

	RUTGERS UNIVERSITY POLICE DEPARTMENT WRITTEN DIRECTIVE SYSTEM		7:52
	SEXUAL CRIMES		
	Effective Date: 07-07-2020	Supersedes: 7:52 (05-16-2014)	

7:52-1

PURPOSE

The purpose of this directive is to provide officers and investigators with guidelines for responding to reports of sexual assault, assisting victims, collaborating with local health and service agencies, collecting necessary evidence and conducting interviews with victims, witnesses, and suspects. The procedures set forth in this directive shall apply to victims of sexual assault that are 13 years of age or older.

7:52-2

POLICY

Victims of sexual assault are often psychologically, as well as physically traumatized. Their concerns typically revolve around safety and dealing with the trauma caused by the crime. It is therefore imperative that members of this agency called upon to investigate sexual assaults demonstrate compassion and consideration, and the necessary information and assistance to make their interaction with the criminal justice system easier. In an effort to facilitate a more coordinated response to sexual assault cases, the following investigative protocol has been developed and must be adhered to without exception. The protocol has been developed to foster a victim-centered approach, which is defined as follows: The systematic focus on the needs and concerns of the sexual assault victim to ensure the compassionate and sensitive delivery of services in a non-judgmental manner.

It is further the policy of this department to comply with Title IX of the Education Amendments of 1972 as applicable.

7:52-3

DISCUSSION

Sexual assault crimes have a tremendous impact on victims and their families. The emotional and psychological injuries sustained are often more serious than the physical injuries, affecting every aspect of a victim's life, long after physical injuries have healed. The State of New Jersey recognizes the importance of developing a methodology that treats sexual assault victims with sensitivity and understanding. The dignified, compassionate and well-organized treatment of victims is an essential element in creating an environment in which individuals feel safe reaching out for support and assistance. These services can promote healing for the victim and improve the identification and collection of evidence in all cases of sexual assault.

Relevant Definitions and Statutory Definitions of Sexual Offenses (NJSA 2C:14-1, et. seq.) are permanently attached to this directive.

The New Jersey Legislature, pursuant to NJSA 18A:61E-2, has established a statewide, uniform Campus Sexual Assault Victim's Bill of Rights which has been further attached to this directive.

7:52-4 INITIAL PROCEDURES

- a. Due to the trauma of a sexual assault, a victim reaching out for assistance may be in crisis. The victim's behaviors may actually be symptomatic of this condition and can range from hysteria, crying and rage to laughter, calmness, and unresponsiveness. There is no one typical reaction.
- b. When a caller reports a sexual crime, communications personnel shall follow standard emergency medical dispatch (EMD) protocol to include evaluating and properly prioritizing the call, securing medical assistance, inquiring about a suspect's current location, and obtaining detailed information to identify the suspect. Information about the relationship with the victim, weapon use, and history of violence shall also be obtained.
- c. One police unit and a supervisor shall minimally be dispatched to the reported location of the victim. Incidents currently in progress and/or those which involve multiple locations will require the assignment of additional personnel.
- d. In an effort to ensure critical evidence is not lost, communications center personnel shall instruct the victim not to:
 - 1. Change clothes,
 - 2. Wash or shower,
 - 3. Use the bathroom,
 - 4. Drink anything,
 - 5. Comb hair, and/or
 - 6. Disturb anything about the scene.
- e. Let the victim know that other evidence may still be identified and recovered so the crime should still be reported if the victim has bathed or made other physical changes
- f. Whenever possible and appropriate, communications center personnel will stay on the phone with the victim to provide assistance and comfort until an officer arrives.
- g. Communications center personnel shall not cancel the law enforcement response to a sexual crime even if the cancellation request is made by the victim. The dispatcher will advise the officer of the request.
- h. Due to the complex nature of this type of call, communications center personnel answering the initial complaint must determine whether the complaint is a "freshly reported" incident or an incident which the victim or reporting party has not immediately reported. The responding officers should be made aware of this information.
- i. The initial responding officers should be primarily concerned with the well-being of the victim and, where circumstances allow, should initiate investigative procedures that will facilitate the identification and arrest of suspects.
- j. With regard to victim assistance, the responding officer(s) and/or supervisor shall:
 - 1. Render necessary first aid and request emergency medical assistance if required; and
 - 2. Attempt to gain the victim's trust and confidence by:

- Showing understanding, patience and respect for personal dignity;
 - Using language appropriate to the age, intelligence and emotional condition of the victim;
 - Informing the victim that an officer of the same sex will be provided if desired and available; and
 - Helping the victim to locate family or friends for emotional support or to obtain outside assistance from victim advocates, see section: 7:52-9.
- k. Take steps necessary to protect the victim's personal privacy and sense of dignity (for example: allowing the victim to be covered with a sterilized blanket or change out of ripped or bloodied clothes, in private and as soon as possible).
- l. If the victim decides that they wish to change their clothing, any clothing that may be considered for evidence collection, should be collected consistent with the procedures outlined in Directives 5:6 & 5:7.
- m. The responding officer shall determine the following:
1. Is the victim 13 years of age or older?
 - If yes, proceed with this protocol.
 - If no, the attending supervisor shall cause immediate notification to both the on-call Sex Crimes Unit personnel of the county prosecutor's office with appropriate jurisdiction and DYFS in accordance with section 7:52-12(b) of this directive. See 7:52-8 for guidance.
 2. When did the incident occur?
 - If the incident occurred within the past five day, proceed with this protocol.
 - If the incident occurred more than five days prior to being reported, a limited response of the Sexual Assault Response Team may be appropriate.
 3. Where did the incident occur?
 - See section 7:52-11 for guidance for those incidents reported to have either occurred in or are being reported to another jurisdiction.
- n. The responding officer should explain the concept of the Sexual Assault Response Team to the victim and offer to have the team activated to provide the appropriate services.
1. If the victim consents to the response of the Sexual Assault Response Team, contact the communications center and request that they cause notification to the Sexual Assault Response Team appropriate for the jurisdiction.
 2. Arrange for transportation of the victim to a hospital that participates in the SANE Examination program. A law enforcement officer shall provide transportation unless the victim's medical condition necessitates emergency medical treatment and/or transportation.
 3. Transportation shall be provided to victims in order to participate in a SANE Examination regardless of whether the victim expresses an interest in pursuing criminal charges.
- o. With regard to initial investigative and enforcement actions, the responding officers shall:
1. Limit investigative questioning to those matters necessary to identify the victim and to describe and locate the suspect;

- Inform the victim that the initial questions that need to be asked will focus on the essential information necessary to begin the investigative process, identify evidence and witnesses, identify and/or apprehend suspects, and to meet his/her immediate medical and psychological needs.
 - Advise the victim that a detailed follow-up interview will be conducted later with investigative personnel.
 - Interview the victim in a place that affords privacy and is away from children (and suspects in a non-stranger assault), avoid asking detailed, intimate questions concerning the assault;
- p. Disseminate pertinent information to law enforcement personnel and summon supervisory and investigative personnel;
- q. Conduct questioning in private and protect the crime scene to include bedding, clothing and related materials, and ask the victim to refrain from washing or urinating until a medical examination has been performed;
- Responding officers/supervisors should refrain from questioning victims of sexual offenses under the age of 12.
 - All information regarding the allegation/disclosure should be obtained from the adult reporting the incident where possible. Note: Questioning by first responders or even responding detectives not captured electronically as part of a forensic interview may subject the victim's subsequent statements to issues of taint.
- r. Request the victim's consent to undergo a medical examination, emphasizing its importance to investigative and apprehension efforts;
- s. Locate and identify witnesses and document their full name, address and contact telephone number. Note their relationship to the victim, if any.
- t. Record any excited utterances made by the victim, family members or witnesses.
- u. Accompany the victim to the hospital and stand by pending the arrival of investigative personnel.

