Annual Sexual Assault Investigations Data Report (2018)

KEY DEFINITIONS

Aggravated Assault[1]: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Aggregate: the consolidation of data relating to multiple cases, and not data on the individual case level. For example, at this time, the available data can only point out total numbers for certain demographic information, such as sex and race, but not their numbers in relation to each other.

Attempted Rape: Attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Baltimore City State's Attorney's Office (BCSAO): Agency responsible for the prosecution of all crimes that occur in Baltimore City.

Burglary: The breaking and entering of a dwelling or storehouse of another person.

Co-Occurring Crimes: crimes that occur together or simultaneously in the same incident and/or involving the same victim(s).

Crystal Reports: a software used to pull data from large databases like Lotus Notes, into aggregate reports.

InPursuit: a records management system software used as the official central records system for BPD. All official police reports and addendums are data entered into this system.

Lotus Notes: a case management software used by the Baltimore Police Department (BPD) to create electronic casefiles for investigations.

Possible Sex Offense: case where it is not clear through the investigation yet whether or not a sex offense took place.

Rape (Including Rape Sodomy): Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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[1] BPD reports monthly data statistics to the FBI based on criteria established pursuant to the Uniform Crime Reporting (UCR) Program. However, as criminal laws vary widely across states, generalized descriptions of criminal offenses typically are used. For example, the UCR program uses the term "Aggravated Assault." No such offense exists under Maryland law. Depending on the case circumstances, an "Aggravated Assault" for the purposes of UCR could be either a First or Second Degree Assault, which are the only two forms of assault in Maryland. *See* Md. Crim. Law, §§ 3-202 – 3-203.

Sex Offense: Act or contact of a sexual nature without consent that does not rise to the level of Rape (e.g. intentionally touching a person's genital, anal, or other intimate areas for sexual gratification or abuse of either party).

Sex Offense Unit (SOU): Unit within the Special Investigative Section that handles all adult rapes, attempted rapes, 3rd degree sex offenses, and attempted 3rd degree sex offenses. Additionally, while 4th degree sex offenses primarily are handled by Patrol, the SOU handles 4th degree sex offenses for incidents where the victim is 16 years or older if the Chief of the Criminal Investigation Division deems it necessary based on case circumstances.

Sexual Assault Forensic Exam (SAFE): A free medical exam conducted by a Forensic Nurse Examiner (FNE) for victims who have been sexually assaulted within the last 120 hours/five days, or otherwise if determined to be necessary by hospital staff. The FNE will complete a physical examination as well as collect evidence from the victim's body and clothes, if applicable.

Special Investigation Section (SIS): An arm of the Criminal Investigation Division, SIS houses fourteen specialized units, such as the Sex Offense Unit and Child Abuse Unit.

Uniform Crime Reporting (UCR) Program: "The UCR Program's primary objective is to generate reliable information for use in law enforcement administration, operation, and management; over the years, however, the data have become one of the country's leading social indicators. Today, four annual publications are produced from data received from more than 18,000 city, university and college, county, state, tribal, and federal law enforcement agencies that voluntarily participate in the program. The crime data are submitted either through a state UCR program or directly to the Federal Bureau of Investigation's (FBI) UCR Program." (https://www.fbi.gov/services/cjis/ucr)

> **Clearance:** "Part I[2] offenses reported on the Return A [the monthly data collection a reporting law enforcement agency submits to the UCR program for offenses known to law enforcement] can be cleared either by arrest or exceptional means. However, no distinction between cleared by arrest and cleared by exceptional means is made on the report . . ." (https://ucr.fbi.gov/nibrs/summary-reporting-system-srs-user-manual, p. 79)

> **Unfounded:** "Occasionally, an agency will receive a complaint is [sic] determined through investigation to be false or baseless. In other words, no crime occurred. If the investigation shows no offense occurred nor was attempted, UCR Program procedures dictate the reported offense is unfounded . . ." (https://ucr.fbi.gov/nibrs/summary-reporting-system-srs-user-manual, p. 77)

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[2] Part I offense classifications include: criminal homicide, rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, arson, and human trafficking. https://ucr.fbi.gov/nibrs/summary-reporting-system-srs-user-manual https://ucr.fbi.gov/nibrs/summary-reporting-system-srs-user-manual (p. 20-21, last visited 5/17/2019).

RELEVANT POLICIES

Policy 107, *Offense Clearance Procedure*

Draft Policy 708, *Rape and Sexual Assault*

Draft Policy 720*, Lesbian, Gay, Bisexual, and Transgender Involved Incidents*

INTRODUCTION

The Baltimore Police Department (BPD) is committed to transforming the department into a modern, 21st century police agency, especially in the area of sexual assault investigations. BPD's Sex Offense Unit (SOU) is devoted to a trauma-informed, victim-centered, and offender-focused approach of policing in everything they do. From making sure all detectives in the SOU are trained on trauma-informed, victim-centered, and offender-focused practices to obtaining grant funding to partner with Mercy Medical Center to provide victim advocates on a 24/7 basis, the SOU's overall vision and goal for the unit is to be a model in 21st century, trauma-informed, victim-centered, and offender-focused policing in order to appropriately and effectively investigate sexual assault cases.

