

Delaware

A variety of forms of street harassment are illegal in Delaware, including verbal harassment, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

Verbal Harassment

Delaware has ten laws that address various forms of verbal harassment.

Disorderly Conduct

[Title 11, Chap. 5 §1301](#)

Delaware has a broad law against “disorderly conduct” that prohibits many forms of street harassment. The following actions are considered disorderly conduct in Delaware when done with the intent to cause public inconvenience, annoyance, or alarm:

- Fighting or engaging in violent, tumultuous, or threatening behavior.
- Making unreasonable noise or an offensive utterance, gesture or display.
- Addressing abusive language to anyone present.
- Obstructing pedestrian traffic.
- Congregating with a group in a public place and refusing to comply with a lawful police officer’s order to disperse.
- Creating a hazardous or physically offensive condition by an act that serves no legitimate purpose.

Examples of street harassment that might be considered disorderly conduct in Delaware include yelling, using obscene, offensive, or lewd language, or blocking your path on the sidewalk or in the street.

Penalty: Disorderly conduct is an unclassified misdemeanor, punishable by a fine of up to \$575 and/or up to 30 days in jail.

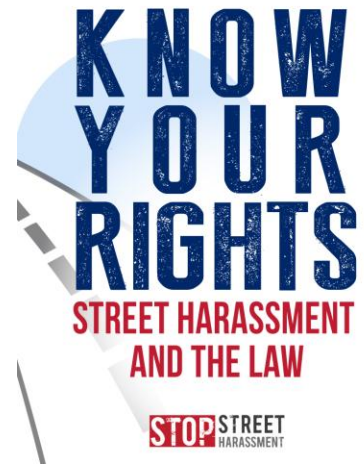
Harassment

[Title 11, Chap. 5 §1311](#)

Delaware's harassment law prohibits:

- Insulting
- Taunting
- Challenging you
- Engaging in any other alarming or disturbing course of conduct that serves no legitimate purpose and is likely to cause a reasonable person fear, alarm, or distress.

Delaware’s statute regarding harassment does not explicitly define a “course of conduct,” although in the context of Delaware’s [stalking statute](#), a course of conduct means “three or more separate incidents” in which a harasser “follows, monitors, observes, surveys, threatens, or communicates to or about [you], or interferes with, jeopardizes, damages, or disrupts [your] daily activities, property,



Stop Street Harassment

employment, business, career, education, or medical care.” Some states use uniform definitions throughout their laws, and others do not, so it is unclear if harassment in Delaware must happen three or more times.

However, if someone is insulting, taunting, or challenging you in a way that causes you fear, alarm or distress, you can report him or her to the police. Even if their actions do not constitute harassment, it’s possible that they may fall under one of Delaware’s other laws.

Penalty: Harassment is a Class A misdemeanor in Delaware, punishable by a fine of up to \$2,300 and/or up to 1 year in jail.

Loitering

[Title 11, Chap. 5 §1320-1321](#)

Several of the provisions in Delaware’s loitering laws apply to common street harassment behaviors.

1. Loitering in a public place for the purpose of “engaging or soliciting another person to engage in sexual intercourse or deviate sexual intercourse.”

If a harasser appears to be loitering and makes explicitly sexual comments to you, you can report him or her for loitering.

2. Loitering or “prowling” in a public place at a time or in a manner unusual for law abiding citizens or that causes reasonable alarm or concern for the safety of those nearby. If someone is thought to be loitering or prowling at a time or in a manner that may not be “law abiding,” police are instructed in the statute to give the individual the opportunity to dispel any alarm by asking for identification and an explanation of the person’s presence or conduct.

Given the general acceptance of street harassment as normal, officers may not find harassing behavior to be grounds for arrest. However, involving a police officer may be enough to clear a harasser from the street or sidewalk and/or deter harassers in the future.

3. Failing or refusing to move on when lawfully ordered to do so by any police officer, or sitting, standing, or loitering on a sidewalk or other public way and obstructing the passage of others after being reasonably asked to move.

If a street harasser is obstructing your path, you have the right to ask him or her to move and to report him or her to the police if s/he does not.

4. Loitering on or around the premises of a school, college, or university without legitimate business can be grounds for school authorities or police to ask a person to leave.

