



# Policy 708

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*By Order of the Police Commissioner*

## POLICY

It is the policy of the Baltimore Police Department (BPD) to fully investigate all reported Rapes and other Sex Offenses in an unbiased manner and in compliance with federal, state and local nondiscrimination laws. BPD's Sexual Assault policy, procedures, and guidelines reflect a trauma-informed, victim-centered, and multi-disciplinary approach from the initial 9-1-1 call through the investigation of the crime. Members shall prioritize the victim's physical and emotional well-being, remain non-judgmental and respectful at all times, and ensure their response is trauma-informed. BPD understands that how a member responds to a victim plays a significant role in the case's success and likely affects the victim's participation in the case as well as how the victim copes with the incident.

BPD understands that most Sex Offenses are perpetrated by an offender who is known by the victim<sup>1</sup>. Furthermore, BPD recognizes that an important characteristic of non-stranger rapists is that many rapists are serial offenders. As such, BPD is committed to an offender-focused strategy which scrutinizes the actions and choices of the offender, and to thoroughly and aggressively investigating all reported cases of Sexual Assault and Rape to protect the safety of the community.

**Patrol plays an important role as the initial responder to calls for Rape and Sex Offenses. BPD's Sex Offense Unit (SOU) serves as the primary investigator for cases of Rapes and attempted Rapes, 3<sup>rd</sup> Degree Sex Offenses and attempts, 4<sup>th</sup> Degree Sex Offenses, and other cases as deemed necessary by the CID Command. Patrol shall call SOU for consultation for all Sex Offense calls. If the victim is 15 or younger, contact the Child Abuse Unit (CAU) and refer to Policy 1201, *Child Abuse Investigations*.**

## CORE PRINCIPLES

### Trauma-Informed Response

1. Rape and Sexual Assault are traumatic experiences, and BPD is dedicated to providing a trauma-informed response to victims. All BPD members shall understand that:
  - 1.1 There is no typical reaction to being sexually assaulted and individuals react differently to trauma. Reacting with or without emotion does not indicate the legitimacy of a report, and either reaction is common. Other reactions to trauma may include, but are not limited to: sadness, anger, anxiety, fear, guilt, detachment, nausea, elevated heart rate, exhaustion, and greater startle response.

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<sup>1</sup> BPD recognizes that some individuals or groups prefer to use the term 'survivor' instead of 'victim'. For the purposes of BPD's policies and protocols, the standard legal convention of 'victim' is used.

- 1.2. Most victims never make a report and when a report is made, it is often delayed. Delayed reporting is common due to many factors, including trauma, shock, denial, self-blame, threats or coercion by the suspect, fear of not being believed, or minimizing the incident, among other reasons. Delayed reports shall be considered normal, must be treated the same as all other cases, and shall never deter a thorough investigation. A delayed report, by itself, does not justify delaying or stopping an investigation or closing a case.
- 1.3. Most victims experience continuing trauma that may affect their physical, emotional, social, and economic state. Due to on-going trauma, it may be hard for the investigator to keep in contact with the victim, elicit all of the case details, or clearly understand the event timeline. Members may minimize further trauma by creating a respectful, objective response rooted in understanding, patience, and compassion.
- 1.4. Victims may experience difficulty remembering details of the incident due to fragmented memory frequently associated with trauma, and it may affect the victim's ability to explain events in a chronological form. This does not mean that the victim is lying or intentionally leaving out details. As trauma recedes, details may emerge.
- 1.5. False reports are rare. Members should validate the victim's perspective, assure the victim that their response is natural and understandable, and explain that the report shall be taken seriously and investigated thoroughly.
- 1.6. Trauma-informed care also extends to BPD members who, after exposure to victims' traumatic situations, can experience vicarious trauma. Any BPD member with questions about their response to work-related trauma exposure is encouraged to contact Officer Safety and Wellness for confidential support and services. See Policy 1703, *Employee Assistance Program*.

### Victim-Centered Response

2. BPD's victim-centered response to Rape and Sexual Assault seeks to minimize re-traumatization at all phases of the victim's interaction with the criminal justice system. The member shall prioritize the safety, privacy and well-being of the victim and ensure compassionate and respectful delivery of services in a nonjudgmental manner.
3. Members shall treat victims with respect, patience, sensitivity and compassion, regardless of their sexual orientation, gender identity, socio-economic status, sexual behavior, substance use or abuse, mental and physical challenges, English fluency, work in the sex trade, or any other discernible personal characteristic.
4. It is important for members to recognize that it is the offender, not the victim, who is responsible for the Rape or Sexual Assault.
5. 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 Sex 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.”<sup>2</sup>

6. Members shall acknowledge and consider victims’ input into how the case proceeds.
7. Members shall timely respond to inquiries from the victim and ensure the victim is kept up-to-date regarding the investigation, to include providing information on Sexual Assault Forensic Exam (SAFE) storage, testing and retention, arrests, and the filing of charges. With the victim’s permission, members may also provide updates to the advocate.
8. Members shall not pressure the victim to make any decisions regarding participation in the investigation or prosecution at any stage. The victim has the right to decide whether or not they will participate.
9. If during the course of a Sexual Assault investigation, the victim discloses their participation in prostitution or drug use, BPD shall not charge the victim with those crimes.
10. All victims shall be offered access to advocates who may provide support, interview and forensic exam accompaniment, social services, legal and counseling referrals, and information.
11. Members shall inform victims at the earliest opportunity that they have the right to request that the member deactivate their Body-Worn Camera (BWC). If a victim makes this request or prefers BWC deactivation, the victim should make this request on camera, and the member shall respect the victim’s wishes. See Policy 824, *Body-Worn Camera*.
12. To preserve the dignity and privacy of the victim, members shall refer to the victim as an “assault victim” for communications in public or that may be heard by a Third Party Reporter (e.g., KGA communications, hospital check-ins, or other such situations). All BPD members shall limit communications that could identify the victim or reveal private information related to the victim or incident.