Yet, as is the case with any large institutional change, there are hurdles to overcome. Staffing and technology are both major concerns not only operationally, but also in terms of SOU's ability to comply with the reforms laid forth in the Consent Decree.[3] Section XI of the Consent Decree, *Handling of Reports of Sexual Assault*, focuses on three main goals: increasing victims' trust in the BPD, strengthening BPD's response to and investigations of reports of sexual assault, and combating gender bias. To achieve these goals and, ultimately, constitutional and fair policing, reforms are required in three areas: policy, training, and data collection. BPD needs foundational policies, comprehensive training, and regularly scheduled data check points to ensure that the goals of the Consent Decree, including Section XI, are met.

This first Annual Sexual Assault Investigations Data Report is one of the initial steps for BPD in committing overall to a more accurate, robust, and transparent data strategy. Paragraph 264 of the Consent Decree focuses on six distinct data points on which BPD must report, which ultimately will enable the agency to begin to commit to a more transparent data strategy. The first three data points focus on demographic information of both victims and suspects, while the last three focus on case outcomes, case classification, and evidence testing procedures.

BPD recognizes, however, that its data collection and reporting processes currently are hindered by numerous technological inefficiencies. At this time, BPD is not able to sufficiently overcome these inefficiencies in order to satisfy the data reporting requirements in Section XI, Paragraph 264, of the Consent Decree. BPD's technological challenges are well known (e.g. paper based reporting, data system silos, antiquated data systems), with ineffective data capture as an unfortunate side effect. BPD is beginning to address these technological deficiencies with a [Technology Resource Study](#) and [Plan](#), and is taking steps to address some of the data gaps within the current system. Given the antiquated state of BPD's systems, and how far, technologically, BPD must come, it is no surprise that the Technology Plan is a significant undertaking, and something that will incur a large amount of time and effort to successfully implement.

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[3] *United States of America v. Police Department of Baltimore City, et. al.*, 1:17-cv-00099-JKB.

While specific limitations related to BPD's sex assault investigations data collection will be addressed in this report, it is important to have a general awareness of the overarching limitations governing data collection within the agency at this time. While BPD will not be able to satisfy every data point required by Section XI, Paragraph 264, in this report, BPD recognizes the need to begin to track and report the data that currently is available. By collecting and tracking the data that is available, BPD strives to increase its legitimacy as an agency, increase public trust, foster better investigations, and better deliver trauma-informed care and police services to the survivors of sexual assault in Baltimore City.

METHODOLOGY

Below are the requirements from Section XI of the Consent Decree, *Handling of Reports of Sexual Assault*, governing this report's data collection and reporting:

> *BPD will continue to enhance its data collection, analysis, and reporting. The data to be collected and analyzed should include the following:*
>
> *a. The numbers of sex offenses, broken down by crime category, that are reported to BPD, identifying, where applicable, incidents involving co-occurring crimes (i.e., sexual assaults involving domestic violence or stalking);*
>
> *b. The number of offenders, both the totals and broken down by gender (i.e., male, female, transgender, queer or non-binary) and the relationship of the offender to the victim (i.e., stranger or non-stranger);*
>
> *c. The number of victims/complainants, both the totals and broken down by gender, race, and age (i.e., under 18 and 18 and older);*
>
> *d. The total number of sex offense reports categorized as founded and unfounded, broken down by the BPD unit categorizing the report;*
>
> *e. The total numbers of sex offense reports, broken down by the BPD unit handling the report, that (1) were cleared by arrest, (2) were cleared by exceptional clearance, including by clearance category, (3) remain open and inactive, and (4) were referred to the Baltimore City State's Attorney's Office for the filing of charges; and*
>
> *f. Data about the processing of forensic medical exams (often referred to as "rape kits"), including: (1) date of reported incident; (2) date of SAFE exam; (3) date detectives request lab analysis of SAFE exam; (4) date detectives receive lab analysis results.*
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> *[Consent Decree, ¶ 264]*

As stated earlier, due to technological inefficiencies, BPD will not be able to satisfy all subsections of Paragraph 264. As a result of BPD's longstanding technological problems through the years, many units within the agency developed their own solutions for data collection and management. Therefore, there are a number of challenges to the effective collection of data across the agency, such as:

- Incomplete records – many of BPD's systems collect the same data, but how it is collected differs across multiple systems, creating data gaps
- Duplicate records – the same data is sometimes collected across multiple systems within the agency, which generates duplication of records and data

- Inconsistent entry of data – sometimes not all data is entered due to human error, creating gaps in data collection; additionally, at the time of entry, all data may not be available to the user
- Paper-based reporting – all reports are currently in paper form, and the only option to find pertinent data that does not exist in the databases is to hand tally data. This process requires an abundance of labor and time that is not always feasible.

