



Policy 708

Subject	
RAPE AND SEXUAL ASSAULT	
Date Published	Page
1 July 2016	1 of 6

By Order of the Police Commissioner

POLICY

It is the policy of the Baltimore Police Department (BPD) to investigate all reported rapes and other sexual offenses. Members shall display the utmost regard for the victim's physical and emotional well-being and deal sensitively with the victim's trauma.

The BPD complies with the policy of the State of Maryland, and the Violence Against Women Act (VAWA) that states, "No law enforcement officer, prosecutor or other government official shall ask or require the victim of an alleged sexual offense to submit to a polygraph examination or other truth verification device as a condition for proceeding with the investigation of that offense. The refusal of a victim to submit to a polygraph examination or other truth verification test shall not prevent an investigation from going forward."¹

The Criminal Investigation Division (CID) will handle the following investigations:

1. Rapes and Attempted Rapes.
2. 1st / 2nd / 3rd Degree Sex Offenses and attempts.
3. Other complicated cases as deemed necessary by the Chief, CID.

Unit Investigative Responsibilities

Special Investigations Section, Sex Offense Unit — Investigates all cases in which the victim is 16 years of age and older, regardless of custody issues.

Special Investigations Section, Child Abuse Unit — Investigates all cases in which the victim is 15 years of age and younger.

REQUIRED ACTION

Patrol Member

1. Upon receiving a sex offense call for service, respond immediately and attempt to locate a victim or reporting person and render medical attention, if required.
 - 1.1. If a victim or reporting person is located:

¹ Violence Against Women Act as amended 2005 and 2009.

- 1.1.1. Immediately contact the Sex Offense Unit or the Child Abuse Unit and speak to the on-duty detective.
 - 1.1.2. Obtain an initial statement from the victim or reporting person. Do not conduct an in-depth interview. Only ask questions necessary to establish the elements of the crime.
2. Remain at the crime scene and await further direction from the primary detective.
3. Broadcast the suspect's description and, if possible, identify and secure the crime scene and any potential evidence.
4. Write an unfounded report **ONLY** after contacting a Sex Offense or Child Abuse detective. Send an electronic copy of the report to the Sex Offense or Child Abuse Unit at: sexoffense@baltimorepolice.org or childabuse@baltimorepolice.org.
5. At all times, show the utmost regard for the victim's physical and emotional well-being.
6. If there will be a delay in the detective's arrival at the crime scene, follow the detective's instructions regarding transportation of the victim to the hospital.
7. Before transporting an unescorted victim of the opposite sex in a departmental vehicle:
 - 7.1. The transporting officer must inform the Communications Unit dispatcher of the location from which the member is departing, the intended destination, and the beginning and ending odometer readings. See Policy 503, *Transportation of Passengers In Departmental Vehicles*.
 - 7.1.1. If any deviation from the originally declared destination occurs during the transport, immediately notify the Communications Unit dispatcher.
8. If an arrest is made for rape, attempted rape, sodomy, or first, second, or third degree sex offense, the arresting officer shall notify the Sex Offense Unit **IMMEDIATELY**.
9. If you are unable to locate a victim or reporting person:
 - 9.1. Request assistance from the Communications Unit dispatcher in making subsequent efforts to re-contact the original caller by telephone.
 - 9.2. Speak with all persons present in the immediate vicinity in an effort to locate the original caller and determine what events occurred prior to your arrival.
 - 9.3. Remain in contact with a permanent-rank supervisor or shift commander and advise him/her when you believe all reasonable efforts to locate a victim or reporting person have been exhausted.
 - 9.4. Complete a detailed Crime Incident Report, Form 008, entitled "Unfounded Sex Offense." Document in the narrative of this report all efforts made to locate a victim or reporting person.
10. A written report, which describes your preliminary investigation, is required if:

10.1. A sex offense call for service is unfounded.

10.2. A crime other than a sex offense has occurred.

NOTE: No sex offense call for service may be closed without a written report.

Sergeant, Neighborhood Patrol Bureau

1. Do not allow patrol officers to close out sex offense calls for service without writing an Incident Report.
2. Respond to the scene of all sex offense calls for service. If a patrol officer responds to a sex offense call for service and locates a victim or reporting person, respond to the location without undue delay to supervise the conduct of the initial investigation and to ensure that all appropriate notifications are made.
3. If, after consultation with the Sex Offense Unit, it is determined that the sex offense call for service is unfounded, ensure a detailed Crime Incident Report, Form 008, is completed documenting the facts and circumstances that justify such a determination.
 - 3.1. If the preliminary investigation determines that a crime other than a sex offense has occurred, ensure the Communications Unit dispatcher is notified to make the appropriate changes and notations within the Computer Aided Dispatch (CAD) system.
4. Ensure any crime scene(s), evidence, witness(s) and/or suspect(s) are properly secured or protected, as necessary.
5. Make certain all allegations, including any attempts of Rape and 1st / 2nd / 3rd Degree Sex Offenses are reported to the Sex Offense Unit or Child Abuse Unit, regardless of case status.

Shift Commander, Neighborhood Patrol Bureau

1. Ensure that all subordinates under your command comply with the procedures outlined in this policy.
2. When a sex offense call for service is dispatched to a member whose immediate sector supervisor is an Officer-In-Charge (OIC), direct an available sergeant to perform the duties detailed in the section of this policy entitled, "Sergeant, Neighborhood Patrol Bureau."

NOTE: In the event a sergeant is not available, the Shift Commander must perform the duties detailed in the section of this policy entitled, "Sergeant, Neighborhood Patrol Bureau."

Special Investigations Section, Sex Offense Unit and/or Child Abuse Unit Detective

1. Debrief the primary Patrol Officer and:
 - 1.1. Respond to the crime scene and assume control.
 - 1.2. Interview the victim.

