



RAPE & SEX OFFENSE INVESTIGATIONS

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I. POLICY

The Department will thoroughly and aggressively investigate all complaints of rape or sexual assault. It will be the responsibility of the CID – Major Crimes Section, Special Crimes Unit, Sex Offense Squad to conduct follow-up investigations of all rape and felony sexual offenses. The initial patrol officer or detectives assigned to the appropriate District Detective Unit will handle all 4th degree sex offenses, with the possible exception of those occurring within schools, nursing homes, and the like.

The preliminary investigation of a suspected rape or sexual offense requires the on scene supervision of a supervisor of at least the rank of Sergeant.

II. PURPOSE

The purpose of this policy is to provide specific and consistent guidelines for the investigation of rape and sexual offense complaints.

III. DEFINITIONS

A. Rape

Vaginal intercourse with another person by force or threat of force against the will and without the consent of the other person.

B. Marital Rape

There are cases when a spouse can be charged with marital rape. Due to the complexity of the laws, any cases that are believed to be marital rape will to be forwarded to the Sex Offense Squad who will consult with the State's Attorney's Office.

C. Sexual Offense

Sexual act with another person by force or threat of force against the will and without consent, or sexual contact with another person against the will and without the consent. There are four degrees of sexual offenses, 1st, 2nd, 3rd and 4th (misdemeanor).

D. S.A.F.E.

An acronym for Sexual Assault Forensic Examination. These examinations are conducted by specially trained S.A.F.E. nurses or physicians assistants (Sexual Assault Forensic Examiner).

E. Delayed Reporting

This allows the victim to obtain a S.A.F.E. exam without police involvement.

IV. INITIAL INVESTIGATION

The responsibility for the initial investigation of a rape, sex offense, or attempt of the same, rests with the uniformed patrol officer dispatched to the scene. The preliminary investigation consists of:

1. Confirmation of the crime
2. Providing medical attention and protection to the victim
3. Immediate identification and arrest of the perpetrator, if suspect is unknown to the victim. In cases where the victim knows or is otherwise associated with the victim, officers are discouraged from taking steps to immediately arrest the alleged perpetrator. Instead, officers should consult with a Sex Offense Detective to determine if the suspect should be immediately located and arrested.
4. Preservation of the crime scene

It is essential that the victim of a rape or sex offense be treated with courtesy, dignity, respect, and compassion by all Police Department employees. The first officer on the scene must always be aware that he or she is the initial source of protection for the victim. The manner in which all personnel treat the victim at the time of the crime and afterwards effects not only the victim's immediate and long-term ability to cope with the crime, but also the willingness of the victim to assist in the investigation and prosecution.

In all cases, the assigned officer and his/her supervisor will conduct a brief interview of the victim to determine if a crime has been committed. If they determine a sex crime has been committed, the following two steps need to be taken:

1. Transport the victim to the hospital if the assault occurred within the last 120 hours to have a S.A.F.E. examination. If a CID – Major Crimes Section detective is responding to investigate the sex crime, the CID - Major Crimes Section detective is responsible for arranging the S.A.F.E. examination of the victim. If the uniformed patrol officer is investigating the sex crime, the uniformed officer is responsible for arranging the S.A.F.E. examination of the victim. (Victim interviews must be completed prior to the arrival of the S.A.F.E. examiner.)

To arrange for a S.A.F.E. examination, the officer/detective will contact the charge nurse of the emergency room and request that a S.A.F.E. examiner be notified to respond to the hospital for the examination. The S.A.F.E. examiner will respond within one hour of notification. An officer or detective will stay with the victim until the S.A.F.E. nurse or crises counselor arrives so that the chain of custody is maintained.

2. The S.A.F.E. examiner will contact the Evidence Collection Unit, via Communications, for collection of evidence obtained during the S.A.F.E. examination. Baltimore Washington Medical Center will contact the crises response system (phone (410) 222-RAPE (7273)) and an advocate will respond to the hospital and give emotional support to the victim. Anne Arundel Medical Center has Domestic Violence/Rape Advocates on staff.

