

State of Delaware

Model Law Enforcement Sexual Assault Guidelines

1. **PURPOSE:** The purpose of this policy is to provide Law Enforcement with guidelines for responding to reports of sexual assault, assisting victims, collaborating with victim advocates/service providers, and conducting thorough investigations. These guidelines are designed to ensure best practices are in use in all law enforcement agencies in the state to help ensure victim safety and successful prosecution of perpetrators.
2. **POLICY:** A victim's distress may create an unwillingness or psychological inability to assist in the investigation. Officers and investigators play a significant role in both the victim's willingness to cooperate in the investigation and ability to cope with the emotional and psychological after-effects of the crime. While it is expected that all investigative efforts will be made to document the crime and identify the suspect, it is important that these cases are handled from a non-judgmental perspective so as not to communicate in any way that the victim is somehow responsible for the crime being investigated.
3. **DEFINITIONS:** For the purposes of this policy, Sexual Assaults will include a report of the following crimes:

Incest, 11 *Del. C.* § 766

Rape, 11 *Del. C.* § § 770-773

Unlawful Sexual Contact, 11 *Del.C.* § § 767-769

Sexual Extortion, 11 *Del.C.* § 774

Continuous Sexual Abuse of a Child, 11 *Del.C.* § 776

Sex Offender unlawful sexual conduct against a child, 11 *Del.C.* § 777A

Sexual Abuse of a Child by a person in a position of trust, authority or supervision, 11 *Del.C.* § 778-§778A

Female Genital Mutilation, 11 *Del.C.* §780

Sexual Exploitation of a Child (where the victim is known to police), 11 *Del.C.* § 1108

Child Pornography (where the victim is known to police), 11 *Del.C.* §§ 1109-1111

Sexual Solicitation of a Child (where the victim is known to police), 11 *Del.C.* § 1112A

Sexual Relations in Detention Facility, 11 *Del.C.* § 1259

4. **CHILD SEXUAL ASSAULT, MEMORANDUM OF UNDERSTANDING:** *The Memorandum of Understanding Among the Department of Services for Children, Youth, and Their Families, the Delaware Children's Advocacy Center, the Department of Justice, and the Delaware Police Departments regarding the Procedural Agreement For the Investigation of and Collaborative Intervention on Child Abuse and Neglect* Prepared by The Child Protection and Accountability Commission's Abuse Intervention Committee, Revised 2009 is hereby incorporated by Reference and any further questions regarding Child Sexual Abuse Intervention should be referred to that document.

5. FIRST RESPONDERS: Employees who respond to a reported sexual assault will:
 - A. Make contact with the victim as soon as possible to address safety concerns, secure evidence and summon medical assistance if necessary.
 - B. If the victim is under 18, a report to the Division of Family Services Child Abuse Report Line shall be made (1-800-292-9582)
 - C. Evaluate the scene to identify potential threats to the officer, victim, and others involved.
 - D. Communicate appropriate information to other responding officers.
 - E. Secure the crime scene and preserve evidence according to departmental procedures.
 - E. Contact a supervisor to determine who will be investigating the case.
 - F. Evaluate the immediate need for suspect apprehension. This can be determined by communicating pertinent information to the Supervisor and collaborating efforts. Keep in mind, all sexual assaults are different and investigations should be tailored towards the circumstances of each case.

6. ASSISTING THE VICTIM: Employees are expected to assist the victim by:
 - A. Exhibiting an attitude of understanding, patience and respect while attempting to build trust and rapport.
 - B. Notifying the victim of his/her rights, including the rights under the Victims' Bill of Rights (11 *Del. C.* § 9401) and informing the victim about social services and victim assistance, to include police-based victim services, and the Victim's Compensation Assistance Program (VCAP).
 - C. Notifying the victim that ContactLifeline, Inc. can provide a Sexual Assault Specialist (SAS) to assist the victim during an active investigation. A SAS can be reached by calling the 24 hr. Sexual Assault Hotline at 1-800-262-9800.
 - D. Working in partnership with the SAS and other involved professionals to balance investigative needs with victim concerns and provide resources and referrals to outside agencies which serve sexual assault victims.
 - E. Notify the police-based Victim Services Specialist within your agency. If your agency does not have a Victim Services Specialist, notify the Delaware Victim Center (1-800 VICTIM 1, or 1-800-842-8461).
 - F. Providing the victim with resources for sexual assault and how the investigation process works.