BPD has a central, official records system; however, due to antiquated software, the paper-based reporting business practices that govern the data entry, and the sheer volume of paperwork that a department as large as BPD faces, there are gaps within the system. For example, all Part I crime is entered into the central records system first. Part II crimes, where sex offenses other than rape occur, are only entered into the central records system once Part I crimes are complete. This process can cause a bottleneck in accessing data in a timely manner, especially given the staffing constraints the BPD faces. Given those gaps, some units may have more current data, because the data that will be entered into the central records system is also entered into a case management system in real time. Individual units, not Central Records, are responsible for inputting the data into their case management system, and those case management systems are not governed by the same paper-based business processes as Central Records.

In the case of this report, the system that houses the relevant data is the Lotus Notes Case Management System, which is managed by the Special Investigation Section (SIS). SIS is responsible for investigating sexual offenses, among other crimes. Lotus Notes is a type of case management software, and its capacity to export measurable, quantitative data is extremely limited because the system was not designed for data collection or analysis. Rather, case management software is used by investigators to detail the progress of cases as an investigative tool, with limited ability to input data through computer searchable fields such as drop down boxes and check boxes. Most of the information detailed in Lotus Notes is in narrative form, which makes pulling aggregate data difficult. These are some of the problems examined by the Technology Resource Study and Plan.

With those limitations in mind, SIS took the data requirements from the Consent Decree and created a custom report through coding in Crystal Reports, a software that helps pull data from large databases like Lotus Notes, into aggregate[4] reports of the readily pulled data. SIS pulled the data available from Lotus Notes into an aggregate year-to-date report on all sex offenses the Sex Offense Unit (SOU) handled in 2018.

This Annual Sexual Assault Investigations Data Report will focus only on the types of cases the SOU handled in 2018 that involved adult victims: rapes, attempted rapes, 3rd degree sex

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[4] Aggregate reports are the consolidation of data relating to multiple cases, and not data on the individual case level. For example, at this time, the available data can only point out total numbers for certain demographic information, such as sex and race, but not their numbers in relation to each other.

offenses, and attempted 3rd degree sex offenses. Additionally, while 4th degree sex offenses primarily are handled by Patrol, the SOU handles 4th degree sex offenses[5] if the Chief of the Criminal Investigation Division deems it necessary based on case circumstances. (Draft Policy 708, p. 15). It should be noted that the Child Abuse Unit, a unit that falls under SIS but that is separate from the SOU, investigates both physical and sexual child abuse cases. However, due to the limitations of the Lotus Notes system, it is not possible to separate sexual child abuse cases from physical child abuse cases; therefore, sexual assault cases involving children are not included in this report.

RESULTS

The data included in this report comes from a number of sources, which creates multiple data sets when comparing one data point to another. For example, there were 298 cases opened by the SOU in 2018. However, there were 303 victims and 210 suspects for those 298 cases. Therefore, when referencing victim demographics, the percentages will be taken out of total number of victims (n=303), instead of the total number of cases (n=298). The population (n) will be referenced in the text for each data point as well as each figure, but it is important to understand that the populations will differ depending on what data point is being discussed. A list of relevant populations is below in Table 1.

Type of Data	Population (n=)
Total SOU Cases for 2018	298
Number of Suspects for 2018	210
Number of Victims for 2018	303
Total Open SOU Cases for 2018 (Not Cleared)	146
Total Cases Sent to BCSAO for review in 2018	132
Total UCR Cases for 2018 (Founded & Unfounded)	262
Founded UCR Cases for 2018	247
Unfounded UCR Cases for 2018	15
Total Cases Cleared for 2018	101
Cases Cleared by Arrest	57
Cases Cleared by Exceptional Means	44
SAFE Kits Collected	187
SAFE Kits Request for Testing	185

Table 1: Breakdown of possible populations for data sets throughout this report, Lotus Notes 2018

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[5] For incidents where the victim is 16 years or older.

Demographics

This section of the 2018 Annual Data Report will cover subsections (a), (b), and (c) from Paragraph 264, as shown below, which request demographic information, as well as incidents with co-occurring crimes.

> *a. The numbers of sex offenses, broken down by crime category, that are reported to BPD, identifying, where applicable, incidents involving co-occurring crimes (i.e., sexual assaults involving domestic violence or stalking);*
>
> *b. The number of offenders, both the totals and broken down by gender (i.e., male, female, transgender, queer or non-binary) and the relationship of the offender to the victim (i.e., stranger or non-stranger);*
>
> *c. The number of victims/complainants, both the totals and broken down by gender, race, and age (i.e., under 18 and 18 and older);*
>
> **[Consent Decree, ¶ 264]**