In all cases, the assigned officer will isolate the victim from other officers, witnesses, and spectators (including friends, family members, and relatives when possible). The victim will be asked only those questions necessary to determine the type of crime and to obtain information necessary for a suspect lookout.

The initial investigator will refrain from expressing or implying any personal opinion during the course of the investigation. The assigned officer should contact his or her supervisor if there is a question concerning the legitimacy of the complaint. A CID Sex Offense Squad investigator should be contacted if there are questionable circumstances about the incident.

V. NOTIFICATION OF CID – MAJOR CRIMES SECTION

Upon the determination that a rape or first, second or third degree sex offense has occurred, or an attempt of the same has just occurred, the field supervisor will request a CID – Major Crimes Section investigator. If a CID – Major Crimes Section investigator is not working, the on-call Major Crimes Section supervisor should be notified. Any offense that occurred more than 24 hours from the time of the call can be handled by the initial patrol officer unless extraordinary circumstances exist. A copy of the report should be immediately sent to the Major Crimes Section for appropriate follow-up investigation. If strange or unusual circumstances exist, the CID – Major Crimes Section should always be notified. It is not necessary to notify Major Crimes Section investigators in reference to 4th degree sex offenses unless unusual circumstances dictate.

VI. DUTIES OF PATROL DIVISION PERSONNEL

If the victim is seriously injured and death may result, the investigation will be investigated according to the procedures outlined in Index Code 1801, “HOMICIDE INVESTIGATIONS.” Otherwise, procedures outlined in this section will be followed.

All victims of 1st Degree Rape, 2nd Degree Rape, 1st, 2nd, 3rd Degree Sex Offenses, and 4th degree sex offenses involving a sexual act or vaginal intercourse, should be transported to the hospital and examined by a S.A.F.E. examiner, if the assault occurred within 120 hours of the time it was reported, or if the assault occurred within 72 hours of the time it was reported if the victim is under 12 years of age.

If only one officer is present when the victim is transported to the hospital, that officer will remain on the site to preserve the crime scene. The patrol supervisor in charge will direct another officer to the hospital to meet with the victim.

If two officers are present and the victim needs to be transported to the hospital for treatment, one officer will go with the victim while the other remains behind to secure the scene. The Evidence Collection Unit will be immediately summoned to assist in processing the crime scene. The CID – Major Crimes Section should be notified for any search warrant issues. Any suspect information obtained from the victim will immediately be given to the Communications Section for lookout purposes.

Names and information from any and all witnesses or potential witnesses will be gathered and included in the initial officer’s report. This information will also be turned over to CID – Major Crimes Section personnel upon their arrival on the scene. An immediate canvass of the area will be conducted by the initial officer in hopes of recovering evidence or suspect information.

VII. DUTIES OF THE COMMUNICATIONS SECTION

Upon receiving a report of a rape, felony sexual offense, or attempt of the same, the Communications Section will be responsible for the following:

1. Broadcast a description of the suspect(s) and vehicle(s) to any and all patrol districts, Maryland State Police, and all neighboring jurisdictions.
2. Dispatch a patrol supervisor and at least one patrol officer to the scene, and at least one patrol officer to the hospital if the victim has already been transported.
3. Upon request from the supervisor conducting the investigation, contact a working CID – Major Crimes Section investigator or the on-call supervisor.
4. Coordinate the transmission of information among police units on the scene, and between field units and personnel from CID.
5. Communicate any other assistance requested in support of the investigation.

VIII. DUTIES OF THE CRIMINAL INVESTIGATION DIVISION

The detective in charge of the follow-up investigation will be assigned by the supervisor of the Sex Crimes Squad of the Criminal Investigation Division – Major Crimes Section, Special Crimes Unit. The detective in charge of the investigation is responsible for the following:

A. Interviews and Interrogations

1. The effectiveness of an investigator, as well as the success of the investigation, is largely dependant upon his or her ability to obtain information from victims, complainants, witnesses, informants, and suspects. Therefore, it is essential that the interviews and interrogations be conducted by investigators with sensitivity, patience, persistence, and dedication to the task at hand.