## **DEFINITIONS**

**4<sup>th</sup> Degree Sex Offense** — A specific type of sexual offense that often involves Sexual Contact with another without the consent of the other and does not rise to the level of 3<sup>rd</sup> degree sexual offense. For the full definition, which includes important details about what entails a 4<sup>th</sup> Degree Sex Offense, see *Appendix A*.

**Jane/John Doe/Blind Reporting** — A victim of a Sexual Assault who does not want to report the incident to the police. The victim can still have a SAFE conducted confidentially, and the evidence collected will be kept for 75 years in compliance with applicable Maryland law. If at any point during this time the victim wishes to involve the police, an investigation will be initiated.

**Rape** — 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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<sup>2</sup> Violence Against Women Act as amended 2005 and 2009.

**Sexual Assault/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).

**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 fourteen (14) 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.

**Sexual Assault Response Team (SART)** — A multidisciplinary team composed of member organizations that ensure competent, coordinated and comprehensive services for the benefit of victims and the community. Commitment to the SART also assists the Department to ensure its practices are current and in compliance with national law enforcement best practices. SART's mission is to provide a collaborative, victim-centered and trauma-informed response to sexual violence in the City of Baltimore. Members include the BPD, the Office of the State's Attorney, Mercy Medical Center, TurnAround, Inc., the Maryland Coalition Against Sexual Assault, and the Sexual Assault Legal Institute.

**Sexual Contact** — An intentional touching of the victim's or actor's genital, anal, or other intimate area for sexual arousal or gratification, or for the abuse of either party.

**Sexual Misconduct** — Any behavior by a BPD member that takes advantage of their position in law enforcement to (1) misuse authority and power (including force) in order to commit a sexual act, (2) initiate Sexual Contact with another person who is in law enforcement custody, or (3) participate in any Sexual Contact with another person while on duty with or without that person's consent. It also includes any communication or behavior by a member that would reasonably be construed as obscene, indicating sexual interest, inappropriate, or conduct unbecoming a sworn member and violates general principles of acceptable conduct common to law enforcement. (See Policy 301, *Code of Ethics*, Policy 305, *Department Values, Vision, and Mission*, Policy 322, *Member-Involved Sexual Misconduct*.)

**Third Party Reporter** — Any person who on behalf of a victim seeks to report a crime or obtain information about how to file a complaint to assist a victim in obtaining victim services.

**Unfounded** — A report to law enforcement that is determined through investigation to be false or baseless; no crime occurred. *Law Enforcement Support System & Crime Statistics Management Unit (2013). Summary Reporting System (SRS) User Manual. Published by the Criminal Justice Services Information Center, Federal Bureau of Investigation, U.S. Department of Justice.*

**Victim Advocate** — An individual who is specifically trained to provide support to survivors of Sexual Assault. These individuals provide emotional support, victims' rights information, and access to resources. Advocates may accompany survivors throughout the criminal justice proceedings, including accompaniment during SAFEs and police interviews. TurnAround, Inc., a SART partner, is the agency that generally provides advocate services for victims interacting with BPD. Victim service providers who receive funding under the Violence Against Women Act (VAWA) are prohibited under VAWA confidentiality regulations from providing personally identified information about victims to law enforcement without the victim's prior written authorization.

## **DIRECTIVES**

### **9-1-1 Operator, Baltimore City Emergency Communications**

13. When reaching out to the criminal justice system, a 9-1-1 Operator often is the first person a

Sexual Assault victim may speak with after their assault. This initial contact requires compassionate care and a report should not be judged or disregarded based on a victim's demeanor during the call. Sexual Assault victims who experience trauma may react in varying ways, including displaying behaviors that range from crying, and rage to laughter, calmness and lack of emotional response. There is not one typical reaction.

14. Utilize the International Academy of Emergency Dispatch's Sexual Assault (Emergency Medical Dispatch) Protocol to determine:
  - 14.1. If any injuries, other than the Sexual Assault itself, are reported;
  - 14.2. Location of victim and incident; and
  - 14.3. Information on suspect, if known, such as description, relationship to victim, and direction of travel.
15. If no injuries are reported, only a police response is needed.
16. Request that the victim not change clothes, bathe, shower, or go to the bathroom, if possible.
17. Request that the victim not disturb the scene or move anything.

#### **Police Dispatcher, Communications Section**

18. Promptly dispatch all Sex Offense calls for service and provide responding units with all relevant information.
19. Do not accept any oral reporting code other than a written report (XN or XY). If a member requests an oral reporting code, remind the member that a written report is required for all Sex Offense calls.
20. Upon notification by a permanent-rank supervisor that a crime other than a Sex Offense has occurred on a call originally coded as a Sex Offense, change the incident as necessary and write the name of the supervisor requesting the change and the reason for the change in the call history.
21. Assist the primary patrol member in making the required notifications to the Sex Offense Unit (SOU), Mobile Crime Lab Unit, or any other appropriate units.