For 2018, there were 298 total reported cases[6] opened by SOU, with 210 suspects and 303 victims. For 303 victims, there were 7 crime categories: Rape (74.6%), Possible Sex Offense, i.e. cases where it was not yet clear through the investigation whether or not a sex offense took place (9.6%), Sex Offense (8.3%), Attempted Rape (5.6%), Rape Sodomy (1.3%), Aggravated Assault (0.3%), and Burglary (0.3%)[7]. Out of the 298 total cases, 41 had a co-occurrence of domestic violence (13.8%).
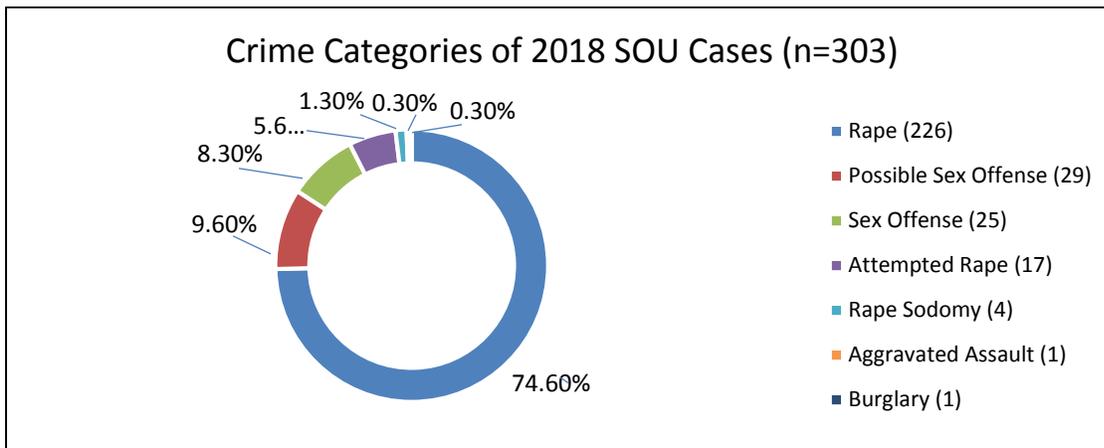

Figure 1: Cases broken down by Crime Category (2018 Data, Lotus Notes)

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[6] This total number is in reference to reported crimes only. BPD acknowledges that sexual assaults commonly are underreported.

[7] Aggravated Assault and Burglary are listed as crime categories, because more than likely they were committed alongside a sex offense. According to the UCR, the most serious crime takes precedence when reporting; therefore, two sex offenses were classified as an aggravated assault and a burglary.

For 298 cases, there were 210 suspects and 303 victims, but the average number of suspects and victims per case currently is not a data point BPD's technology can pull. For example, there may be one suspect for multiple cases, multiple suspects for multiple cases, or more than one victim per suspect. Due to the current data collection limitations, this report only details demographic information of victims and named suspects, that is, suspects that were explicitly identified by name during the investigation.

Out of the 210 named suspects, 80.5% were African American/Black (169), 10% were Caucasian/White (21), 6.7% were Hispanic (14), 0.5% were Asian (1), 1.4% were Other (3), and 1% were Unknown (2). The racial/ethnic makeup of victims was: 62% African American/Black (188), 30.7% Caucasian/White (93), 5.3% Hispanic (16), and 2% Other (6).
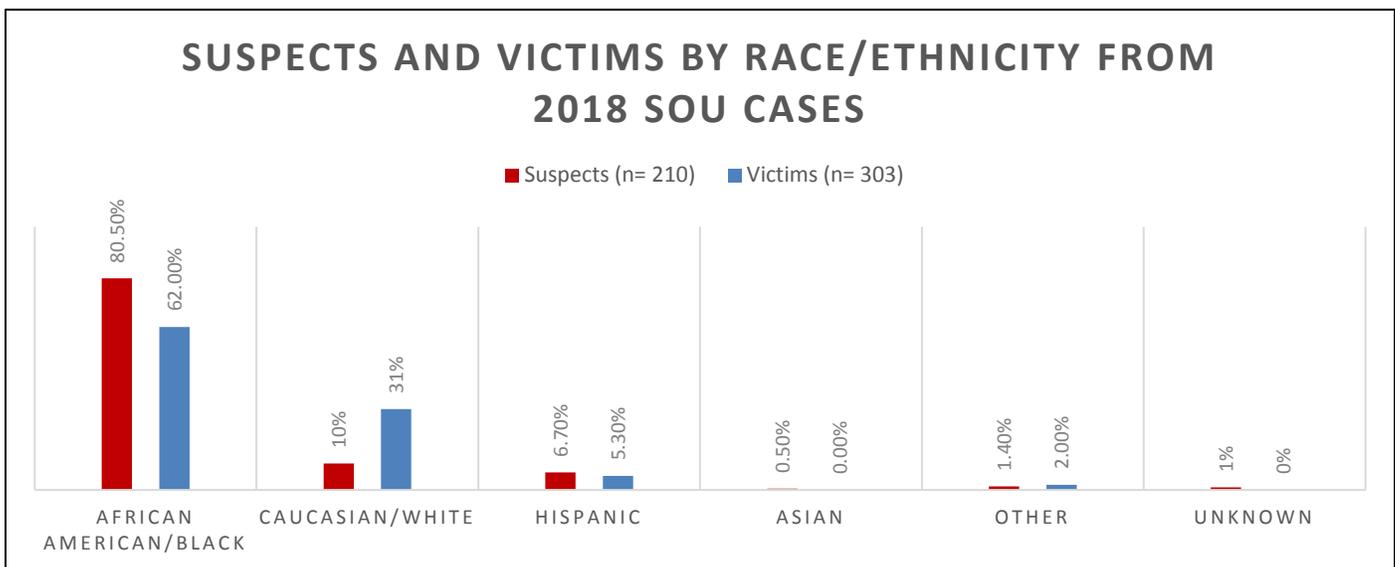