7:52-5 INVESTIGATION

- a. The crime scene and/or any available evidence should be secured and protected by patrol officers pending the arrival of investigative personnel. Steps shall be taken to secure any evidence which is in danger of destruction either by the environment (i.e. weather) or by human intervention (i.e. recording over, destroying video, etc).
1. If the victim is capable and authorized to consent to a search of the crime scene, an unequivocal consent shall be obtained prior to removing the victim for medical treatment and/or examination.
 2. If the victim is incapable or not authorized to consent to a search of the crime scene, a detective shall be assigned to make application for a search warrant prior to initiating any search for evidence.
- b. The attending supervisor and/or investigative personnel are responsible for ensuring that all of the necessary notifications have been accomplished, including, but not limited to:
1. Investigative Division Commander

2. County Prosecutor's Office (see 7:52-12(a))
 3. Division of Youth & Family Services (DYFS) (see 7:52-12(b))
 4. Rape Care Advocate
 5. SANE Nurse
 6. On-Call Command Officer
- c. The attending investigative personnel shall remain at the hospital (or medical facility) where the victim is being treated to oversee the collection of evidence and to facilitate an interview, if appropriate.
1. Victims shall be informed of their right to meet privately with a rape care advocate prior to beginning or consenting to any procedure.
 2. A rape care advocate is in the best position to provide information, crisis intervention and immediate counseling to promote a victim's autonomy and ability to make the best choices regarding medical treatment, law enforcement or prosecution options and forensic evidence collection.
- d. Investigators should plan and conduct a structured interview that covers all pertinent areas. By gathering complete information during the in-depth interview, the need to repeatedly question the victim at future times is greatly diminished thereby reducing the need to have the victim relive the experience.
1. **Sexual Assault Victim Questionnaire** has been developed for use in sexual investigations in order to provide uniform guidelines for conducting victim interviews. The questionnaire is not intended to be used as a point by point guide for conducting an interview, but rather a resource for investigators. This questionnaire may be found to be most beneficial in those investigation where the alleged suspect is not known by the victim.
 2. Regardless of where the interview takes place (e.g., hospital, police station, residence, etc), the investigators should take steps to ensure the setting is comfortable, private and free from interruptions and distractions.
 3. The victim should be permitted to meet with a rape care counselor prior to the interview and to have the rape care counselor present during the interview for support.
 4. As a general rule, female officers are effective in mitigating some of the anxiety and apprehension that female sexual assault victims have concerning the interview process and related investigatory activities. For this reason, if requested by the victim, a female officer may be assigned to the investigation if practicable.
 5. All questioning should be conducted in a supportive, blameless and non-judgmental manner. The investigators should be calm and patient, explaining the necessity for asking personal questions or questions that make the victim uncomfortable. Professional bearing throughout the interview will help the investigator obtain an accurate report of the crime without causing the victim to experience unnecessary anxiety.
 6. Words should be used that are appropriate to the victim's age and intelligence. Medical terms (instead of slang or jargon) should be used to refer to the various sexual organs and parts of the body.
- e. All suspect interviews shall be coordinated jointly by Prosecutor's Investigator and investigative personnel of this agency. Prior to interview, consideration

should be given to obtaining a Consensual Interception Authorization pursuant to N.J.S.A. 2A:156A-4C and recording telephonic conversations between victim and suspect if contact is possible.

- f. Interview of suspect should occur as soon as possible, and before suspect is aware of disclosure, investigation, etc.
- g. An interview shall be attempted in all cases, unless otherwise directed by representative of the respective County's Prosecutor's Office.
- h. See Directive 7:7 regarding recordation requirements related to interviews of suspects conducted under this section.

7:52-6 CRIME SCENE CONSIDERATIONS

- a. The initial responding officer, investigative personnel and/or attending supervisor shall evaluate the crime scene (e.g., whether it is in damaged or disturbed condition, whether there is evidence of alcohol/drug use, whether there are health issues to be addressed, or whether additional evidence is present). Note the location of the victim, suspects and witnesses, if applicable.
- b. Evidence in sexual crimes can be extremely fragile and susceptible to inadvertent compromise and/or contamination, therefore it is critical that necessary precautions should be taken to protect the evidentiary value of these items and preserve the established chain of custody, see Directive 5:6 for additional guidance.
- c. Determine whether there are multiple crime scenes to ascertain if evidence will need to be collected from more than one location.
- d. Determine whether a search warrant will be required to search the crime scene and, if necessary, refrain from searching any portion thereof for evidence until a warrant can be obtained.
- e. Completely photograph and/or videotape the crime scene before it is further disturbed.
- f. Any weapons actually used or used to threaten the victim shall be seized and held as possible evidence.
- g. Any objects which may have been used in the sexual penetration of the victim shall be seized and held as possible evidence.
- h. All of the clothing worn by the victim at the time of the attack should be collected, so that they can be examined for blood or seminal stains, hair fibers or other physical trace evidence.
 - 1. If the location of the crime or the condition of the victim makes it impractical to immediately recover the victim's clothing, the victim shall be informed that an officer will recover her clothing at the hospital for transfer to the crime lab.
 - 2. The number of persons handling the clothing must be restricted. A concerted effort must be made to protect the integrity of the specimens and to carefully document the chain of custody.
 - 3. Recovered clothing should be carefully handled to protect the evidentiary value of the stains it may contain. Seminal traces and bloodstains are highly brittle when dry and may be inadvertently brushed off of the clothing.

4. Make arrangements with family members, friends or others to have a change of clothing brought to the hospital for the victim.
5. In addition, recover all of the bedding used by EMS providers during the treatment and transportation of the victim from the crime scene to the hospital, where possible.

