

DURHAM POLICE DEPARTMENT

**86 Dover Road
Durham, New Hampshire 03824
(603)868-2324**

POLICY #:55.1.1.1

SUBJECT: Victim/Witness Assistance, SHARPP/HAVEN

NOTE: This written directive is for the internal governance of the Durham Police Department, and as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

PURPOSE

The dual mission of a sexual assault, domestic violence, or stalking investigation will be the safety and emotional well-being of the victim as well as the apprehension of a suspect in order to provide for the safety of the community. The purpose of this directive is to govern how the police officer and advocate will work as a team to accomplish the dual mission.

POLICY

The Durham Police Department recognizes that sexual assaults, domestic violence incidents, and stalking are crimes of violence, are unique, and must have special provisions made for their investigation.

It is the policy of the Durham Police Department to provide officers with training in the investigation and handling of sexual assaults

PROCEDURE

Definitions:

SHARPP: Sexual Harassment and Rape Prevention Program. SHARPP is comprised of dedicated advocates who are skilled in responding to the needs of victims of sexual assault, domestic violence, and stalking. This program is located on the University of New Hampshire (UNH) campus to provide advocacy, emotional support and education to victims and other concerned people, who are the faculty, staff, and students of the UNH community.

HAVEN: The combined offices of Sexual Assault Support Services (SASS) and A Safe Place. This program is located in Portsmouth and offers comprehensive support services to victims and survivors of domestic and sexual violence in Strafford and Rockingham Counties.

The word "survivor" is used to indicate a person that has lived through a sexual assault. "Victim" is often used in professional and educational circles because it indicates that a crime has been committed; that one party was the aggressor and one was the victim. When speaking with a victim of a sexual assault, the officer/advocate team should try to identify which term the victim is more responsive to and then use that term whenever possible. The needs and requests of victims should be accommodated whenever possible.

For the purposes of this directive, victims/survivors shall be referred to as "victims".

POLICE/SHARPP/HAVEN "TEAM"

- The goal of the police department and SHARPP/HAVEN advocate collaboration is to empower the victim by providing opportunities for victim input and choice making, as well as to obtain quality evidence. To accomplish this goal, the team will provide several options in reporting sexual offenses:
 1. Anonymous reporting,
 2. Third party reporting,
 3. Reporting with the intention to prosecute, and
 4. Reporting with no intention of prosecuting.
- The officer/advocate team shall treat every case as a valid case and shall investigate the report promptly and thoroughly.
- The officer/advocate team shall treat the victim with compassion and assure the individual that they were not at fault for the assault.

Responsibility

- The Durham Police Department's primary responsibility in the investigation of a sexual assault, domestic violence, or stalking is law enforcement. The department is charged with the responsibility of gathering information, collecting evidence, apprehending offenders, and presenting the case to the Strafford County Attorney for prosecution.
- The SHARPP/HAVEN advocates' primary responsibility is to provide emotional support and assist in the physical and psychological needs of the victim. Be aware that a victim's conversation or disclosure with an advocate is CONFIDENTIAL and cannot be transferred to police without the victim's consent.
- These two needs are not mutually exclusive. Working together, the officer/advocate team can improve the service to the victim, the quality of the information/evidence gathered, and the safety of the entire community. The advocate can assist the investigator by calming the victim so that information about the suspect may be obtained more efficiently.

- The advocate can also assist in getting cooperation from the victim with evidence gathering and explaining procedures that are necessary. The investigator and advocate must weigh the value of the importance of the criminal investigation and overall community safety against the emotional well-being of the survivor. Teamwork will address these needs to the hopeful satisfaction of all involved.

SHARPP/HAVEN Notification

- When the Durham Police Department responds to a call of a sexual assault, domestic violence, or stalking, they shall attempt to determine whether the victim is a student or otherwise affiliated with UNH.
- When a Durham Police Officer responds to a report of a sexual assault and discovers that the offense is a felony assault, the Deputy Chief and Detective shall be notified. The first responding officer shall conduct an initial investigation and minimal facts interview with the victim, and then fully brief the Deputy Chief or Detective upon their arrival. The first responding officer shall remain involved in the investigation whenever possible; however, due to the significant time required for a thorough investigation, the Deputy Chief or Detective shall be the lead investigator.
- For sexual assault investigations, if the victim is a UNH student or is a faculty or staff member, the officer shall have the dispatch center notify SHARPP. For domestic violence and stalking cases, provide information to the victim about SHARPP and offer to call an advocate if they would like SHARPP services at that time.
- For sexual assault investigations, if the victim is not a UNH student or faculty or staff member, the officer shall have the dispatch center notify HAVEN. For domestic violence and stalking cases, provide information to the victim about HAVEN and offer to call an advocate if they would like HAVEN services at that time.
- Upon arrival of the advocate, the officer shall brief the advocate of information known to that point in the investigation.
- The officer and advocate will ask the victim if they would like the advocate to stay during the interview.
- Together, if the victim wishes the advocate to stay, the officer/advocate will explain the purpose of the interview, evidence collection, and medical examination. Upon request of the victim, this information can be provided by an advocate in the absence of the investigator. Remember that any information a victim discloses to an advocate without an officer present cannot be passed to law enforcement by the advocate without victim consent.
- It is imperative that the advocate stay with the victim throughout the initial stages of the investigation and lend support as long as is needed afterward. Every effort will be

made to have the same SHARPP/HAVEN advocate that responded to the initial scene be the same advocate to attend the extended victim interview at the Strafford County Child Advocacy Center (CAC) if the victim chooses to go forward with the investigative process. While the primary concern of the advocate is the welfare of the victim, part of their role is to inform the victim of the criminal process and the type of information that would be helpful in an investigation. Hence, a high level of communication needs to exist between the investigator, advocate, and victim.

FOLLOW UP INVESTIGATION

- If the investigator needs to contact the victim for follow up investigation such as additional interviews, composite sketches, photo lineups, etc., the assigned advocate shall be notified. The advocate will assist the victim during and after the procedure, as appropriate.

<p>NOTE: Victims may be concerned with expenses incurred by the physical examination. The State Attorney General will pay for the rape kit evidentiary examination. UNH Health Services will cover any follow up expenses for individuals affiliated with the university.</p>
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DEBRIEFING

- Once the investigation has finished with the CAC interview process, the case is placed on the CAC Case Review Agenda, which encompasses all of the active sexual assault investigations in Strafford County. The CAC Case Review is a combined agency effort to review sexual assault cases and provide input, guidance, or recommendations on how to proceed with the investigation. Involved agencies who may attend the monthly Case Review are the CAC staff interviewers, prosecutors and victim assistance personnel from the Strafford County Attorney's Office, members of HAVEN, DCYF, and the investigating jurisdiction's law enforcement contact.