2. The detective in charge of the investigation will, whenever possible, obtain a signed, written statement from each victim, witness, and suspect. Statements and confessions will be prepared in accordance with the provisions of Index Code 1820, “Confessions and Formal Statements.”

3. Assign officers to canvass the neighborhood of the crime scene for persons who have information regarding the crime. Assign personnel to systematically search the vicinity of the crime area for any evidence that may have been lost or disposed of by the perpetrator.

4. All statements obtained in the investigation will be attached to the case file for future reference, and for the use of the State's Attorney for Anne Arundel County.

5. *In accordance with State of Maryland 42 U.S.C. 3796gg-8(a): No law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth or child victim of an alleged sexual offense as defined under Federal, State or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of an offense. In addition, the refusal of a victim to submit to a polygraph or other truth-telling examination shall not prevent the investigation, charging or prosecution of an alleged sexual offense.*

B. Victim/Witness Assistance - At the Scene

The investigator will provide the following information and assistance to the victim, and to any witnesses as indicated by the circumstances of the case:

1. Availability of local services (e.g., counseling, medical attention, compensation programs or emergency financial assistance, and victim advocacy). In all circumstances provide the victim with the Crises Response System Hotline - 410-222-RAPE (7273). All of the above references can be located in the booklet titled “CRIME VICTIMS AND WITNESSES: Your Rights and Services.”

2. What to do if the suspect or the suspect's friends or family threatens or intimidates him or her.

3. Explain the procedure involved in processing and eventually prosecuting the case.

4. The investigator's name, case number, and a phone number the victim/witness can call to report additional information or to receive information about the status of the case.

5. When and if the victim is transported to the hospital, make arrangements for him or her to have a change of clothes at the hospital for use upon completion of the medical examination.

C. Arrangement for Physical Examination

1. The victim may be transported to the medical facility by police or ambulance personnel. The medical needs of the victim are the first priority and take precedence over the S.A.F.E. examination. Therefore, the victim may be transported to any medical facility for medical treatment even if the facility does not have a S.A.F.E. program.

If the victim does not require medical assistance and only requires the S.A.F.E. examination, the victim should be transported to Baltimore Washington Medical Center or Anne Arundel Medical Center for a S.A.F.E. examination.

If the victim does not require medical assistance and is reporting the crime from a medical facility that does not offer a S.A.F.E. examination, the victim must be medically screened and released by the facility staff before being transported to another medical facility for a S.A.F.E. examination.

2. Be sure to have completed the interview process before the arrival of the S.A.F.E. examiner. It is imperative that the exam takes place immediately upon the arrival of the S.A.F.E. examiner.

3. In sex crimes involving minors, it is advisable, but not mandatory, that the consent of the parents, custodians, or legal guardians first be obtained for such physical examinations, and if possible, they should be requested to accompany the victim to the hospital. Victims 12 years and younger, must be taken to Baltimore Washington Medical Center for a S.A.F.E. exam.

D. Crime Scene/Evidence Search

1. Search the crime scene for evidence, summon and direct the Crime Scene Technicians to take photographs and fingerprints and to search for physical evidence.

2. It is important to preserve all articles such as clothing, bed linens, towels, handkerchiefs, or other physical evidence relevant to the investigation. Each article should be separately tagged and wrapped according to the procedures outlined in Index Code 1201.

E. Victim/Witness Services - Follow-up Investigation

1. The investigator will periodically re-contact the victim and appropriate witnesses to determine whether their needs are being met.

2. If not an endangerment to the successful prosecution of the case, the investigator will explain to victims/witnesses the procedures involved in the prosecution of the case and their role in those procedures. The investigator will coordinate this activity with the Victim/Witness Assistance Unit of the State's Attorney's Office.

3. Whenever feasible, the investigator will schedule lineups, interviews, and other required appearances at the convenience of the victim/witness, and will arrange for transportation if necessary.

4. Whenever feasible, and when permitted by laws and rules of evidence, personal property taken as evidence will be returned promptly to the victim/witness. Contraband, disputed property, and weapons used in the course of the crime will not be returned.