Note: *When collecting trace evidence, consideration should be given to collecting control samples for subsequent submission to a laboratory for forensic or comparative analysis, control samples should also be collected to provide the laboratory with a basis for comparison; see Directive 5:7-4(d) for additional guidance.*

- i. Seminal traces may be located by ultraviolet radiation because of their fluorescent qualities.
 1. These traces are normally found on the underclothing of the victim and/or the suspect, and may also be located on bedding, mattresses, towels, automobile cushions and similar types of materials found at or near the crime scene or in the possession of the suspect.
 2. Bloodstains may also be found in similar locations. Both semen and blood samples can be subjected to DNA analysis.
- j. It is fairly common to find a reciprocal transfer of evidence in crimes involving bodily contact. As such, it is not uncommon to find hair of the offender transferred to the body or clothing of the victim and, in turn, to discover some of the victim's hair on the suspect.
 1. Recovered hair is usually subjected to microanalysis at the crime lab.
 2. The results of this examination can narrow the search for a suspect by identifying the race, sex, approximate age and the true color of the hair of its host.
- k. Note any indication of alcohol consumption or drug use by the suspect.
- l. Personnel should consider the possibility of drug-facilitated sexual assault and to that end, confiscate any items associated with such activity for laboratory analysis (beverage containers, medicine bottles, glassine packets, etc).
- m. DNA evidence shall only be collected by investigative personnel who have received specific training regarding collection. First responder responsibilities and precautions as well as procedures for collecting, storing and transporting DNA Evidence are discussed in depth at Directive 5:7-5(g & h).
- n. Collect all collateral evidence of the sexual assault. (Videotapes, video cameras, pictures, ropes, condoms, pornography, etc.)

7:52-7 MEDICAL/FORENSIC EXAMINATION

- a. Unless circumstances clearly dictate otherwise, every sexual assault victim should be taken to a medical facility to be examined by a trained Sexual Assault Nurse Examiner (SANE) or physician to treat and record the victim's injuries; provide testing and treatment for possible sexually transmitted diseases; and provide testing and care related to a potential pregnancy that may have resulted from the assault.

- If the assault occurred more than five days prior to the report, the attending investigative personnel shall consider whether circumstances may still warrant a forensic examination.
- b. Arrange transportation to and from the designated medical facility. If necessary, secure a private area within the hospital where the victim can wait pending the arrival of the rape care counselor and/or the commencement of the examination.
- c. The informed consent of the victim must be obtained prior to beginning any forensic examination for the collection of possible evidence.
 1. Explain the services available from a rape crisis counselor and summon one immediately if requested by the victim.
 2. If the victim has requested the presence of a rape crisis counselor, delay any non-emergent treatment or examinations until the rape crisis counselor has arrived at the hospital and has had an opportunity to meet privately with the victim.
- d. If the victim chooses not to undergo a forensic examination, that decision must be respected. Explain in an objective fashion the implications the decision may have on the investigation and eventual prosecution of the offender.
- e. If a Sexual Assault Nurse Examiner (SANE) is not present or otherwise available to conduct the examination, confirm that the attending nurse or physician has a standardized sex crime examination kit and is trained in the use of the kit.
 1. In the event that no sex crime examination kit is available, contact the respective County Prosecutor's Office and request that a kit is provided.
 2. Completed sex crimes examination kits shall be sealed and submitted into evidence consistent with the procedures discussed at directive 5:7.
- f. Make efforts to ensure that the victim's injuries are photographed in detail, with full consideration for the victim's comfort and privacy concerns.
 1. Attempt to arrange for the services of a same-sex law enforcement officer or medical professional that is trained in forensic photography.
 2. Alert the victim that subsequent evidence of bruising or other indications of injury should be reported to law enforcement authorities and photographed.
- g. If a drug-facilitated sexual assault is suspected, ask for the victim's consent to obtain a urine sample to facilitate toxicology testing.

7:52-8 SPECIALIZED SERVICES FOR CHILD AND ADOLESCENT VICTIMS

- a. The county prosecutor's office will serve as the lead agency in all cases investigated under this section. The material provided here is intended to provide only rudimentary guidance to department members and protocol for the respective county should be consulted for definitive guidance.
- b. Health care personnel, law enforcement officers, and rape care advocates will ensure that all child and adolescent victims of sexual assault or sexual abuse and their families are treated with compassion and respect.
- c. All services will be provided in a manner that is specific to the physical, emotional and developmental needs of the child or adolescent.
- d. As discussed at 7:52-12(b); The Division of Youth and Family Services (DYFS) shall be contacted whenever there is a reasonable cause to believe that a person

under the age of 18 has been sexually assaulted by a co-habitant, a caretaker or someone in a supervisory role. DYFS staff will be responsible to make appropriate medical and counseling referrals.

- Statutes concerning child abuse can be found under Title 9. Children-- Juvenile and Domestic Relations Courts. Specifically N.J.S.A. 9:6-8.10 discussed Abuse, Abandonment, Cruelty and Neglect of a Child.
- e. In cases where DYFS is not involved, child and adolescent victims and their family should be referred for medical follow-up and counseling services to the Regional Diagnostic and Treatment Center, Child Advocacy Center, or any other appropriate service provider.
- f. No child, adolescent or adult victim of sexual assault is to be restrained or otherwise forced to undergo a sexual assault medical forensic examination.
- g. Services for child victims of sexual assault below the age of 13 years old should be provided by professionals who are specially trained in the treatment of child sexual abuse.
- h. Victims age 12 or older and their family will be offered the services of a rape care program.
- i. Advocates are also available to offer support services to non-offending family members of all child and adolescent victims, regardless of the child's age or when and where the assault occurred.

7:52-9 RELEASE PLAN

- a. Prior to releasing a victim of sexual assault there are certain measures that should be taken to ensure the victim's safety and peace of mind:
 1. Determine if the victim feels safe returning home or to their on-campus residence. If not, assist in exploring alternatives such as family, friends and shelters. In the case of adolescent victims, assistance from the New Jersey Division of Youth and Family Services may be appropriate.
 2. Determine if the victim has transportation to safely reach home or the selected alternative location. If not, assistance with local transportation should be provided.
 3. Following a sexual assault, the victim may experience a time of crisis and confusion. The victim should be provided with the telephone number for Rutgers' Office of Violence Prevention and Victim Assistance, Rutgers' Counseling, ADAP & Psychiatric Service or informed that 24 hour access to rape care advocates is available through alternative services within each County, see the attached resource directory.
 4. Victims should receive a full explanation of the investigative and/or prosecutorial procedures that will likely unfold in the future concerning the case. The victim should be provided with the investigator's contact information and also supplied with the contact information for the respective County Prosecutor's Office Victim-Witness Unit.
 5. Ascertain a primary and back-up address and telephone number where the victim can be reached if necessary. Advise the victim that he/she will be informed of any status change concerning the offender (e.g., arrest, release on bail, etc.)