#### **Patrol Member**

##### **Initial Contact with Victim or Reporting Person**

22. Upon receiving a Sex Offense call for service, respond immediately and attempt to locate a victim or reporting person. Prioritize the victim's privacy throughout the preliminary investigation.
  - 22.1. When a Third-Party Reporter (not the victim) reports a Sexual Offense, follow the relevant investigative stops below and ensure that all steps taken are documented. The report of a Sex Offense shall be taken, whether the incident is being reported by the victim or by a Third-Party Reporter (not the victim).

23. Render medical aid if required or requested by the victim and prioritize the victim's physical and emotional well-being.
24. Obtain an initial patrol statement from the victim or reporting person using **Trauma-Informed Response** and **Victim-Centered Response principles**. Do not conduct an in-depth interview. Obtain only minimal facts (e.g., incident location, detailed suspect description, possible witnesses) and ask questions necessary to establish the elements of the crime (e.g., statements and actions of the perpetrator, relationship between the victim and perpetrator, and reactions/state of mind of the victim). Some considerations for obtaining the initial statement are:
  - 24.1. Allow the victim to explain what happened without interruption, if possible. Written reports should use the victim's exact words, using quotations when possible, to describe the elements of the crime.
  - 24.2. Next, limit questions to clarify basic information. Ask open-ended, non-accusatory questions. Do not challenge the victim's narrative.
  - 24.3. Avoid using police jargon when speaking to the victim.
  - 24.4. It is very important to obtain accurate contact information for the victim and any witnesses (e.g., address, home/mobile/work phone number(s), email, and contact number for a friend or family member). To help protect victim privacy, confirm whether the member may leave a message during any follow-up contact.
  - 24.5. Be aware of the circumstances of each individual case and how it may impact the Investigation (for example, a non-stranger Sexual Assault or the victim is a member of a vulnerable or marginalized population). Adjust your approach accordingly and avoid questions that are or sound victim-blaming, such as "why?" questions. It may help to explain that sensitive questions are essential to the investigation and not meant to remove blame from the suspect.
  - 24.6. All conversations with the victim and any witnesses should occur separately and privately. Determine whether the victim has any safety concerns or fear of retaliation. If so, the member should engage in safety planning with the victim and connect them to appropriate resources.
  - 24.7. If the incident involves a BPD member, notify a permanent-rank supervisor as soon as possible so they can inform the SOU Commander and the Public Integrity Bureau (PIB). See Policy 322, *Member-Involved Sexual Misconduct*.

**NOTE:** Refer to Policy 712, *Crisis Intervention Program*, Policy 1735, *Language Access Services for Limited English Proficient (LEP) Persons*, Policy 720, *Interactions with Lesbian, Gay, Bisexual, Transgender, Queer/Questioning (LGBTQ) Individuals*, and Policy 1103, *Communicating with Individuals who are Deaf and Hard of Hearing*, for applicable situations. Also consider any needed accommodations for other situations, such as alcohol or drug impairment and development disabilities, among others.

25. **Contact the Sex Offense Unit (SOU), 410-396-2076, for every Sex Offense call** and speak to the on-duty detective. If unavailable, contact Communications for assistance in contacting the on-duty detective.
  - 25.1 Provide preliminary case information to the SOU detective and follow the detective's directions. All of the following steps shall be completed at the instruction of the SOU detective.
  - 25.2. Include the name of the detective contacted in the Incident Overview in Axon Records.
26. If a suspect has fled the scene, broadcast the suspect's description. Follow normal suspect canvassing and apprehension procedures along with these specific considerations for Sex Offense cases:
  - 26.1. **Do not have the suspect transported to the victim's location.**
  - 26.2. Subject to victim consent and if appropriate for the circumstances, transport the victim to the location where the suspect is detained, and allow the victim to observe the suspect in a way that the suspect cannot see and/or identify the victim. Be mindful of the victim's emotional state and minimize re-traumatization.
  - 26.3. Members may transport the victim to do an area canvass for the suspect, if appropriate (e.g., for stranger cases or when the suspect is nearby). **Prior to doing so, the member must consult the SOU for guidance.** Important factors to consider are the victim's emotional, physical and/or mental state and the potential for further trauma or fear. Follow BPD policy regarding transportation of passengers and apprehension of suspects. If a suspect is located, document the victim's words, if any, (as precisely as possible) stated upon observing/identifying the suspect.
27. When taking the suspect into custody, identify and take steps to preserve potential evidence, including biological evidence, on their person (at the instruction of the SOU detective). This may include transporting the suspect to a forensic hospital for a suspect SAFE (See Policy 1114, *Persons in Police Custody*).
28. Provide all victims with Form 310, Sexual Assault Victim Resources, and the member should explain that helpful services are available. Available services include comprehensive medical care, free forensic examinations for evidence collection, advocates, and reimbursements.
29. Inform the victim that a detective shall be consulted and assigned to investigate the case.
30. Identify and secure any potential witnesses, the crime scene, and any potential evidence.
  - 30.1. This may include providing advisories to the victim about not bathing, changing clothes, combing hair, brushing teeth, or touching any items or furniture the suspect may have touched. It may also include having the victim assist in recovering any possible additional evidence from before or after the incident. Explain the importance of preserving evidence for an effective investigation.
  - 30.2. At the direction of the primary detective, collect evidence or instruct crime lab personnel per Policy 1401, *Control of Property and Evidence*. In general, if any potential evidence is present on the suspect, notify the Crime Lab for evidence collection. If there is

immediate risk that the evidence could be destroyed, the member should remove and secure the evidence.