7. INVESTIGATION: Depending on the nature of the assault, the primary responding officer or assigned investigator will ensure the following procedures are followed:

Assessing the safety and wellbeing of the victims should be a priority throughout the investigation.

- A. If the sexual assault has occurred within the previous 72 hours (inside parameter for trace forensic evidence) the victim should be given the option to be transported to the closest hospital that has a Sexual Assault Nurse Examiner (SANE)/Forensic Program (Bayhealth Medical Center, Beebe Medical Hospital, Christiana Care Health System, Nanticoke Memorial Hospital, or Nemours/A.I. DuPont Hospital For Children). If it is outside the 72 hour parameter; however, the victims is showing signs of injury, bleeding, or is experiencing pain, a forensic medical evaluation should still be offered.
- B. It is recommended that victims under 18 years of age or adult victims with disabilities be scheduled as soon as possible for the Children's Advocacy Center (New Castle County: 302-651-4566; Kent County: 302-741-2123; Sussex County: 302-854-0323).
- C. If the victim chooses to undergo a forensic medical examination, more appropriately known as a Sexual Assault Kit (SAK), the victim will be advised not to urinate, shower, bathe, douche or change clothes prior to the completion of the SAK. If the victim's clothing worn during the assault is still available for collection, the officer will collect them and enter them as evidence accordingly.
- D. If the victim is not transported to a hospital by ambulance, the officer will make arrangements for transportation.
- E. Appropriate photographs/video should be taken of the crime scene if possible by proper law enforcement personnel. Other photographs of the victim shall be taken by the SANE at the hospital for proper documentation unless the victim refuses a forensic medical evaluation.
- F. Properly store and process (if applicable) any evidence collected according to the department's policy and procedure guidelines. Document chain of custody.
- G. If the Offender is arrested, the Investigating Officer shall request a no contact with the victim or any child, as per 11 *Del.C.* §2108(a) &(b), as a specific condition of bail, or no contact during commitment, and/or any other conditions that may be necessary to protect the victim and any other members of the community.

Contacts

ContactLifeline (24 Hour Rape Crisis):	(302) 761-9100 or 1-800-262-9800
Children's Advocacy Center:	(302) 651-4566 (New Castle County) (302) 741-2123 (Kent County) (302) 854-0323 (Sussex County)
DFS Child Abuse Report Line (24 Hour):	1-800-292-9582
Department of Justice:	(302) 577-8500 (New Castle County) (302) 739-4211 (Kent County) (302) 856-5353 (Sussex County)
Planned Parenthood of Delaware:	(302) 655-7293
SOAR (Survivors of Abuse in Recovery, Inc.):	(302) 655-3953 (New Castle County) (302) 422-3811 (Kent County) (302) 645-4903 (Sussex County)
U.S. Attorney's Victim/Witness Program:	(302) 573-6277(New Castle County) (302) 573-6274 (TTY) (888)293-8162 (Toll Free)
VCAP (Victims' Compensation Assistance Program):	(302) 255-1770

Delaware SANE Programs

Beebe Medical Hospital	(302) 645-3311
Christiana Care Health Systems	(302) 733-4799
Kent Bayhealth	(302) 744-7122
Milford Bayhealth	(302) 430-5720
Nanticoke Memorial Hospital	(302) 629-6611x2555
Nemours/Alfred I. DuPont Hospital for Children	(302) 651-4000

Police-Based Victim Services

Delaware Victim Center (statewide)	1-800-VICTIM-1 (1-800-842-846-1)
Dover Police	(302) 736-7134
New Castle County Police	(302) 395-8135/395-8117
Newark Police	(302) 366-7110 ext. 137
Wilmington Police	(302) 576-3622/576-3648