- b. In situations where a juvenile is the victim of a sexual assault and the offender is a co-habitant of the victim's residence, every effort shall be made to have the offender removed from the residence rather than the victim. Any decision to remove a juvenile from his/her residence in favor of alternate custody arrangements will be the province of the New Jersey Division of Youth and Family Services.
- c. Inform the victim of his/her right to obtain a restraining order against the offender if applicable. Explain the laws against harassment and intimidation by the suspect and encourage the victim to contact the police if these laws are violated.
- d. Advise the victim that the offender's arrest is not a guarantee of his/her safety, as the offender is eligible for release on bail following his/her arrest and therefore may pose a threat.
- e. Encourage the victim to contact investigators with any new information or evidence that might arise after the interview.
- f. Provide the victim with a timetable and procedure for returning property seized as evidence. Generally the property should be returned to the victim as soon as it is no longer needed for prosecutorial purposes.
- g. Prior to being release by this department, the assigned investigative personnel shall issue every victim a printed copy of the Crime Victim's Bill of Rights.

7:52-10 CONFIDENTIALITY OF INFORMATION

- a. In cases involving victims that are less than eighteen years of age at the time of the commission of the assault, the name, address and identity of the victim shall not appear on the complaint or any other public record. In place of the victim's name, the person preparing the complaint shall insert the victim's initials.
- b. Any public record that contains the name, address and identity of a juvenile victim shall be confidential and unavailable to the public. The record shall remain confidential unless the court, after a hearing, determines that good cause exists for disclosure to the public.
- c. In the case of adult victims, the name, address and identity of the victim shall not be released to the public or press in consideration of the victim's privacy concerns.
- d. No information regarding a sexual assault investigation or prosecution shall be released to the press or public without first advising the victim and explaining the reasons for the action.

7:52-11 CRIMES OCCURRING IN (OR REPORTED TO) OTHER JURISDICTIONS

- a. Occasionally, a victim will seek help, treatment and/or report the occurrence of a sexual assault in a different jurisdiction for the one in which the crime occurred. For this reason, officers should be prepared to accept reports from sexual assault victims who are seeking treatment within the jurisdiction of this department. The following procedure shall be employed:
 - 1. Officers should promptly respond to any complaint and attempt to gather enough information to make the appropriate notifications.
 - Fully identify the victim (name, age, address)

- Determine the date, time and location of the assault.
 - Ascertain the victim's relationship to the offender (stranger, relative, friend, employer, etc.)
- 2. Promptly notify the appropriate law enforcement agencies having jurisdiction at the location where the crime is reported to have occurred, to include: local law enforcement agency, state police and the respective county prosecutor's office.
- 3. Provide timely notification to a Rape Care Advocate to assist the victim.
- b. The assigned officer shall remain with the victim pending the arrival of law enforcement investigators from the jurisdiction responsible for investigating the crime.
 - 1. The assigned officer shall provide security for the sexual assault victim and medical personnel in making law enforcement contacts as required.
 - 2. Upon arrival of the law enforcement investigators, the assigned officer shall remain on location to provide local assistance to the investigators as requested.
- c. Conversely, members of this department should be aware of the likelihood that a victim will report an incident which occurred within this department's jurisdiction to another law enforcement agency. Upon receiving notification, the attending supervisor should dispatch appropriate resources to the location of the victim. Minimally, this department's response shall include investigative personnel in a vehicle without a prisoner restraining device, equipped appropriately.

7:52-12 MANDATORY NOTIFICATIONS

- a. County Prosecutor's Office
 - 1. Upon receipt of an initial report of the commission (or attempted commission) of any of the following crimes; the attending supervisor shall cause immediate notification to the Sex Crimes Unit of the county prosecutor's office with appropriate jurisdiction:
 - Aggravated Sexual Assault (NJSA 2C:14-2(a))
 - Sexual Assault (NJSA 2C:14-2(b) & (c))
 - Aggravated Sexual Contact (NJSA 2C:14-3(a))
 - 2. While the following crimes may not result in an investigative response, immediate notification is still encouraged, but required no later than the next business day:
 - Criminal Sexual Contact (NJSA 2C:14-3(b))
 - Invasion of Privacy (NJSA 2C:14-9)
 - Lewdness involving a child under the age of 13 (NJSA 2C:14-4(b)(1))
 - 3. Outside of regular business hours, notification required at 7:52-12(a) shall be made to the Duty Investigator as prescribed by local protocol.
- b. Division of Youth and Family Services (DYFS)
 - 1. A mandatory notification to DYFS will be made on all cases of:
 - Aggravated Sexual Assault/Sexual Assault or attempts thereof involving a child less than 18 years of age where the perpetrator is a parent, guardian, household member, or has assumed responsibility for the care of the child.

- Aggravated Assault/Simple Assault on a child under the age of 18 years of age where the perpetrator is a parent, guardian, household member, or has assumed responsibility for the care of the child.
 - 2. All referrals to DYFS are to be made through central screening in Trenton, New Jersey at 1-877-652-2873 (1-877-NJ ABUSE)
- c. Rutgers' Office for Violence Prevention and Victim Assistance (VPVA)
 - 1. Upon completion of first responder duties, and after learning the facts of the complaint of sexual assault, the attending supervisor will ensure notification of the on call Sexual Assault Services Advocate in the event of a prolonged investigation.
 - 2. The investigations commander shall cause notification to the Director of the Rutgers' Office for Violence Prevention and Victim Assistance (VPVA) of any reported incident no later than the next business day.
- d. Title IX Coordinator(s)
 - 1. The investigations commander shall cause notification to the University's Title IX Coordinator in the Office of Student Affairs for all incidents which involve an allegation of sexual harassment, discrimination based upon sex or sexual assault. Ordinarily, this notification shall be made no later than the next business day.
 - 2. Depending upon the facts and circumstances of the incident, the investigations commander may cause concurrent notifications to the University's Title IX Coordinator in the Office of Employment Equity (for incidents involving faculty, staff or individuals who do business with the University).
 - 3. The notification discussed at section 2 of this section is intended to supplement and not supplant the notification to the University's Title IX Coordinator in the Office of Student Affairs as discussed at 7:52-12(d)(1).
- e. Ordinarily the decision to cause immediate or delayed notification under this section (7:52-12) will be made by the attending supervisor in consultation with investigative personnel.

7:52-13 SUPERVISORY RESPONSIBILITIES

- a. Due to the complexity and sensitive nature of sexual assault investigations, a supervisor shall respond to the complaint to oversee the initial actions of the assigned officer.
- b. Supervisors should remain actively involved in the incident until relieved by investigative personnel, including ensuring all required notifications (7:52-5b & 7:52-12) are caused in a timely manner.
- c. Supervisors shall evaluate the effectiveness of the procedures employed by department personnel in response to reported sexual assaults and should identify the need for additional agency training and/or policy modification.