If you see someone hanging out near one of these facilities and harassing you or other passerby, you can report him or her to the police for loitering.

Penalty: Loitering is a violation, punishable by a fine of up to \$345 and/or up to a year of probation.

Stop Street Harassment

Menacing

[Title 11, Chap. 5 §602](#)

In Delaware, it is illegal for anyone to intentionally place you in fear of imminent physical injury, either “by some movement of the body or [by] any instrument.”

If a street harasser does something to make you fear he or she may hurt you, such as following you or blocking your path, you can call 911. This may be considered menacing in Delaware.

Penalty: Menacing is an unclassified misdemeanor, punishable by a fine of up to \$575 and/or up to 30 days in jail.

Patronizing a Prostitute

[Title 11, Chap. 5 §1343](#)

Soliciting someone for the purposes of prostitution is illegal in Delaware.

If a street harasser solicits sexual activity from you, you can report him/her. You can also make the case that harassers who yell, “How much?!” or offer you money, or anything else, for sex, even in jest, are soliciting prostitution.

Stop Street Harassment doesn’t oppose consensual sex work, but we do think it’s inappropriate for a street harasser to make assumptions about your sexual availability and make you feel uncomfortable.

Penalty: Patronizing a prostitute is a misdemeanor with a mandatory minimum fine of \$500. Other penalties may include up to 30 days in jail and/or seizure of any vehicle used in connection with the offense (if the harasser has a prior conviction). Additionally, the mandatory minimum fine is raised to \$1,000 if the act of patronizing a prostitute happens within 1,000 feet of a school, residence, or place of worship. It is no defense to say one did not know s/he was that close.

Sexual Extortion

[Title 11, Chap. 5 §774](#)

It is illegal in Delaware for anyone to threaten physically harm you, damage your property, or accuse you of a crime so that you will engage in sexual activity. There are a few cases of sexual extortion in the context of street harassment, especially in cases of harassment against transgender or gender nonconforming individuals.

If someone threatens you so you will engage in sexual activity, you can report that person, including if the person making the threat is a law enforcement officer.

Penalty: Sexual extortion is a Class E felony, punishable by up to 5 years in prison.

Sexual Harassment

[Title 11, Chap. 5 §763](#)

Delaware has a general sexual harassment law that covers some forms of verbal street harassment, including:

- Threatening to commit any sexual offense.

Stop Street Harassment

- Suggesting, soliciting, requesting, commanding, persistently asking, or otherwise attempting to induce someone to have sexual contact or sexual intercourse if the harasser knows that s/he is likely to cause that person annoyance, offense, or alarm.

If someone is making sexual comments or requests to you in a public place or worse – threatening to commit a sexual offense against you – you can report him/her.

Penalty: Sexual harassment is an unclassified misdemeanor, punishable by a fine of up to \$575 and/or up to 30 days in jail.

Indecent Exposure

Indecent Exposure

[Title 11, Chap. 5. §764-765](#)

It is illegal for someone to expose his or her genitals or buttocks, or her breasts in a way that s/he knows is likely to cause someone affront or alarm.

If a harasser flashes or otherwise exposes him or herself to you or is masturbating in front of you, and you feel alarmed or affronted, you can report that person.

Penalty: Indecent exposure in general is an unclassified misdemeanor, punishable by a fine of up to \$575 and/or up to 30 days in jail. Indecent exposure to a person who is less than 16 years of age is a Class A misdemeanor, punishable by a fine of up to \$2,300 and/or up to 1 year in jail.

Obstructing Your Path

Obstructing Public Passages

[Title 11, Chap. 5 §1323](#)

In Delaware, it is illegal for any person or group of people to “intentionally or recklessly render any public passage unreasonably inconvenient or hazardous to use.”

If a street harasser is intentionally making it unreasonably inconvenient for you to pass on a public street or sidewalk, you can report him/her.

Penalty: Obstructing a public passage is a violation, punishable by a fine of up to \$345 and/or up to a year of probation.

Obstructing Ingress or Egress from Public Buildings

[Title 11, Chap. 5 § 1324](#)

It is illegal in Delaware for a harasser to obstruct your entry to or exit from (ingress or egress) any public building. The law does not specify whether this applies only to publicly owned buildings or to any building open to the public.

