

## **2.365 RAPE & SEX OFFENSES**

- A. Consistent with the Memorandum of Understanding (MOU) with the Baltimore County Police Department (BCPD), that agency is responsible for investigating all on-campus first and second degree rapes and first and second degree sex offenses and attempts, and physical or sexual child abuse and attempts. See also **1.100 Authority**.
- B. Initially responding officers will:
  - 1. Provide any necessary emergency first aid consistent with their level of first aid certification and request other EMS assistance if needed;
  - 2. Secure any crime scene;
  - 3. Briefly interview the victim to determine the criminal elements of the offense and investigative responsibility;
  - 4. Separate the victim and witnesses to protect statement integrity. However, it may be prudent to allow and closely monitor a very limited number of people to be with the victim for emotional support until investigators arrive;
  - 5. Request the victim not smoke, drink, bathe, shower, douche, urinate, or defecate in order to preserve evidence;
  - 6. Ensure required notifications are made; and
  - 7. Wait for investigators to arrive. Do not interview the victim in detail for first and second degree rapes and first and second degree sex offenses or attempts.

### **2.365.02 Time Sensitive Urine Exams**

- A. These procedures, regardless of which agency eventually investigates the offense, will be followed to collect “first urine” specimens in cases where a date rape drug such as GHB (gamma-hydroxybutyrate) may have been used on the victim.
- B. Whenever victims indicate they need to urinate before being transported to hospitals, officers will:
  - 1. Obtain a sterile urine specimen cup and evidence tape from the first aid kit of a TU Police vehicle;
  - 2. Find a private bathroom and search it for contraband;
  - 3. Flush the toilet;
  - 4. Instruct the victim to provide a urine sample in the specimen cup and seal the cup;
  - 5. Remain outside the bathroom while the victim provides the sample;
  - 6. Instruct the victim to mark the sample level on the side of the specimen cup with a permanent marker;
  - 7. Seal the specimen cup with evidence tape;
  - 8. Ensure the victim keeps immediate custody of the specimen until the victim is transported to a medical facility; and
  - 9. Document all steps in related reports.

### **2.365.04 SAFE Exam**

- A. Maryland law enforcement agencies will offer reported victims of rape and sexual assault the opportunity to have SAFE exams (Sexual Assault Forensic Examination) regardless if victims want to initiate or cooperate with an investigation into the incident.
- B. Any person who reports to have been sexually assaulted and would like to have a SAFE exam will be taken to GBMC regardless of whether or not the person wants to initiate or cooperate in a police investigation.
  - 1. BCPD is responsible for transporting victims for first and second degree rapes and first and second degree sex offenses and attempts.
  - 2. This agency is responsible for transporting victims for third and fourth degree sex offenses and situations where victims refuse to give details sufficient to determine what crime occurred, but request SAFE exams.

- C. The three options for sex assault exams are:
  - 1. SAFE exam with immediate police involvement;
  - 2. Medical examination only by an emergency department physician; and
  - 3. SAFE exam with the deferred reporting option (DRO) to initiate a police investigation within 90 days.
- D. Under the DRO:
  - 1. A Forensic Nurse Examiner (FNE) explains the DRO process to the victim, recommends immediate law enforcement involvement, and, if the victim still refuses law enforcement involvement, gives the victim an opportunity to sign a form authenticating the DRO choice;
  - 2. The BCPD will store SAFE evidence for their crimes of responsibility;
  - 3. This agency will store SAFE evidence for our crimes and incidents of responsibility; and
  - 4. Evidence will be disposed of according to each agency's procedures after 90 days if the victim has not chosen to cooperate with a law enforcement investigation of the incident.

**2.365.06 TITLE IX INVESTIGATIONS** (ACLEA 18.1.2, 18.1.3, 18.1.4) {Effective: 11/13/14}

- A. THE UNIVERSITY'S DESIGNATED TITLE IX COORDINATOR IS RESPONSIBLE FOR ENSURING THAT ACTS OF SEXUAL MISCONDUCT ARE ADMINISTRATIVELY INVESTIGATED CONSISTENT WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 AND CORRESPONDING REGULATIONS FOUND IN 34 CFR PART 106. TITLE IX INVESTIGATIONS ARE SEPARATE FROM CRIMINAL INVESTIGATIONS AND ARE CONDUCTED BY INVESTIGATORS WHO ARE RETAINED AND MANAGED BY THE TITLE IX COORDINATOR.
- B. THIS AGENCY WILL:
  - 1. NOT DELAY TITLE IX INVESTIGATIONS PENDING OUTCOMES OF CRIMINAL INVESTIGATIONS EXCEPT FOR THE TIME IT TAKES TO COLLECT EVIDENCE; AND
  - 2. GIVE THE TITLE IX COORDINATOR ACCESS TO INVESTIGATIVE NOTES AND FINDINGS THAT ARE NECESSARY TO TITLE IX INVESTIGATIONS EXCEPT WHEN DOING SO WOULD COMPROMISE CRIMINAL INVESTIGATIONS.
- C. OFFICERS WHO RESPOND TO CALLS OF SEXUAL MISCONDUCT WILL, IN ADDITION TO OTHER SPECIFIED DUTIES AND RESPONSIBILITIES CONSISTENT WITH 2.436 VICTIM / WITNESS SERVICES, ENSURE VICTIMS ARE GIVEN COPIES OF THE:
  - 1. UNIVERSITY'S SEXUAL MISCONDUCT BROCHURE THAT EXPLAINS, AMONG OTHER TOPICS, HOW TO INITIATE TITLE IX COMPLAINTS REGARDLESS OF WHAT POLICE AGENCY IS RESPONSIBLE FOR INVESTIGATING THE INCIDENTS; AND
  - 2. STATE OF MARYLAND BROCHURE "CRIME VICTIMS & WITNESSES: YOUR RIGHTS & SERVICES" CONSISTENT WITH CRIMINAL PROCEDURE (CP) § 11-104.
- D. THE COMMANDER RESPONSIBLE FOR THE TRAINING FUNCTION, "TRAINING COMMANDER," IS RESPONSIBLE FOR ENSURING ALL EMPLOYEES RECEIVE INITIAL AND SUBSEQUENT BIENNIAL TITLE IX TRAINING ON TOPICS THAT INCLUDE, BUT ARE NOT LIMITED TO:
  - 1. HOW TO IDENTIFY SEXUAL HARASSMENT;
  - 2. THE UNIVERSITY'S TITLE IX AND GRIEVANCE PROCEDURES; AND
  - 3. OTHER PROCEDURES USED BY THE UNIVERSITY TO INVESTIGATE REPORTS OF SEXUAL MISCONDUCT.