7:52-14 TITLE IX COMPLIANCE

- a. Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination in education. While it is often thought of as a law that applies to athletics programs, Title IX is much broader than athletics and applies to many

programs at Rutgers University. Title IX provides that: *"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."* (Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX))

- b. For the purposes of Title IX, the term "Sex discrimination" includes sexual harassment and sexual assault.
 - 1. Important to note is that a person's conduct may constitute unlawful sexual harassment under Title IX even if there is no evidence of a criminal violation. It is therefore important that department personnel not dismiss or overlook behavior that violates Title IX by concluding simply that a criminal offense did not occur.
 - 2. Even if a criminal violation has not occurred, the Rutgers University still has a duty under Title IX to resolve complaints promptly and equitably, even if the complainant does not request such resolution and therefore the incident shall be properly memorialized within a police incident report.
 - 3. In those incidents where there is no criminality alleged or suspected, members of this department will assume the role of Title IX reporter.
- c. This department shall not cause a Title IX investigation to be delayed pending the outcome of a criminal investigation, except for the collection of evidence or otherwise as provided by law or competent authority.
- d. This department shall provide the University's Title IX coordinator with access to department investigation notes and findings as necessary for the Title IX investigation, so long as it does not compromise a companion or related criminal investigation. Any dispute relating to compliance with this section shall be resolved by the investigations commander with the concurrence of the Chief of University Police.
- e. All department personnel shall receive Title IX training upon appointment and refresher training on a biennial basis. This training shall minimally include:
 - 1. How to identify sexual harassment;
 - 2. The institution's Title IX reporting and grievance procedures; and
 - 3. Any other procedures used by the institution to investigate reports of sexual violence.

7:52-15 SUPPLEMENTAL

This department shall retain all evidence collected regardless of the victim's initial willingness to go forward with a prosecution of the offender. All evidence collected shall be preserved for a reasonable period of time, consistent with the New Jersey Attorney General's Guidelines for the Retention of Evidence, or pending the victim's decision to participate in a prosecution.

DIRECTIVE 7:52 – SEXUAL CRIMES RESOURCE DIRECTORY

CAMDEN COUNTY

Services Empowering Rape Victims (SERV)
Family Counseling Services
584 Benson Street
Camden, New Jersey 08103
856/964-1990 ext. 217
866/295-7378 (SERV) hotline

ESSEX COUNTY

Essex County Rape Care Program
204 Claremont Avenue
Montclair, New Jersey 07042
973/746-0800 office
877/733-CARE (2273) hotline

MIDDLESEX COUNTY

Center for Empowerment (Rape Crisis Intervention Center)
29 Oakwood Avenue
Edison, New Jersey 08837
732/321-1189
732/745-3271 (After Hours for Sexual Assault Examination Services – SANE Nurses)
1-877-665-7273 (After Hours for Counseling Services – Rape Care Advocates)

RUTGERS' OFFICE FOR VIOLENCE PREVENTION AND VICTIM ASSISTANCE

Rutgers University – New Brunswick

3 Bartlett Street
New Brunswick, New Jersey 08901-1190
Phone: 848-932-1181

Rutgers University – Newark

Blumenthal Hall - 249 University Avenue
Newark, NJ 07102
Phone: 973-353-1918

Rutgers University – Camden

Camden Campus Center – 326 Penn Street
Camden, New Jersey 08102
Phone: 856-225-2325

Rutgers Biomedical Health Sciences – Nwk

Stanley S. Bergen, Jr. Building – 65 Bergen St
Newark, NJ 07101
Phone: (973) 972-4636

DIRECTIVE 7:52 – SEXUAL CRIMES – ADDENDUM A

DEFINITIONS

ADULT:

An individual, male or female, who is 18 years of age or older.

ADOLESCENT:

An individual, male or female, who is at least 13 years of age but less than 18 years of age. Adolescents are eligible for a full range of services by the Sexual Assault Response Team. Current New Jersey law requires that before any sexual assault medical forensic examination of an adolescent is performed, parental notification is required, unless it is determined it is not in the best interest of the victim. See N.J.S.A. 9:17A-4.

CHILD:

An individual, male or female, who is below the age of 13 years old. A child is not eligible for services of the Sexual Assault Response Team.

LAW ENFORCEMENT OFFICER:

An individual who is sworn and empowered by the State of New Jersey to conduct investigations and make arrests for any offense enumerated in the New Jersey Criminal Code.

RAPE CARE ADVOCATE:

An individual who has completed a minimum of 40 hours of Rape Care Advocacy training that has been approved by the Division on Women, and who is currently under the control of a direct service supervisor of a Rape Care Center funded by the Division on Women.

RAPE CARE SERVICES:

The following services are provided by all Rape Care Centers: a 24 hour hotline for crisis intervention and information, rape care advocates to accompany victims during medical treatment, law enforcement interviews and court appearances, individual and group counseling, and referrals. These services are available to victims 12 years of age and older. Additional services are also available to family members and significant others regardless of the victim's age. All rape care services are available regardless of when the incident occurred. Victims may request these services even in situations where they have declined medical care and/or notification of law enforcement. All rape care services are confidential and free of charge. See N.J.S.A. 2A:84A-22.15.

SEXUAL ASSAULT:

Any conduct proscribed by N.J.S.A. 2C:14-2a (1) through (7), N.J.S.A. 2C:14-2b, N.J.S.A. 2C:14-2c (1) through (4), and N.J.S.A. 2C:14-3a. and b. of the New Jersey Code of Criminal Justice, including any act of sexual contact or penetration performed or perpetrated on one person by another without mutual consent, or with an inability of one party to consent due to age, mental defect or physical incapacitation. In 1979, the terms "rape," "sodomy," and "carnal knowledge" were replaced in the New Jersey Criminal Code with the term "sexual assault." Therefore, these Standards will use the term "sexual assault" exclusively when referring to the criminal acts as described in Title 2C, Chapter 14.

SEXUAL ASSAULT NURSE EXAMINER (SANE):

A professional Registered Nurse (RN) licensed in the State of New Jersey, specially educated to provide comprehensive care to sexual assault victims, who demonstrates competence in conducting a sexual assault medical forensic examination, and has been certified by the New Jersey Board of Nursing as Forensic Nurse – Certified Sexual Assault (FN-CSA).

SEXUAL ASSAULT EXAMINER (SAE):

A physician licensed in the State of New Jersey, who is specially trained to provide comprehensive care to sexual assault victims, demonstrates competency in conducting a sexual assault medical forensic examination, and has successfully completed a course of education in the treatment of sexual assault victims.

SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATION:

A comprehensive assessment of a victim of sexual assault consisting of a history, physical examination, diagnosis, treatment by medical protocol, and the collection of evidence. Within the context of a Sexual Assault Response Team activation, these exams will be conducted by a SANE or SAFE.

SEXUAL ASSAULT RESPONSE TEAM (SART):

A Sexual Assault Response Team consists of a SANE or SAE, a rape care advocate, and a law enforcement officer. In New Jersey, the services of the SART are available to adolescents and adults who disclose an incident of sexual assault within 5 days of when the incident occurred.

SEXUAL ASSAULT TEAM ACTIVATION:

The SART may be activated, at the request of the victim, whenever a victim of sexual assault who is 13 years of age or older discloses the incident within five days of its occurrence.

VICTIM-CENTERED APPROACH:

A systematic focus on the needs and concerns of a sexual assault victim in an effort to ensure the compassionate and sensitive delivery of services in a non-judgmental manner.