5. The investigator will notify the victim and witnesses of the arrest of the perpetrator, the charges filed, and any changes in the status of the perpetrator's custody.

F. Maintain Investigative Records

Keep accurate and complete records of the case, particularly records of the following:

1. A clear and concise investigative report.
2. Statements from the defendant/victim/witnesses.
3. Possession and marking of evidence.
4. Chain of custody of the prisoner(s) (documented through investigative reports.)
5. Detailed description of the crime scene.
6. All photographs of the scene and victim's physical injuries.
7. Medical reports or findings.
8. Witness information and statements.

IX. DELAYED REPORTING CASES

The 2005 reauthorization of the Violence Against Women Act Statute (VAWA) states that a victim of a sexual assault is not required to participate in the criminal justice system in order to be provided with a forensic medical exam. In order to comply, a victim may have a S.A.F.E. examination without notification of Law Enforcement. However, due to Chain of Custody issues regarding the evidence collected, the S.A.F.E. kit will be stored by this agency for at least 90 days, in the event the victim chooses to request an investigation by law enforcement.

When a rape or sexual assault victim seeks care at a hospital prior to calling police, the hospital staff or advocate will present the victim with an information form advising the victim that she may elect to report the crime to the police and receive a S.A.F.E.; elect to not report to the crime to the police, but receive a S.A.F.E. anyway so that evidence can be collected in the event the victim wants to report the crime at a later time; or elect to not report the crime to police and only have a medical examination.

A. Communications Responsibilities

1. If the victim chooses to have a S.A.F.E. exam without police involvement, the nurse will contact Communications to request a case number. The dispatcher will generate a call for service entitled Suspicious Condition, utilizing nature code 51C and provide the case number to the nurse. In turn, the nurse will provide a hospital case number that should be included in the notes of the call.

2. Communications will dispatch the call to either TRS, if available, or a patrol officer.

3. When the S.A.F.E. exam is complete, the nurse will again call Communications and request that a Crime Scene Technician respond to pick up the kit.

B. Patrol Responsibilities

Either TRS or a Patrol Services Bureau officer will write an incident report titled, "Suspicious Condition." The incident report will indicate that the incident is related to evidence collected during a Sexual Assault Forensic Examination that is not being reported to law enforcement at the victim's request; the name of the nurse reporting the incident; and the hospital case number. "Anne Arundel County Police Department" should be entered in the "Victim Name" field of the report. The actual victim's name should not appear anywhere in the report. The "Location of Offense" should be the hospital where victim is being examined. The location where the alleged rape or sex offense occurred is not required. The incident report will be faxed to the Sex Offense Squad prior to the end of the officer's shift.

If the victim initially reports the incident to police, then while still at the hospital decides she does not want a police investigation, the officer will write an incident report titled with the appropriate crime initially reported (i.e., Rape, Sex Offense, etc.). The officer will document everything that was reported to police and all investigative steps taken up to the point the victim indicated she no longer wanted a police investigation. The incident report will be faxed to the Sex Offense Squad prior to the end of the officer's shift.

If the victim decides that she no longer wants a police investigation after she has been treated and examined at the hospital, the Sex Offense Squad will coordinate with the victim to sign a "Waiver to Investigate/Prosecute" form. If the victim will not cooperate with this process, this fact will be documented in the case file.

C. Evidence Collection Unit Responsibilities

A Crime Scene Technician will be contacted by Communications and will respond to the hospital to recover the S.A.F.E. kit. The kit will not be opened, but will be entered into the BEAST as a whole.

D. Sex Offense Squad Responsibilities

1. The Sex Offense Squad will review all "Suspicious Condition" reports. If at the conclusion of 90 days the victim has not contacted the Sex Offense Squad to have the case investigated, the case will be closed and with the Sex Offense Squad's authority, the evidence (SAFE kit) may be destroyed by ECU.

X. PROPONENT UNIT: CID – Major Crimes Section.

XI. CANCELLATION: This directive cancels Index Code 1806, dated 04-20-09.