**NOTE:** Always use appropriate biohazard safety techniques. See Policy 810, *Bloodborne Pathogens and Human Bites* and Policy 706, *Hazardous Material Incidents*.

31. If the offense is related to domestic violence, ensure the case is coded properly (XY) and inform the primary detective that the offense is domestic violence related.
32. Remain at the crime scene, maintain a crime scene log and maintain a secure scene at the direction of the SOU detective. Attach the Crime Scene Log to the Incident Report.
33. A victim has the right to decline medical attention or to decline to provide information and shall not be pressured or required to do either. In such situations:
  - 33.1. Respectfully advise the victim about the opportunity for a free SAFE examination and comprehensive medical care, and the benefits of these services, such as early detection of communicable diseases, availability of appropriate medication, and the timely recovery of physical evidence which may help the case.
  - 33.2. If the victim does not want a SAFE examination or they do not want to speak with a detective, ask if they would like to be referred to an advocate. If yes, inform the SOU detective.

**NOTE:** Victims of Sexual Assault may decline medical services, decline to participate in an investigation, or recant for various reasons (e.g., fear of retaliation by the offender, concern about not being believed, hesitancy regarding the criminal justice system, and a loss of privacy, among others). A victim's reluctance is neither indicative of a false report nor reason to stop an investigation or forego a strong, evidence-based investigation.

34. Inform the victim of the next steps and who shall be handling their case. Whenever possible, help with transitions through personal introductions.

#### Transporting Victims to the Hospital

35. Follow the detective's instructions regarding transportation of the victim to the hospital, and any victim transport must comply with Policy 503, *Transportation of Passengers* and Policy 720, *Interactions with Lesbian, Gay, Bisexual, Transgender, Queer/Questioning (LGBTQ) Individuals*. Document the hospital in Records.
36. The designated medical facility for SAFE exams is Mercy Medical Center. Victims shall generally be transported to Mercy in all instances in which a SAFE exam is warranted and only when the victim has agreed and provided consent to be transported. If the victim requests to be accompanied by friends or family members, that request should be honored.

**NOTE:** A relative or friend may transport the victim in a private vehicle, if the victim prefers. The victim should not drive, unless that is their preference.

37. While Mercy Medical Center is the facility best equipped for conducting SAFE exams, the victim's health, safety and preferences shall be prioritized in determining to which medical facility the victim shall be transported, or when determining whether to leave a victim in a



medical facility where they are already located. Arrangements can generally be made for a forensic nurse to travel to another medical facility to conduct a mobile SAFE exam (referred to as “go-exams”) when the victim is transported to or located at a facility besides Mercy. In such instances, notify the primary detective for guidance and assistance with go-exam arrangements.

38. Ensure the victim is aware that a hospital advocate is available and can accompany the victim for the exam. If the victim prefers to meet with an advocate before the exam, this should be honored unless one is not available.
39. If directed to do so by the primary detective, while at the emergency room, complete the appropriate sections on the Physical Examination and Collection of Evidence for Rape and Sexual Assault form and return the original form to the Sexual Assault Forensic Examiner (SAFE) nurse.
40. The results of drug tests that are a routine and necessary part of the SAFE kit shall not be used to charge the victim with a drug offense.

#### **Patrol Reporting for ALL Sex Offense Cases**

41. Complete an Incident Report in Axon Records for **all** Sex Offense calls.
  - 41.1. The patrol member shall add a supplemental report by selecting “Narrative Only” and documenting all relevant details and observations in the narrative.
  - 41.2. Document observations in the report, including:
    - 41.2.1. Condition of the crime scene and evidence observed.
    - 41.2.2. Victim’s condition, to include injuries, demeanor, emotional state, and statements. The victim’s statements must be documented in their own words. Use direct quotes where possible.
42. The patrol member must complete reporting as directed by the SOU detective.
43. Member shall document which supervisor (or supervisor’s designee, if applicable) responded to the call and/or performed supervisory duties.

#### **Preliminary Investigation Resulting in an Unfounded Sexual Assault Call**

44. The vast majority of Sexual Assault calls are legitimate, and false reports are very rare. Members shall exhaust all efforts to determine whether a Sex Offense occurred and to locate a victim or reporting person.
45. If unable to locate a victim or reporting person:
  - 45.1. Request assistance from the dispatcher in making subsequent efforts to re-contact the original caller.
  - 45.2. Speak with persons present in the immediate vicinity and conduct other preliminary investigative efforts to attempt to locate the original caller and/or victim and determine what events occurred prior to the member’s arrival.

- 45.3. Remain in contact with a permanent-rank supervisor or shift commander and advise them when you believe all reasonable efforts to locate a victim or reporting person and to investigate the incident have been exhausted.