Figure 2: Number of Victims and Suspects by Race/Ethnicity (2018 Data, Lotus Notes)
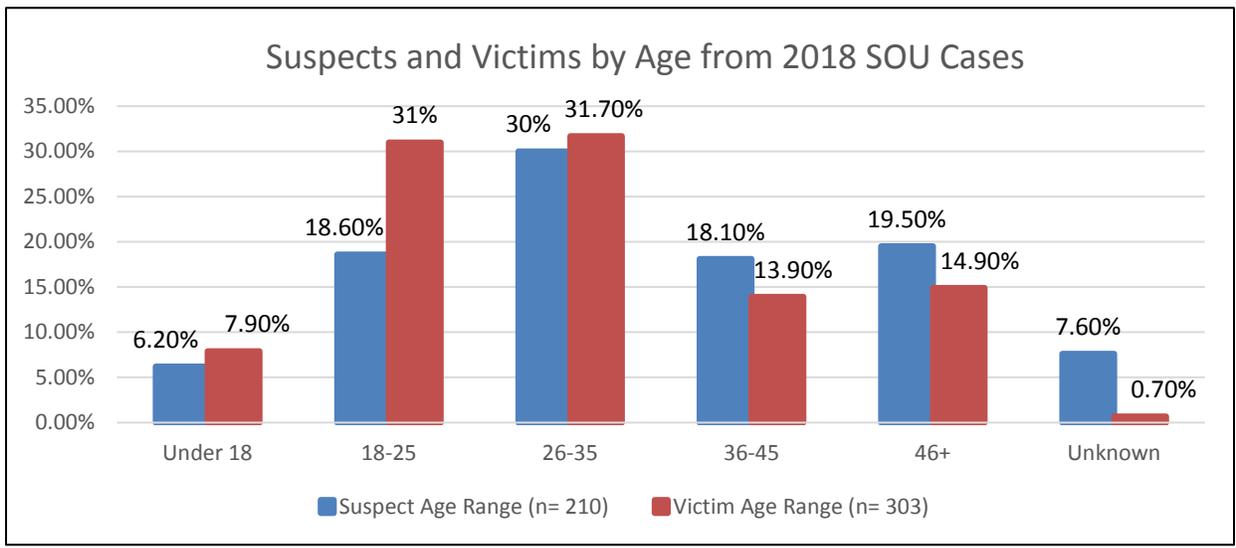
Figure 3: Victims and Suspects broken down by Age (2018 Data, Lotus Notes)

The suspects also were identified as overwhelmingly male at 96.7%, with the majority between the ages of 18-35 (48.6%), followed by 46+ (19.5%), 36-45 (18.1%), and under 18 (6.2%). Out of 303 victims, an overwhelming majority were identified as female at 92.4%. Similar to the age demographics of suspects, victims also mostly fell within the ages of 18-35 (62.7%), followed by 46+ (14.9%), 36-45 (13.9%), and under 18 (7.9%). Figure 4 above details the differences in age ranges between victims and suspects. Currently, BPD is unable to provide statistics on individuals who self-identify as other gender identities (such as transgender, queer, or non-binary, for example) for suspects or victims, due to technological and paper-based reporting issues. However, efforts are underway in the agency to amend all paper forms for the collection of such data, in compliance with Draft Policy 720, Interactions with Lesbian, Gay, Bisexual, Transgender, Queer/Questioning (LGBTQ) Individuals, and the next steps will involve solving how to capture that data within BPD's technological databases.

Additionally, there are 16 categories of suspect/victim relationships standard to the Lotus Notes software that allow for limited categorization of the relationship between the victim and suspect. These categories are standard for every agency that uses Lotus Notes software, and they are not customizable. The breakdown of the 303 suspect/victim relationships is shown below in Figure 5.