VICTIM-WITNESS ADVOCACY:

A statewide program of support and services for victims and witnesses involved with the criminal justice system. There is a Victim-Witness Advocacy Unit located in each County Prosecutor's Office.

SEXUAL OFFENSES

N.J.S.A. 2C:14-2 Sexual assault

- a. An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:
 - (1) The victim is less than 13 years old;
 - (2) The victim is at least 13 but less than 16 years old; and
 - (a) The actor is related to the victim by blood or affinity to the third degree, or
 - (b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or
 - (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;
 - (3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape;
 - (4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;
 - (5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion;
 - (6) The actor uses physical force or coercion and severe personal injury is sustained by the victim;
 - (7) The victim is one whom the actor knew or should have known was physically helpless, mentally defective or mentally incapacitated.

Aggravated sexual assault is a crime of the first degree.

- b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.
- c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:
 - (1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury;
 - (2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status;
 - (3) The victim is at least 16 but less than 18 years old and:
 - (a) The actor is related to the victim by blood or affinity to the third degree; or
 - (b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or

- (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;
- (4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim.

Sexual assault is a crime of the second degree.

N.J.S.A. 2C:14-2.1. Right of victim to consult with prosecuting authority

Whenever there is a prosecution for a violation of N.J.S.A.2C: 14-2, the victim of the sexual assault shall be provided an opportunity to consult with the prosecuting authority prior to the conclusion of any plea negotiations. Nothing contained herein shall be construed to alter or limit the authority or discretion of the prosecutor to enter into any plea agreement which the prosecutor deems appropriate.

N.J.S.A. 2C:14-3 Criminal Sexual Contact

- a. An actor is guilty of aggravated criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in 2C:14-2a. (2) through (7).

Aggravated criminal sexual contact is a crime of the third degree.

- b. An actor is guilty of criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in section 2C:14-2c. (1) through (4).

Criminal sexual contact is a crime of the fourth degree.

N.J.S.A. 2C:14-4 Lewdness

- a. A person commits a disorderly persons offense if he does any flagrantly lewd and offensive act which he knows or reasonably expects is likely to be observed by other non-consenting persons who would be affronted or alarmed.
- b. A person commits a crime of the fourth degree if:
 - (1) He exposes his intimate parts for the purpose of arousing or gratifying the sexual desire of the actor or of any other person under circumstances where the actor knows or reasonably expects he is likely to be observed by a child who is less than 13 years of age where the actor is at least four years older than the child.
 - (2) He exposes his intimate parts for the purpose of arousing or gratifying the sexual desire of the actor or of any other person under circumstances where the actor knows or reasonably expects he is likely to be observed by a person who because of mental disease or defect is unable to understand the sexual nature of the actor's conduct.
- c. As used in this section:
"lewd acts" shall include the exposing of the genitals for the purpose of arousing or gratifying the sexual desire of the actor or of any other person.

SEXUAL ASSAULT VICTIM'S RIGHT TO A RAPE CARE ADVOCATE

N.J.S.A. 52:4B-22. Distribution of information

- a. Every State, county, and municipal police department and hospital or other place of emergency medical care shall have available and shall post in a public place information booklets, pamphlets or other pertinent written information, to be supplied by the Violent Crimes Compensation Board, relating to the availability of crime victims' compensation including all necessary application blanks required to be filed with the board.
- b. Included in the information supplied by the Violent Crimes Compensation Board shall be information for victims of sexual offenses. This information shall contain the location of rape crisis centers in all geographical areas throughout the State and shall instruct victims of sexual offenses that if a rape crisis center is not available in a victim's immediate geographical area, the victim may contact the appropriate county victim-witness coordinator appointed by the Chief of the Office of Victim-Witness Advocacy established pursuant to P.L.1985, c. 404 (C. 52:4B-39 et seq.). Unless the victim requires immediate medical attention, this information shall be personally conveyed to the victim of a sexual offense by a representative of the hospital or place of emergency care before a medical examination of the victim is conducted, or by a representative of the police department before the victim's statement is taken, to afford the victim the opportunity to arrange to have assistance from the rape crisis center or county victim-witness coordinator during these procedures. Hospitals shall be held harmless from suits emanating from a hospital's carrying out the obligation to convey information to victims of sexual offenses.

"Rape crisis center" means an office, institution or center offering assistance to victims of sexual offenses through crisis intervention, medical and legal information and follow-up counseling.

- c. Every police department shall, upon the filing of a report of a violent crime, make available to any victim information concerning crime victims' compensation.

VICTIM-COUNSELOR PRIVILEGE FOR RAPE CARE ADVOCATES

N.J.S.A. 2A:84A-22.15. Victim counselor's privilege

Subject to Rule 37 of the Rules of Evidence, a victim counselor has a privilege not to be examined as a witness in any civil or criminal proceeding with regard to any confidential communication. The privilege shall be claimed by the counselor unless otherwise instructed by prior written consent of the victim. When a victim is incompetent or deceased consent to disclosure may be given by the guardian, executor or administrator except when the guardian, executor or administrator is the defendant or has a relationship with the victim such that he has an interest in the outcome of the proceeding. The privilege may be knowingly waived by a juvenile. In any instance where the juvenile is, in the opinion of the judge, incapable of knowing consent, the parent or guardian of the juvenile may waive the privilege on behalf of the juvenile, provided that the parent or guardian is not the defendant and does not have a relationship with the defendant such that he has an interest in the outcome of the proceeding. A victim counselor or a victim cannot be compelled to provide testimony in any civil or criminal proceeding that would identify the name, address, location, or telephone number of a domestic violence shelter or any other facility that provided temporary emergency shelter to the victim of the offense or transaction that is the subject of the proceeding unless the facility is a party to the proceeding.

MINOR SEXUAL ASSAULT VICTIM'S RIGHT TO CONSENT TO MEDICAL CARE

N.J.S.A. 9:17A-4. Consent by minor to medical care or treatment; venereal disease, sexual assault, drug use or alcoholism; notice and report of treatment; confidentiality

The consent to the provision of medical or surgical care or services by a hospital, public clinic, or the performance of medical or surgical care or services by a physician, licensed to practice medicine, when executed by a minor who is or professes to be afflicted with a venereal disease, or by a minor who, in the judgment of a treating physician, appears to have been sexually assaulted, shall be valid and binding as if the minor had achieved his or her majority, as the case may be. Any such consent shall not be subject to later disaffirmance by reason of minority. In the case of a minor who appears to have been sexually assaulted, the minor's parents or guardian shall be notified immediately, unless the attending physician believes that it is in the best interests of the patient not to do so; however, inability of the treating physician, hospital or clinic to locate or notify the parents or guardian shall not preclude the provision of any necessary emergency medical or surgical care to the minor.