### Unfounded Reports

46. Unfounded may refer to a case that is either:
- 46.1. **Baseless** – A call that was improperly coded or a call that does not meet the elements of a crime, or
- 46.2. **False** – The investigation shows that an offense was not committed or attempted.

NOTE: An incident can only be officially classified as Unfounded-False after a complete investigation by SOU which demonstrates through evidence that no crime occurred or was attempted, has Special Investigation Section (SIS) chain of command approval, and is reviewed by the Sexual Assault Response Team (SART). A report **shall never** be deemed “Unfounded - False” as a result of the initial patrol victim interview or perceived reaction to report of the Sexual Assault.

47. **No** patrol member shall deem a report of Rape or Sex Assault as Unfounded – False. Whenever a patrol member is uncertain or doubtful about the truthfulness of a call, they shall contact SOU to conduct an investigation.
48. **Patrol members may ONLY designate a report as Unfounded under the following circumstances:**
- 48.1. **Baseless - the call was miscoded** – If upon responding to a call, the preliminary investigation reveals that the call was miscoded (e.g., victim and/or witnesses explains that the call is unrelated to a Sex Offense), contact the permanent-rank supervisor. The supervisor must agree that the call was miscoded, contact Communications to change the call code, and approve the member’s Unfounded report. Likewise, if it is clear after preliminary investigation that a crime other than a Sex Offense has occurred, notify the permanent-rank patrol supervisor to seek their approval.
- 48.2. **Baseless - there is no evidence of a crime** – If upon responding to a call and completing a full investigation, the member cannot find any evidence of a crime or attempted crime, they must contact their permanent rank supervisor and SOU, while still present on the scene, to seek approval from the detective to designate a report as Unfounded. Before contacting SOU, the member must conduct a thorough preliminary investigation, to include:
- 48.2.1. Making all reasonable efforts to locate the victim or reporting person, and to identify and secure witnesses,
- 48.2.2. Making all reasonable efforts to attempt to identify the crime scene(s) and collect evidence (there may be multiple scenes, including the space where the assault was committed and the bodies of the victim(s) and suspect(s)),
- 48.2.3. Any other possible investigative efforts.

NOTE: The SOU detective shall follow SOP guidelines to ensure the patrol member has done all of the above, and to assess if SOU can do further investigation.

48.3. **If there is ever any confusion or uncertainty about the nature of a call, the patrol member must call SOU.**

49. For both types of Unfounded reports, complete a detailed Incident Report. In the Offense card, enter "Unfounded Incident" as the Incident Type, and complete all applicable fields. Document all observations and information learned in the narrative, including all efforts made to locate a victim or reporting person and investigate the call.

#### **Permanent-Rank Supervisor, Patrol Division**

50. Respond to the scene of all Sex Offense calls for service. If a patrol member responds to a Sex Offense call and locates a victim or reporting person, promptly respond to the location to supervise the initial investigation and to ensure all appropriate notifications are made.

51. If extenuating circumstances prevent the supervisor from responding to the scene, and if no other supervisor is available, designate an Officer-In-Charge to hold the scene until a permanent-rank supervisor can respond.

52. Ensure that the preliminary investigation was appropriately conducted and that any crime scene(s), evidence, witness(es) and/or suspect(s) are properly protected or secured, as necessary.

53. For crimes under the jurisdiction of the SOU, do not re-interview the victim even if more information is needed.

53.1. Ensure the victim knows a detective will follow up with them and that they know who to contact if they have questions.

53.2. Ensure that the victim received Form 310, Sexual Assault Victim Resources.

54. Ensure all allegations of any sex-related crime are reported to the SOU or Child Abuse Unit (see Policy 1201, *Child Abuse Investigations*), regardless of case status.

55. If, after consultation with SOU, it is determined that the Sex Offense call for service is Unfounded, ensure a detailed Incident Report is completed that documents the facts and circumstances justifying such a determination.

56. If the permanent-rank supervisor determines that a crime other than a Sex Offense has occurred, ensure the dispatcher is notified to make the appropriate changes and notations within the CAD system.

57. Review whether the patrol member's response was trauma-informed and victim-centered, including whether they followed proper protocol for deactivating the BWC when the victim or witness requested it. If deficiencies are noted, identify whether training, mentoring, or another method would be appropriate to address the issue, and make any appropriate referrals.

58. Do not allow responding members to close out Sex Offense calls for service without completing a report.

59. If the incident involves a BPD member, ensure that notifications are made to the SOU Commander and the Public Integrity Bureau as soon as possible.

### **Shift Commander, Patrol Division**

60. 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, "Permanent-Rank Supervisor, Patrol Division."

**NOTE:** In the event a sergeant is not available, the Shift Commander must perform the duties detailed in the "Permanent-Rank Supervisor, Patrol Division" Section above.