SUSPECT/VICTIM RELATIONSHIPS (N=303)

102 Acquaintance

50 Stranger

32 Brief Encounter

28 Ex-Spouse/Ex-Boy/Girlfriend

19 Other

15 Unknown

14 Stranger (Street Rape)

13 Intimate Partner (Boyfriend/Girlfriend)

8 Other Family Member/Custodial

7 Bar/Nightclub Encounter

6 Stranger (Hacking)

4 Spouse

3 Sex-Work Related

1 Parent or Step-Parent

1 Stranger (Burglary Rape)

Case Status

> *d. The total number of sex offense reports categorized as founded and unfounded, broken down by the BPD unit categorizing the report;*
>
> *e. The total numbers of sex offense reports, broken down by the BPD unit handling the report, that (1) were cleared by arrest, (2) were cleared by exceptional clearance, including by clearance category, (3) remain open and inactive, and (4) were referred to the Baltimore City State's Attorney's Office for the filing of charges . . .*
>
> **[Consent Decree, ¶ 264]**

Pursuant to the Consent Decree, BPD must collect and analyze data regarding certain sex offense report categorizations. This section of the report covers Paragraph 264 (d) & (e) detailed above. In order to fully understand the next set of data results, it is important to have a foundational understanding of how BPD classifies and defines certain cases in order to adhere to national reporting standards. Agencies across the United States, in an attempt to better collect and synthesize data as a nation, adopted the FBI's UCR Program as a guideline for defining and reporting certain types of crime. When reporting a crime, there are certain offense classifications that each agency is responsible for submitting:

- total offenses known to police (including unfounded)
- unfounded cases
- number of actual offenses (including attempts, excluding unfounded)
- total offenses cleared by arrest or exceptional means
- number of clearances involving only persons under the age of 18

(*UCR Handbook*, pg. 77).

However, not all of the 298 total cases the SOU investigated for 2018 are considered UCR cases. UCR cases only include rape cases, including BPD's classification of rape sodomy, and attempted rape cases, which constitutes only 247 of the 298 total cases SOU opened in Baltimore City in 2018. The next set of data results will only focus on UCR cases.

UCR Cases for 2018

It's important to understand that unfounded cases are excluded from UCR case totals. It states in the *UCR Handbook* that a case can only be unfounded if it is ". . . determined through investigation to be false or baseless. In other words, no crime occurred." (*UCR Handbook*, p. 77). A false report, according to the *UCR Handbook*, is a crime report where the investigation establishes that the crime was not completed or attempted. In addition, baseless reports are reports that do not meet the threshold for the offense or that were improperly coded from the outset. For 2018, BPD had 15 unfounded cases out of 262 total UCR offenses known to BPD

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[8] The "Stranger (Hacking)" category refers to cases where an illegal cab is hailed by someone on the street and is attacked by the driver. It can also refer to cases involving legal third party cab companies such as Uber and Lyft.

(actual offenses, 247, in addition to unfounded cases, 15), putting the unfounded rate at 5.7%. The remaining 247 UCR cases are founded, putting the founded rate at 94.3%.

Like unfounded, clearance also is a term from the *UCR Handbook*. Clearance refers to how cases are closed, and there are two ways a case can be cleared: 1) by arrest, or 2) by exceptional means. (*UCR Handbook*, p.79). If a case is cleared by arrest, at least one person has been arrested, charged with the commission of the offense, and turned over for prosecution. (*UCR Handbook*, p.79). In 2018, the SOU had 57 cases cleared by arrest out of 247 UCR cases.

Yet, not all cases end in arrest or no arrest. At times, situations may arise that prevent the agency from arresting or formally charging an offender. Thus, in such instances, a case may be cleared by exceptional means. According to the *UCR Handbook*, to meet the threshold for clearance by exceptional means, an agency must have:

- *Identified the offender*
- *Gathered enough evidence to support an arrest, make a charge, and turn over the offender to the court for prosecution*
- *Identified the offender's exact location so that the suspect could be taken into custody immediately*
- *Encountered a circumstance outside the control of law enforcement that prohibits the agency from arresting, charging, and prosecuting the offender*

(*UCR Handbook*, p. 80-81).

In 2018, the SOU had 44 cases cleared by exception out of 247 UCR cases. Once the cleared by arrest and cleared by exception category numbers are combined, 101 out of 247 UCR cases have been cleared.

Crime is not static; cases can evolve over time and crimes can be reclassified, upgraded, or downgraded. That said, since crime is not static, neither is crime reporting. As cases evolve, the clearance rates evolve as well. As stated earlier, in 2018, 57 SOU cases were cleared by arrest and 44 SOU cases were cleared by exception, according to UCR definitions. However, it should be noted that an accurate clearance rate cannot be obtained from this information.

An accurate clearance rate is difficult to obtain for this report for a couple of reasons:

1) The Lotus Notes Case Management software does not have the ability to extract prior year clearances, that is, cases that originated out of offenses that occurred in prior years, but that ultimately were cleared in 2018. This, again, is a technological issue that BPD is facing. Due to this technological issue, a manual search of paper forms has to be conducted by SIS internal case management every week to reconcile Lotus Notes with the current central records system, which may not be as up-to-date as Lotus Notes. Given that process, small discrepancies may occur because anything done by hand has a natural predisposition for error; and

2) Due to the limitations of the Lotus Notes Case Management software, the numbers reported for clearances in this report only include adult sex offenses, and SIS's overall clearance rate includes child sex offenses as well.