When a minor believes that he is suffering from the use of drugs or is a drug dependent person as defined in section 2 of P.L.1970, c. 226 (C. 24:21-2) or is suffering from alcohol dependency or is an alcoholic as defined in section 2 of P.L.1975, c. 305 (C. 26:2B-8), his consent to treatment under the supervision of a physician licensed to practice medicine, or an individual licensed or certified to provide treatment for alcoholism or in a facility licensed by the State to provide for the treatment of alcoholism shall be valid and binding as if the minor had achieved his or her majority, as the case may be. Any such consent shall not be subject to later disaffirmance by reason of minority. Treatment for drug use, drug abuse, alcohol use or alcohol abuse that is consented to by a minor shall be considered confidential information between the physician, the treatment provider or the treatment facility, as appropriate, and his patient, and neither the minor nor his physician, treatment provider or treatment facility, as appropriate, shall be required to report such treatment when it is the result of voluntary consent, except as may otherwise be required by law.

The consent of no other person or persons, including but not limited to a spouse, parent, custodian or guardian, shall be necessary in order to authorize such hospital, facility or clinical care or services or medical or surgical care or services to be provided by a physician licensed to practice medicine or by an individual licensed or certified to provide treatment for alcoholism to such a minor.

CHILD ABUSE REPORTING

N.J.S.A. 9:6-8.10. Reports of child abuse

Any person having reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse shall report the same immediately to the Division of Youth and Family Services by telephone or otherwise. Such reports, where possible, shall contain the names and addresses of the child and his parent, guardian, or other person having custody and control of the child and, if known, the child's age, the nature and possible extent of the child's injuries, abuse or maltreatment, including any evidence of previous injuries, abuse or maltreatment, and any other information that the person believes may be helpful with respect to the child abuse and the identity of the perpetrator.

STATEWIDE SEXUAL ASSAULT NURSE EXAMINER LEGISLATION

N.J.S.A. 52:4B-50. Legislative findings

The Legislature finds and declares that the Sexual Assault Nurse Examiner program, established pursuant to P.L.1997, c. 328, has been successful in ensuring more timely and accurate collection of forensic evidence for use in prosecuting suspected rapists and in creating a compassionate way to treat sexual assault victims, and it is important to establish the program throughout the State of New Jersey.

N.J.S.A. 52:4B-51. Statewide Sexual Assault Nurse Examiner program; county prosecutor employee

The Attorney General shall establish a Statewide Sexual Assault Nurse Examiner program in the Department of Law and Public Safety.

Upon implementation of the certification process for a forensic sexual assault nurse examiner pursuant to section 5 of this act, the county prosecutor in each county shall appoint or designate a certified forensic sexual assault nurse examiner to serve as program coordinator for the program in the county in accordance with the provisions of this section.

- a. The county prosecutor may appoint an employee of the prosecutor's office who is a certified forensic sexual assault nurse examiner to serve as program coordinator to administer the program in that county.
- b. In a county where the county prosecutor does not appoint an employee of his office to serve as program coordinator, the county prosecutor shall designate a certified forensic sexual assault nurse examiner who is an employee of a licensed health care facility or a county rape care program that is designated by the Division on Women in the Department of Community Affairs to serve as the program coordinator. A person designated as a program coordinator pursuant to this subsection shall not be deemed an employee of the county prosecutor's office.

N.J.S.A. 52:4B-52. Program coordinator; powers and duties

The program coordinator shall:

- a. Coordinate the county Sexual Assault Nurse Examiner program in accordance with standard protocols for the provision of information and services to victims of sexual assault developed by the Attorney General pursuant to subsection d. of section 6 of P.L.1985, c. 404 (C.52:4B-44);
- b. Perform forensic sexual assault examinations on victims of sexual assault in accordance with the standards developed by the Attorney General and appropriate medical and nursing standards of care;
- c. Designate one or more licensed physicians or certified forensic sexual assault nurse examiners to perform forensic sexual assault examinations on victims of sexual assault in accordance with the standards developed by the Attorney General and appropriate medical and nursing standards of care;

- d. Develop and implement standardized guidelines for forensic sexual assault examinations performed by designated physicians or certified forensic sexual assault nurse examiners in the county;
- e. Develop and implement a standardized education and training program to provide instruction to members of the county Sexual Assault Response Team established pursuant to section 6 of this act which shall include, but not be limited to, instruction in the following areas:
 - (1) the importance of a coordinated, multi-disciplinary response to a report of sexual assault;
 - (2) the policies and procedures which govern the responsibilities of each team member;
 - (3) the psychological effects of sexual assault and rape trauma syndrome on the victim and the victim's family and friends;
 - (4) the collection, handling and documentation of forensic evidence; and
 - (5) confidentiality issues associated with the treatment of a victim of sexual assault and the investigation of a report of sexual assault;
- f. Establish, in cooperation with licensed health care facilities, private waiting rooms and areas designated for forensic sexual assault examinations and the provision of rape care services in the licensed health care facilities participating in the program;
- g. Develop, in cooperation with licensed health care facilities, protocols for the storage of forensic evidence;
- h. Provide appropriate services to victims of sexual assault, including the opportunity to tend to personal hygiene needs, obtain fresh clothing and speak with a rape care advocate prior to and during any medical procedure or law enforcement investigation, unless the victim requires immediate medical attention, as appropriate;
- i. Collaborate with law enforcement officials and the county rape care program to ensure that the needs of victims of sexual assault are met in a compassionate manner; and
- j. Participate in regular meetings of the Sexual Assault Nurse Examiner Program Coordinating Council established pursuant to section 7 of this act.

As used in this section and section 6 of this act, "rape care advocate" means a victim counselor, as defined pursuant to section 3 of P.L.1987, c. 169 (C.2A:84A-22.14), who specializes in the provision of rape care services.

N.J.S.A. 52:4B-53. Certification process for forensic sexual assault nurse examiner; applicant qualifications

The Attorney General and the New Jersey Board of Nursing shall jointly establish a certification process for a forensic sexual assault nurse examiner.

- a. An applicant for certification as a forensic sexual assault nurse examiner shall be a registered professional nurse licensed in the State and in good standing with the New Jersey Board of Nursing, and shall have the following qualifications:

- (1) A minimum of two years of current nursing experience as defined by regulation of the Attorney General pursuant to section 17 of this act;
 - (2) (2) Certification verifying the completion of a forensic sexual assault nurse examiner training program that meets requirements established by the Attorney General and the New Jersey Board of Nursing; and
 - (3) Demonstrates clinical competence in performing a forensic sexual assault examination.
- b. The Attorney General and the New Jersey Board of Nursing shall certify an applicant who meets the requirements of subsection a. of this section as a certified forensic sexual assault nurse examiner.