### **Sex Offense Unit Detective**

61. The SOU detective shall handle the following investigations for individuals 16 years and older:
- 61.1. 1<sup>st</sup> and 2<sup>nd</sup> Degree Rapes and Attempted Rapes.
  - 61.2. 3<sup>rd</sup> Degree Sex Offenses and attempts.
  - 61.3. 4<sup>th</sup> Degree Sex Offenses.
  - 61.4. Other cases as deemed necessary by CID Command.
62. Assume control of any investigation under SOU purview in accordance with this policy.
- 62.1. Explain the SAFE procedure and the Jane/John Doe/Blind Reporting process to the victim.
  - 62.2. Ensure the victim is offered the opportunity to have an advocate present for the SAFE examination and the investigator's initial statement and/or the victim interview.
  - 62.3. Inform the victim that although victim participation in the investigation is preferable, further investigation is not contingent on victim participation.
  - 62.4. Ensure that the victim has received Form 310, Sexual Assault Victim Resources. If they have not, provide them with the form.
63. Follow investigatory and procedural guidelines outlined in the SOU Standard Operating Procedure (SOP) Manual. Ensure the investigation includes:
- 63.1. An offender-focused strategy.
  - 63.2. Notifying the victim as early as practicable, including prior to a forensic examination and any formal interview, that they can receive assistance from a Victim Advocate. If the victim wishes, the member shall notify TurnAround that a Victim Advocate is needed.
  - 63.3. Whenever practicable, interview the victim in a 'soft room' in a trauma-informed way, keeping in mind how trauma affects memory and prioritizing the victim's safety.

63.3.1. For cases where the trauma is recent, it is best practice to interview the victim after they have had the opportunity for at least one, preferably two, full sleep cycles. Therefore, this guidance should be followed unless there are exceptional circumstances, such as a public safety concern, a significant concern about losing contact with the victim, or if the victim wishes the interview to be conducted before sleeping.

63.3.2. Inform the victim that the interview will be video and audio recorded.

63.4. Process the crime scene, including securing the scene, identifying and preserving evidence per Policy 1401, *Control of Property and Evidence*. Retrieve electronic evidence – such as video (including surveillance video), photos, texts, emails, and/or other items – and ensure any latent prints, firearms, and vehicles have been processed by Crime Lab.

63.5. Identify and interview witnesses.

63.6. Obtain results of the SAFE exam.

63.7. Fully investigate the suspect, including interviewing them at the appropriate time, collecting and preserving evidence, and proactively looking for other sex crimes they may have committed. Suspect interviews shall be conducted in accordance with 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Amendment rights.

63.8. Make regular contact with the victim about the investigation, notifying them of significant updates, until the final resolution of the case. Even if there are not updates to the investigation, the detective must contact the victim at 7, 14, and 28 days after the case is initiated.

63.9. Other investigative steps, as pertinent to each case and outlined in the SOP.

64. For any domestic violence related Sex Offense, follow the requirements outlined in Policy 711, *Domestic Violence*, regarding procedures, reporting and resources.

65. For cases where the victim declines to speak with the SOU detective at the time of referral, the SOU detective should attempt to follow up with the victim within a week of the initial report to find out if they would like to participate, when appropriate.

66. For all cases where the detective believes they have probable cause to charge a suspect, forward the case to an SOU Supervisor with a recommendation as to whether or not it should be charged.

### **Sex Offense Unit Supervisor**

67. Supervisors must keep consistent review and oversight of each case assigned to the detectives under their command and follow the guidance on investigation supervision, accountability and review as outlined in the SOU SOP.

68. As detailed in the SOP, complete the electronic Supervisor Report at 48 hours, 7 days, 14 days, and 30 days. For cases still open or inactive, complete the electronic Supervisor Report at 60 days, 90 days, 6 months, and 1-year intervals, to track regular progress of detectives' cases.

- 68.1. The 48 hours review assesses whether patrol response and documentation complied with policy. The SOU supervisor, through the chain-of-command, shall provide written assessment to the member's commander of the member's failures to comply with policy.
- 68.2. Supervisory evaluation of an investigation's thoroughness of the investigation shall occur when the victim has not been interviewed within one week of BPD receiving the Sexual Assault report of Sexual Assault. Each time the supervisor reviews a case, they shall evaluate the thoroughness and provide direction to the investigator as necessary, paying particularly close attention to investigations where the victim has not been interviewed within a week of assignment or where the case has been open for more than six months without investigative activity.
- 68.3. Supervisory evaluation of an investigation's thoroughness shall occur when the case is classified as "open" without any investigative activity for longer than six months.
69. If any cases, after thorough investigation, are thought to be Unfounded (whether baseless or false) by the detective, review the case and then forward it to the SOU Commander with the recommendation as to whether or not it should be Unfounded. The supervisor shall assess whether a comprehensive investigation was conducted.
70. For any case involving a college campus, comply with the requirements of the MOU with the college campus (if one exists with that institution) for the investigation.
71. Attend weekly case reviews and follow-up on any outstanding investigative items discussed during the review.

#### **SOU Unit Commander**

72. The Commander must keep consistent review and oversight of each case assigned to the detectives and supervisors under their command and follow the guidance on investigation supervision, accountability, audits and review as outlined in the SOU SOP.
73. Review all cases prior to any submission of the case to the Office of the State's Attorney.
  - 73.1. Every effort shall be made to consult with the Office of the State's Attorney prior to charging.
  - 73.2. The ultimate decision to seek charges lies with the BPD.
74. For every case believed to be Unfounded, review the investigation and assess the case. If the investigation reveals that the incident is Unfounded, ensure that the case is presented to SART prior to official classification.
75. Make an effort to meet with the Office of the State's Attorney at regular intervals to discuss the status of outstanding cases.
76. On a daily basis, ensure a review of CAD calls for service for Sex Offenses to confirm that no cases were missed or improperly handled by patrol.