As the technology increases, BPD will be able to correct, without going through by hand, the prior year clearance issue and also will be able to filter child sex abuse cases from physical child abuse cases. These are just some of the problems the Technology Resource Study and Plan are tasked with solving.

Cases submitted to Baltimore City State's Attorney's Office for Review in 2018

As stated above, 101 cases were cleared in 2018, leaving 146 cases open; however, some of those cases may be with the Baltimore City State's Attorney's Office (BCSAO) for review. Historically, the SOU and the BCSAO have maintained a very collaborative partnership; many times before the case is even formally sent to the BCSAO, SOU detectives and prosecutors are in contact with one another regarding a case. Even though BPD has the independent authority to charge and arrest suspects based on probable cause, BPD and BCSAO are in close contact prior to arrest and charging in order to develop successful prosecutions of offenders. However, the ultimate decision on prosecution lies with the BCSAO, which is why even when SOU charges a case, it still is submitted to the BCSAO for review.

The SOU submitted 132 cases (43%) in 2018 to BCSAO for review of charges. All types of sexual assault cases (UCR and Non-UCR) are sent to the BCSAO, which is why the rate of cases given to the BCSAO is out of the total number of 298 cases for 2018. However, BPD's submission of a case to the BCSAO does not necessarily mean that the case will be prosecuted. Submission of a case to BCSAO is usually the final step in what has been an ongoing review process between the SOU and BCSAO that will end with a charge, the need for further investigation, or no charge. With that said, the 132 cases submitted to the BCSAO in 2018 does not include the number of cases charged by BPD prior to submission to the BCSAO.

While both the SOU and BCSAO have a close relationship, it is currently governed by a more informal process. BPD does not currently track data outcomes from the BCSAO, yet BPD recognizes that the Consent Decree reforms, Paragraph 264(e)(4) specifically, may require more tracking for better transparency moving forward. For future reports, BPD plans to develop a mechanism to track and report these outcomes to provide more transparency to the public regarding the process of charging sexual assault cases.

SAFE Kit Testing

> _f. Data about the processing of forensic medical exams (often referred to as "rape kits"), including: (1) date of reported incident; (2) date of SAFE exam; (3) date detectives request lab analysis of SAFE exam; (4) date detectives receive lab analysis results._
>
> **_[Consent Decree, ¶ 264]_**

An important part of investigating sexual assault cases is utilizing Sexual Assault Forensic Exam (SAFE) kits in order to collect evidence and document a victim's injuries, if any, and a narrative of the incident. Commonly known as rape kits, SAFE kits are containers that include checklists, materials, and instructions, along with envelopes and containers to package any specimens collected during the exam. (RAINN, https://www.rainn.org/articles/rape-kit).

While the SOU currently does not have the technological capability to satisfy Paragraph 264(f) of the Consent Decree, there are still some relevant data points, like testing request rates, that BPD does have the ability to collect and report on. By reporting testing request rates, BPD can begin to track SAFE kit processing with a more data driven effort.

In 2018, 187 SAFE kits were completed for 298 cases (63%). However, there are several reasons a case may not have a SAFE kit attached to it. For example, SAFE kit collection and testing can be declined by victims. BPD respects a victim's right to not participate in a SAFE. Also, SAFEs generally are not performed if more than 5 days have passed since the incident, as the presence of DNA evidence may have deteriorated to the point that testing likely would be inaccurate. However, of those 187 SAFE kits collected, the SOU submitted 185[9] to BPD's crime lab for analysis, giving BPD a test request rate of 99% for the SAFE kits they receive.

Although BPD acknowledges its inability to provide data responsive to Paragraph 264, BPD still strives to extract what it can from its available data sources. For example, during the data retrieval process for this report, the SOU developed a new way, moving forward, to track outstanding SAFE kits. The new process will look at cases starting in 2019 with SAFE kits that were submitted but do not have a lab processing request and SAFE kits that are being processed but do not have results yet, for better oversight. This is just one example of how BPD currently strives to find ways to advance data retrieval and meld together fractured data to provide a more comprehensive picture.

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[9] Of the two cases not sent for testing, one occurred outside the jurisdiction of Baltimore City and one had no testable material (no swabs to be tested). In the case of no testable material, the SAFE kit still would include a full report from the hospital, and/or photographs of any injuries, etc., but there may not have been a need for swabs based on case circumstances or the victim may not have wanted to go through the process of obtaining swabs, a process that can be very invasive.

Limitations and Future Reports

Limitations

As stated in the introduction and throughout this report, many of the terms set out in Paragraph 264 of the Consent Decree for sexual assault investigations data collection and reporting currently are not within BPD's capacity due to numerous technological limitations. Below is a table with a breakdown of the specific data mandated by the Consent Decree, and the status of both the available and unavailable data.