N.J.S.A. 52:4B-54. County prosecutors to establish Sexual Assault Response Team

- a. The county prosecutor's office in each county shall establish a Sexual Assault Response Team or shall enter into a collaborative agreement with another county to share the services of that county's response team. The response team shall be comprised of: a certified forensic sexual assault nurse examiner, a rape care advocate from the county program established, or designated by the Division on Women in the Department of Community Affairs, as provided under section 3 of P.L.2001, c. 81 (C.52:4B-51), and a law enforcement official. The response team shall:
- (1) respond to a report of sexual assault at the request of a victim of sexual assault pursuant to guidelines established by the Attorney General pursuant to section 17 of this act; and
 - (2) provide treatment, counseling, legal and forensic medical services to a victim of sexual assault in accordance with the standard protocols developed by the Attorney General pursuant to subsection d. of section 6 of P.L.1985, c. 404 (C.52:4B-44).
- b. Each member of the response team shall complete the standardized education and training program developed by the program coordinator pursuant to subsection e. of section 4 of this act.

DIRECTIVE 7:52 – SEXUAL CRIMES – ADDENDUM B

CAMPUS SEXUAL ASSAULT VICTIM'S BILL OF RIGHTS NJSA 18A:61E-2

The state of New Jersey recognizes that the impact of violence on victims and the surrounding community can be severe and long lasting, and passed legislation to address sexual violence occurring on college campuses. The Campus Sexual Assault Victim's Bill of Rights is a product of this legislation. The Bill of Rights serves to articulate requirements for policies, procedures, and services for victims at all post-secondary educational institutions throughout the state. It is designed to insure that the needs of victims are met and that the colleges and universities in New Jersey create and maintain communities that support human dignity.

The following rights shall be accorded to victims of sexual assault that occur on the campus of any public or independent institution of higher education in the state of New Jersey, and in circumstances in which the victim or alleged perpetrator is a student at such an institution, and/or when the victim is a student who has been sexually assaulted in an off-campus setting.

- a. The right to have any allegation of sexual assault treated seriously; the right to be treated with dignity; and the right to be notified of existing medical, counseling, mental health or student services for victims of sexual assault, both on campus and in the community whether or not the crime is reported to campus or civil authorities.

"Campus authorities" as used in this act shall mean any individuals or organizations specified in an institution's statement of campus security policy as the individuals or organizations to whom students and employees should report criminal offenses.

- b. The right to have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the crime occurred, and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities. The provisions of this subsection shall be in addition to any campus disciplinary proceedings which may take place.
- c. The right to be free from pressure from campus personnel to refrain from reporting crimes, or to report crimes as lesser offenses than the victims perceive the crimes to be, or to report crimes if the victim does not wish to do so.
- d. The right to be free from any suggestion that victims are responsible for the commission of crimes against them; to be free from any suggestion that victims were contributorily negligent or assumed the risk of being assaulted; to be free from any suggestion that victims must report the crimes to be assured of any other right guaranteed under this policy; and to be free from any suggestion that victims should refrain from reporting crimes in order to avoid unwanted personal publicity.
- e. The same right to legal assistance, and the right to have others present, in any campus disciplinary proceeding, that the institution permits to the accused; and the right to be notified of the outcome of any disciplinary proceeding against the accused.
- f. The right to full, prompt, and victim-sensitive cooperation of campus personnel in obtaining, securing, and maintaining evidence, including a medical examination if it is necessary to preserve evidence of the assault.
- g. The right to be informed of, and assisted in exercising, any rights to be confidentially or anonymously tested for sexually transmitted diseases or human immunodeficiency virus; the right to be informed of, and assisted in exercising, any rights that may be provided by law to compel and disclose the results of testing of sexual assault suspects for communicable diseases.

- h. The right to have access to counseling under the same terms and conditions as apply to other students seeking such counseling from appropriate campus counseling services.
- i. The right to require campus personnel to take reasonable and necessary action to prevent further unwanted contact of victims with their alleged assailants, including but not limited to, notifying the victim of options for and available assistance in changing academic and living situations after an alleged sexual assault incident if so requested by the victim and if such changes are reasonably available.

L.1994,c.160,s.2

DIRECTIVE 7:52 – SEXUAL CRIMES – ADDENDUM C

SEXUAL ASSAULT VICTIM'S BILL OF RIGHTS

NJSA 52:4b-34 et. seq.

The enactment of the "Crime Victim's Bill of Rights," P.L.1985, c.249 (C.52:4B-34 et seq.) and the "New Jersey Campus Sexual Assault Victim's Bill of Rights Act," P.L.1994, c.160 (C.18A:61E-1 et seq.) have resulted in significant advances in the recognition and protection of the rights of crime victims and survivors once they enter the criminal justice system;

Nonetheless, victims of sexual violence, more than other victims, are likely to be blamed for the crime, assumed to be fabricating the crime, or taken less seriously than their injuries warrant. These victims are sometimes discouraged from proceeding with their complaints and as a result are not afforded the protections and rights that other crime victims receive in the criminal justice system;

Therefore, with no diminution of the legislatively-recognized rights of crime victims, it is the public policy of this State to accord victims of sexual violence the following rights:

- (1) To have any allegation of sexual assault treated seriously; to be treated with dignity and compassion; and to be notified of existing medical, counseling, mental health, or other services available for victims of sexual assault, whether or not the crime is reported to law enforcement;
- (2) To be free from any suggestion that victims are responsible for the commission of crimes against them; to be free from any suggestion that victims were contributorily negligent or assumed the risk of being assaulted; to be free from any suggestion that victims are to report the crimes to be assured of any other guaranteed right; and to be free from any suggestion that victims should refrain from reporting crimes in order to avoid unwanted personal publicity;
- (3) When applicable, to no-cost access to the services of a sexual assault response team comprised of: a certified forensic sexual assault nurse examiner, a rape care advocate, and a law enforcement official as provided in accordance with the Attorney General's Standards for Providing Services to Victims of Sexual Assault, and the choice to opt into or out of any of the team's services;
- (4) To be informed of, and assisted in exercising, the right to be confidentially or anonymously tested for acquired immune deficiency syndrome (AIDS) or infection with the human immunodeficiency virus (HIV) or any other related virus identified as a probable cause agent of AIDS; and to be informed of, and assisted in exercising, any rights that may be provided by law to compel and disclose the results of testing of a sexual assault suspect for communicable diseases;
- (5) To have forensic medical evidence, if collected, retained for a minimum of five years, and to receive information about the status of the evidence upon request;
- (6) To choose whether to participate in any investigation of the assault;
- (7) To reasonable efforts to provide treatment and interviews in a language in which the victim is fluent and the right to be given access to appropriate assistive devices to accommodate disabilities that the victim may have, whether temporary or long term;
- (8) To information and assistance in accessing specialized mental health services; protection from further violence; and other appropriate community or governmental services, including services provided by the Victims of Crime Compensation Office; and all other assistance available to crime victims under current law; and

- (9) To be apprised of the availability and process by which to seek protections through a temporary or final protective order under the "Sexual Assault Survivor Protection Act of 2015," P.L.2015, c.147 (C.2C:14-13 et seq.), if the victim believes that the victim is at risk for re-victimization or further harm by the perpetrator. .

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