- 1.3. Instruct the officer(s) securing the crime scene regarding any physical evidence that must be processed and recovered by the Laboratory Section's Mobile Crime Lab Unit.
2. The detective will relieve the primary patrol officer only after his/her assistance is no longer needed to protect the crime scene, ensure the victim is safe and has adequate support, locate witnesses, find evidence, and/or help with transportation, etc.
3. Once the medical examination is complete, ask the victim if there is any reason (such as unsafe conditions) that might prevent him/her from returning home.
4. If the victim is a child or vulnerable adult, regardless of care or custody issues, notify a parent or guardian as soon as possible. If the suspect is the child's/vulnerable adult's parent, guardian or other household or family member, or has the care, custody, control, or responsibility for the child's/vulnerable adult's supervision, promptly inform the Department of Social Services, Child Protective Services/Adult Protective Services.

NOTE: If the crime involves a victim 15 years of age or younger, follow the related procedures in Policy 1201, *Child Abuse Investigations*.

5. Write all offense reports pertaining to incidents which are deemed founded.

Detective Hospital Procedures

1. Determine the appropriate medical facility for examination of sexual assault victims as follows:

- 1.1. If a victim is 12 years of age and younger:

University of Maryland Medical Center
Pediatric Emergency Room
22 South Green Street (main floor)
410-328-6335

- 1.2. If a victim is 13 years of age and older:

Mercy Medical Center
Emergency Department
301 Saint Paul Place, (corner of Calvert and Pleasant Streets)
410-332-9477

NOTE: To preserve the dignity of the victim, members will refer to the victim as an "assault victim."

2. A relative or friend may transport the victim in a private vehicle. The victim should not drive.
3. At the emergency room, complete the appropriate blocks on the Physical Examination and Collection of Evidence for Rape and Sexual Assault form and return it to the Sexual Assault Forensic Examiner (SAFE) nurse.
4. Ensure the original form entitled Physical Examination and Collection of Evidence for Rape and Sexual Assault remains with the SAFE nurse and is placed inside the SAFE Kit.
5. If the victim refuses medical attention, advise him/her of the potentially serious consequences:

- 5.1. Exposure to a communicable disease, if left untreated, may hurt health and well-being.
- 5.2. Timely recovery of physical evidence is essential. Delays will likely impede successful prosecution of the case.
6. If the victim chooses to see a private physician:
 - 6.1. Stress the importance of prompt medical treatment.
 - 6.2. Private physicians are not required to complete police department forms or reveal the results of any examination unless compelled by court order. Advise the victim that SAFE Kits can easily be obtained from the University of Maryland or Mercy Medical Centers, or from a Sex Offense detective.
7. After the examination, make certain the victim is transported to the Sex Offense Unit for further interviewing. If the victim's mental or physical condition is not conducive to an interview, the detective shall ensure the victim's safe return home or a reasonable destination of his/her choice. Record the victim's ultimate destination only in a Special Investigation Section supplement.
 - 7.1. Schedule an appointment with the victim for a follow-up interview.
8. Submit all recovered evidence to the Evidence Control Unit (ECU), see Policy 1401, *Control of Property and Evidence*. Evidence will usually be collected by the Sexual Assault Forensic Examiner (SAFE) nurse during the medical examination. These items include, but are not limited to:
 - 8.1. Every article of the victim's clothing, which must be packaged separately.
 - 8.2. The SAFE Kit.
 - 8.3. All other evidence, whether recovered at the crime scene, from the victim or from the suspect, must be promptly submitted to ECU.

NOTE: For safety, use Biohazard Safety Techniques. Refer to Policy 810, *Exposure Control Plan for Communicable Diseases, Blood-borne Pathogens and Human Bites* and Policy 706, *Hazardous Material Incidents*.

Police Dispatcher, Communications Unit

1. Promptly dispatch all sex offense calls for service and provide responding units with all relevant information.
2. Do not accept any oral reporting code other than a written report (XN or XY) even if the incident is unfounded.
3. If a primary patrol officer's initial field investigation determines that a sex offense call for service is unfounded or that a crime other than a sex offense has occurred, change the incident as necessary and make all appropriate notations in the call history.
4. When requested, notify the appropriate hospital of the imminent arrival of the officer and the

victim.

5. Assist the primary patrol officer in making the required notifications to the Sex Offense Unit, Mobile Crime Lab Unit, Child Abuse Unit, etc.

DELAYED REPORTING OF A SEXUAL ASSAULT

Member

1. When a victim reports a sexual assault, adhere to the procedures established in this policy.
2. Transport the victim to Mercy Medical Center, unless the victim is already receiving treatment at another hospital and the transport would jeopardize the health of the victim.
3. Allow the Forensic Nurse Examiner (FNE) to interview/examine the victim. The FNE will inform the victim of the delayed reporting process, including the completion of any forms.
 - 3.1. If the FNE advises that the victim has chosen delayed reporting (Jane/John Doe) notify the Sex Offense Unit. The Sex Offense Unit will investigate, in keeping with the SOP for Sex Offense Unit Jane/John Doe Procedures.

ASSOCIATED POLICIES

Policy 503, *Transportation of Passengers In Departmental Vehicles*

Policy 706, *Hazardous Material Incidents*

Policy 810, *Exposure Control Plan for Communicable Diseases, Blood-borne Pathogens and Human Bites*

Policy 1401, *Control of Property and Evidence*

RESCISSION

Remove and destroy/recycle Policy 708, *Rape and Sexual Assault*, dated 2 June 2015.

COMMUNICATION OF POLICY

This policy is effective on the date listed herein. Commanders are responsible for informing their subordinates of this policy and ensuring compliance.