77. On a weekly basis, meet with SOU supervisors to conduct an internal case review, to discuss case progress and identify next steps. Ensure that supervisors follow up with detectives on the action items that arise during case reviews.

### Training

78. SOU detectives shall receive annual training while new detectives shall receive orientation training and trauma-informed response training as well as a review of the SOU SOP. Such training shall cover, but not be limited to:
- 78.1. Report writing and investigation documentation, techniques for Sexual Assault investigations, and classification of reports of Sexual Assault.
  - 78.2. Conducting trauma-informed interviews, including how to allow for listening and clarification of the victim's experience and the dynamics of Sexual Assault.
  - 78.3. Dynamics of and relevant core scientific concepts related to Sexual Assault including the neurobiology of trauma and its impact on behavior, tonic immobility, and the effects of trauma on memory.
  - 78.4. Strategies to keep the investigation focused on the offender and how to postpone judgment about the case until the investigation is complete.
  - 78.5. Taking statements from, interviewing, and interrogating suspects, including for non-stranger or drug/alcohol-facilitated assaults.
79. SOU supervisors shall receive annual training on many of the above outlined topics, as well as on the supervision of Sexual Assault cases, including case reviews and other ways to detect and prevent gender bias in the response to reports of Sexual Assault.

### Data Sharing and Collaborations

80. BPD shall:
- 80.1. Share information about unresolved investigations of reports of Sexual Assault with cooperating neighboring or overlapping jurisdictions to identify patterns and unresolved cases.
  - 80.2. Collect and report, in aggregate, data describing the nature and extent of Sex Offenses reported to them, investigative outcomes, and the forensic process.
  - 80.3. Aggregate data, as permitted by law, shall be shared with the public, law enforcement agencies and the SART, as agreed upon in the SART MOU.
81. BPD, in conjunction with the City, shall evaluate and revise as necessary the policies and protocol governing the function of Baltimore's SART. These policies and protocols shall:
- 81.1 Provide SART with information needed for it to conduct periodic systems reviews to improve services provided to victims of Sexual Assault and ensure they are victim-centered, subject to the limits of applicable law and in accordance with the MOU between the SART and BPD.

81.2. SART shall continue to be permitted to review cases in accordance with the MOU.

82. BPD shall make available a victim survey of Sexual Assault to provide feedback about their experience and BPD's response to their report.

### **MARYLAND LAW REQUIREMENTS**

83. MD Criminal Procedure, § 11-929 requires that at no point in an interaction with a Sexual Assault victim shall any member of BPD present a form that purports to:

83.1. Relieve BPD of any obligation to the victim,

83.2. Preclude or define the scope of a BPD's investigation into the act allegedly committed against the victim,

83.3. Prevent or limit a prosecution of an act allegedly committed against the victim, or

83.4. Limit a private right of action of the victim pertaining to the alleged act, or the victim's interaction with BPD.

84. If a victim requests that the scope of an investigation be limited or that an investigation be temporarily or permanently suspended, the member shall:

84.1. Thoroughly document the request, and

84.2. Follow up with the victim in accordance with practices recommended by MPTSC.

### **APPENDICES**

A. Definition of 4<sup>th</sup> Degree Sex Offense

B. Sexual Assault Victim Resources

### **REFERENCED POLICIES**

Policy 301, *Code of Ethics*

Policy 305, *Department Values, Vision, and Mission*

Policy 322, *Member-Involved Sexual Misconduct*

Policy 503, *Transportation of Passengers*

Policy 706, *Hazardous Material Incidents*

Policy 711, *Domestic Violence*

Policy 720, *Interactions with Lesbian, Gay, Bisexual, Transgender, Queer/Questioning (LGBTQ) Individuals*

Policy 810, *Bloodborne Pathogens and Human Bites*

Policy 824, *Body-Worn Camera*

Policy 1401, *Control of Property and Evidence*

Policy 1703, *Employee Assistance Program*

Policy 1735, *Language Access Services for Limited English Proficient (LEP) Persons*

### **RESCISSION**



Rescind Policy 708, *Rape and Sexual Assault*, dated 7 September 2021.

**COMMUNICATION OF POLICY**

This policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.

Draft

**APPENDIX A****2023 Maryland Code / Criminal Law / Title 3 – Other Crimes Against the Person / Subtitle 3 – Sex Crimes / §3–308. Sexual offense in the fourth degree**

§3–308. Sexual offense in the fourth degree

(a)(1) In this section the following words have the meanings indicated.

(2)(i) “Person in a position of authority” means a person who:

1. A. is at least 21 years old and works for remuneration or as a volunteer for a public or private preschool, elementary school, or secondary school; or
- B. is at least 22 years old and works for remuneration or as a volunteer for a program; and
2. exercises supervision over or works or interacts with one or more minors who attend the school or participate in the program.

(ii) “Person in a position of authority” includes a principal, vice principal, teacher, coach, or school counselor at a public or private preschool, elementary school, or secondary school.

(3) “Program” means:

(i) an individual, a business, a religious or faith-based institution, or an organization that provides, on a for-profit or nonprofit basis, instructional, coaching, recreational, spiritual, character-building, or supervisory services or activities for minors, including:

1. sports, music, dance, art, or martial arts coaching or instruction;
2. tutoring or academic enrichment;
3. day care or after school care;
4. scouting; or
5. day or overnight camping; or

(ii) any unit of local, State, or federal government.

