was afraid to go to her next class.

Reporting Decisions:

- a) This occurrence *would* be reported as *harassment/intimidation/bullying* on the EVVRS for the following reasons:
- The religious slur referred to a distinguishing characteristic and insulted or demeaned the student;
 - The actions had the effect of harming the student; and
 - It is reasonable to believe that the offenders knew that the statements and the drawing of the symbol would have the effect of harming the student.
- b) While there is no indication that the statements or the drawing of the symbol represented an interference with the orderly operation of the school, the incident would be reported for any of the reasons explained in (a) above.
- c) Absent *either* the drawing of the symbol *or* the derogatory statements, the occurrence would still be reported on the EVVRS since there would be harm to the student as a result of either action.

Example 19

Six boys were playing a game of touch football on the playground. After a play with particularly close physical contact, one of the boys called the other a “chump.” The other boy responded by saying, “Who are you calling a ‘chump,’ ‘punk?’” The other participants immediately intervened and the game continued.

Reporting Decisions:

- a) This occurrence would not be reported as *harassment/intimidation/bullying* for the following reasons:
- While the statements are not respectful, no distinguishing characteristics are indicated in the statements that would harm the students; and
 - The statements did not cause substantial interruption in, or substantial interference with, the orderly operation of the school.

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New Jersey Department of Education
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