Table 2: Breakdown of Consent Decree Requirements and Available/Unavailable Data from Lotus Notes

Consent Decree Requirements (¶ 264 (a) – (f))	Status of Available Data	Unavailable Data
a. the numbers of sex offenses, broken down by crime category, that are reported to the BPD, identifying, where applicable, incidents involving co-occurring crimes (i.e., sexual assaults involving domestic violence or stalking)	The number of sex offenses, broken down by crime category and identifying cases involving domestic violence: ➔ For SOU cases only	• Numbers for sex offenses handled by patrol. • BPD's data systems currently are not able to identify in a reportable field if a case is related to the potentially co-occurring crime of stalking. If it was noted by the detective, it only would be located in a free form narrative, which BPD's current technology cannot query.
b. The number of offenders, both the totals and broken down by gender (i.e., male, female, transgender, queer or non-binary) and the relationship of the offender to the victim (i.e., stranger or non-stranger)	Currently, only an aggregate view.	• As technology improves, so will BPD's capacity to collect data, and the ability to breakdown offender demographics to an even greater extent will then be available.
c. The number of victims/complainants, both the	Currently, only an aggregate	• As technology increases, so will the

totals and broken down by gender, race, and age (i.e., under 18 and 18 and older)	view.	reporting ability to breakdown victim demographics to an even greater extent.
d. The total number of sex offense reports categorized as founded and unfounded, broken down by the BPD unit categorizing the report	Total number of sex offense reports categorized as founded and unfounded. ➔ For SOU cases only	
e. The total numbers of sex offense reports, broken down by the BPD unit handling the report, that (1) were cleared by arrest, (2) were cleared by exceptional clearance, including by clearance category, (3) remain open and inactive, and (4) were referred to the Baltimore City State's Attorney's Office for the filing of charges	Total numbers of sex offense reports: • Cleared by arrest • Cleared by exception • Referred to the BCSAO for review ➔ For SOU cases only	• Numbers for sex offenses handled by patrol. • Referred to BCSAO for charges can be a misnomer. There are other reasons BPD could send cases to the SAO for review as explained earlier in this report.
f. Data about the processing of forensic medical exams (often referred to as "rape kits"), including: (1) date of reported incident; (2) date of SAFE exam; (3) date detectives request lab analysis of SAFE exam; (4) date detectives receive lab analysis results	• SOU was able to report the number of SAFE kits collected in 2018, and how many out of those were submitted for testing.	• Due to current technological limitations, BPD cannot currently report on the data requested in ¶ 264(f). • As BPD's technology improves, so will its reporting abilities.

Future Reports

Moving forward, it is the goal of BPD to identify various holes in the current data collection processes and address those issues. In future reports, for example, BPD will begin tracking the various ways cases are referred to the BCSAO, implementing new departmental forms to be able to begin tracking more data related to LGBTQ victims, and analyzing demographic data in more depth. BPD also is currently considering a mechanism to survey victims on their experiences with BPD services, and once implemented, will be reported on in a future iteration of this report. Ultimately, as discussed earlier, once the technology plan is implemented, there will be much more in-depth data reporting at all levels. However, in the meantime, BPD will do all it can to increase the scope and breadth of reporting, especially in the area of sexual assault investigations.

Conclusion

The SOU has embarked on an organizational change to make the unit a trauma-informed, victim-centered, and offender-focused operation. Implementation of new policies, procedures, and training has taken the SOU to higher ground in the climb of reform. The Consent Decree provisions and goals of Section XI, *Handling of Reports of Sexual Assault*, will only make the unit more efficient in creating a model, trauma-informed, victim-centered, and offender-focused agency that is both constitutional and effective. This initial report, while admittedly lacking in many data points, is a significant step toward that goal. Despite being unable to fulfill all of the data reporting requirements under the Consent Decree due to BPD's current technological and systems limitations, this report was an extremely useful and helpful exercise. BPD was able to discover what the agency currently tracks and how to address data gaps in the data capture process with regards to sexual assault investigations.

The mission is certainly not complete. Data collection processes need to be re-evaluated and refined, technology needs to be in place to support the capture of the data, and there needs to be a unified, up-to-date, central records system that eliminates the need for multiple data systems and practices. However, this first data report, and others like it, will continue to inform and direct how BPD needs to track and report the data that is available. Interim solutions to pull data over the next several months will bolster the quality and robustness of the data in order to provide more substantive analysis in future reports regarding BPD's sexual assault investigations.

This report will continue annually, with the understanding and expectation that data practices will improve, especially as new technology is implemented. With upgraded technology and enhanced data collection, the data reports will reflect a more in-depth analysis, providing BPD and the community with a clearer understanding of sexual assault investigations in Baltimore

City. The increased data accuracy and transparency will aid BPD and its city partners in creating an evidenced-based strategy to improve sexual assault investigations, and create a model, 21st century, trauma-informed, victim-centered agency that is focused on identifying offenders and holding them accountable.