**(b) A person may not engage in:**

**(1) Sexual Contact with another without the consent of the other;**

**(2) except as provided in § 3–307(a)(4) of this subtitle, a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 4 years older than the victim; or**

**(3) except as provided in § 3–307(a)(5) of this subtitle, vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 4 years older than the victim.**

(c)(1) Except as provided in § 3–307(a)(4) of this subtitle or subsection (b)(2) of this section, a person in a position of authority may not engage in a sexual act or Sexual Contact with a minor who, at the time of the sexual act or Sexual Contact:

- (i) is a student enrolled at a school where the person in a position of authority works; or
- (ii) 1. is participating in a program for which the person in a position of authority works; and  
2. is at least 6 years younger than the person in a position of authority.

(2) Except as provided in § 3–307(a)(5) of this subtitle or subsection (b)(3) of this section, a person in a position of authority may not engage in vaginal intercourse with a minor who, at the time of the vaginal intercourse:

- (i) is a student enrolled at a school where the person in a position of authority works; or
- (ii) 1. is participating in a program for which the person in a position of authority works; and  
2. is at least 6 years younger than the person in a position of authority.

(d)(1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of the misdemeanor of sexual offense in the fourth degree and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

(2)(i) On conviction of a violation of this section, a person who has been convicted on a prior occasion not arising from the same incident of a violation of § 3–303, § 3–304, §§ 3–307 through 3–310 of this subtitle, § 3–311 or § 3–312 of this subtitle as the sections existed before October 1, 2017, § 3–315 of this subtitle, or § 3–602 of this title is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

(ii) If the State intends to proceed against a person under subparagraph (i) of this paragraph, it shall comply with the procedures set forth in the Maryland Rules for the indictment and trial of a subsequent offender.

(e)(1) Unless specifically charged by the State, a violation of this section may not be considered a lesser included crime of any other crime.

(2) A sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for any crime based on the act establishing the violation of this section.

APPENDIX B

Form 310, Sexual Assault Victim Resources

FORM 310  
November 2023 Edition

**YOU ARE NOT ALONE!**

**TurnAround, Inc.**  
Baltimore City Advocates  
443-279-0379  
24/7 Helpline

**Maryland Coalition Against Sexual Assault**  
www.mcasa.org  
301-328-7023

**Mercy Medical Center**  
301 Saint Paul Place  
(corner of Calvert and Pleasant Streets)

Download Mercy Medical Center's  
**bMOREsafe App**  
(if safe to do so)



**Sexual Assault Legal Institute (SALI)**  
301-565-2277  
877-496-7254 (toll free)

**Rape, Abuse and Incest National Network (RAINN)**  
www.rainn.org  
1-800-656-4673  
24/7 Hotline

The Baltimore Police Department is dedicated to providing a trauma-informed response to victims of rape and sexual assault.

**Complete the sexual assault victims survey:**

baltimorepolice.org/SAsurvey

*This survey is **entirely optional** and **anonymous** unless you choose to provide your contact information. The answers you provide will help ensure quality services.*

BALTIMORE POLICE DEPARTMENT

**SEXUAL ASSAULT VICTIM RESOURCES**

Officer Name:	
Officer Sequence:	
Date:	
Complaint #:	
Detective Name:	



Baltimore Police Department  
Sex Offense Unit:  
410-396-2076

Complete the *optional* sexual assault victims survey:  
baltimorepolice.org/SAsurvey



## If you or someone you know has been a victim of sexual assault:

- CONTACT A FRIEND OR OTHER SUPPORT PERSON
- SEEK MEDICAL CARE
- CALL THE POLICE
- REACH OUT TO ADVOCATES

## Support

You may feel confused and not sure what to do. Call someone you trust who will offer you emotional support and help you understand your options.

## Medical Care

Seek medical care as soon as possible. Mercy Medical Center provides Sexual Assault Forensic Exams (S.A.F.E.) up to 14 days after the incident.

Conducted by specially trained nurses, the free exam provides treatment for any injuries, testing for pregnancy and sexually transmitted infections (STIs) and medication to prevent pregnancy and STIs, as well as evidence collection.

Your exam can remain anonymous, meaning you do not have to contact the police to receive a S.A.F.E., and will be stored for twenty years. If at any time you wish to involve the police, an investigation will begin.

If possible, try not to wash, brush teeth, change clothes, gargle or clean anything from which evidence might be collected before getting a S.A.F.E.

Even if 14 days have passed since the incident, it can still be helpful to seek medical attention.

## Report

Call 9-1-1 and make a report to the police. An officer will meet you at your location and ask for basic facts about the incident while prioritizing your safety, privacy and well-being.

You may experience difficulty in remembering all of the details of the incident. This is normal and the Baltimore Police Department will work with you, when you are ready, to thoroughly investigate the incident.

## Advocates

Trained professionals, who can provide confidential advice, information, and these services:

- A 24-hour helpline
- Assistance with reporting to police or other authorities
- Support at the emergency room and/or S.A.F.E. exam
- Crisis intervention
- Safety planning
- Accompaniment to court and interviews
- Access to legal services
- Help finding shelter or transportation
- Information about the criminal justice process
- Support for secondary victims, such as family or partners