If a harasser is obstructing your path while you are trying to enter or exit a public building, you can report him/her.

Stop Street Harassment

Penalty: Obstructing ingress to or egress from public buildings is an unclassified misdemeanor, punishable by a fine of up to \$575 and/or up to 30 days in jail.

Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

Stalking

[Title 11, Chap. 5 §1312](#)

Stalking is illegal in Delaware, and it occurs when a person knowingly engages in a course of conduct – including following – on at least three occasions when the conduct would cause a reasonable person to fear physical injury or suffer significant mental anguish or distress.

If the same harasser follows you at least three times and makes you fearful or very distressed, you can report that person.

Penalty: Stalking is typically a Class G felony, punishable by up to two years in prison, but it can rise to a more severe class depending on the age of the victim.

Groping

Offensive Touching

[Title 11, Chap. 5 §601](#)

It is illegal in Delaware for anyone to intentionally:

- Touch another person, either with a part of his or her body or with some other instrument, in a way that s/he knows is likely to offend or alarm that person.
- Strike someone with saliva, urine, feces, or any other bodily fluid in a way that s/he knows is likely to offend or alarm that person.

If a street harasser grabs you, smacks or pinches your buttocks, spits at you – or causes you to come in contact with semen – you can report that person. Additionally, if a harasser causes you to come in contact with his or her bodily fluid, the law requires that s/he be tested for transmittable diseases at his or her own expense, and that you have the right to know the test results.

Penalty: Offensive touching is an unclassified misdemeanor, punishable by a fine of up to \$575 and/or up to 30 days in jail. Offensive touching that involves contact with a bodily fluid is a Class A misdemeanor, punishable by a fine of up to \$2,300 and/or up to 1 year in jail.

Unlawful Sexual Contact

[Title 11, Chap. 5 §767-768](#)

It is illegal in Delaware for anyone to have any sexual contact with another person either without that person's consent *or* in a way that the harasser knows will be offensive. Sexual contact is any touching of a person's anus, breasts, buttocks or genitalia over or under clothing when it is intended to be sexual in nature. This could be either by touching someone or by causing that person to touch him/her.

Stop Street Harassment

If someone touches you in a sexual way, rubs himself or herself against you, or somehow causes you to touch him or her in a sexual way against your will, you can report that person.

Penalty: Unlawful sexual contact in general is a Class A misdemeanor, punishable by a fine of up to \$2,300 and/or up to 1 year in jail. Unlawful sexual contact with someone under the age of 18 is a class F felony, punishable by up to 3 years in prison.

Reporting Crimes to the Police

- Call 911 for help if:
 - The crime is in progress
 - You or someone else is physically hurt or have been threatened with physical violence
 - You can provide information about who may have committed a crime.
- Call the local police office's non-emergency number to submit a report afterward. For example, in Dover this number is (302) 736-7111 and in Wilmington it's (302) 654-5151. In Newark, it is (973) 733-6000 and in Middletown, it is (732) 615-2100. Be prepared to provide them with:
 - When it happened (date and time).
 - Where it happened (street location, store location, bus line or bus stop, park name, etc).
 - Who is reporting (your name and contact information).
 - A description of what happened.
 - The name and contact information of any witnesses, if you spoke to any.
 - It can be helpful to include the law the crime falls under, such as harassment including, but not limited to insults likely to provoke a violent response under [Delaware Law §1311](#). If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
 - A description of the harasser/s.
- Many police departments also have online reporting forms, for example, [Newark](#) has an online reporting system where you can report crimes like harassment and sexual assault.
- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
 - In Dover and Wilmington, you can do this by calling their Crime Stoppers Tip Line at 1-800-847-3333. In Dover, you can also visit [this](#) website, which provides information regarding submitting web tips and text tips.
 - In Wilmington, you can do this by texting the number 274637 and beginning the message with DCS, or submitting through [this](#) web form. Wilmington also has a direct crime tip hotline available by calling 1-866-945-6847.
 - [Newark](#) has a confidential crime tip web form.
- Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

Stop Street Harassment

If someone tries to tell you that street harassment “isn’t a big deal,” or isn’t illegal, don’t buy it. You always have the right to be free from sexual harassment and assault in public.