



Jeffrey R. Gahler,
Sheriff

HARFORD COUNTY SHERIFF'S OFFICE OPERATIONS POLICY

Rape and Sexual Assault Investigations

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1. Purpose

To provide specific and consistent guidelines that provide for the efficient and effective investigation of the crimes of rape and sexual offense reported to the Harford County Sheriff's Office (HCSO).

2. Policy

The HCSO will thoroughly and aggressively investigate all complaints of rape or sexual assault against victims by effectively coordinating the efforts of patrol deputies, the Criminal Investigations Division (CID), laboratory services, prosecutors, and support services.

3. Definitions

DELAYED REPORTING: also known as "Jane Doe Victim" or "Anonymous", is a provision within the federal Violence Against Women Act (VAWA) of 2022 that allows victims of sexual assault to obtain a Sexual Assault Evidence Kit (SAEK) without any law enforcement involvement.

DELAYED REPORTING CRIMES: the 2022 reauthorization of the Violence Against Women Act (VAWA) statute states that a victim of a sexual assault is not required to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam free of charge or with full reimbursement. In order to comply, a victim may have evidence collected without notification of law enforcement; however, to maintain chain of custody of the evidence collected, the SAEK will be stored by this Agency as "evidence", following the retention policies outlined by Maryland law, in the event the victim chooses to request an investigation by law enforcement.

MENTALLY INCAPACITATED INDIVIDUAL: an individual who because of the influence of drug, narcotic, or intoxicating substance, or because of an act committed on the individual without the individual's consent or awareness, is rendered substantially incapable of appraising the nature of the individual's conduct or resisting vaginal intercourse, a sexual act, or sexual contact.

PERSON IN POSITION OF AUTHORITY: a person who is at least 21 years old; is employed by or under contract with a public or private preschool, elementary school, or secondary school; and because of the person's position or occupation, exercises supervision over a minor who attends the school; and includes a principal, vice principal, teacher, coach, or school counselor at a public or private preschool, elementary school, or secondary school.

PHYSICALLY HELPLESS INDIVIDUAL: an individual who is unconscious or does not consent to vaginal intercourse, a sexual act, or sexual contact and is physically unable to resist, or communicate unwillingness to submit to, vaginal intercourse, a sexual act, or sexual contact.

SUBSTANTIALLY COGNITIVELY IMPAIRED INDIVIDUAL: an individual who suffers from an intellectual disability or a mental disorder, either of which temporarily or permanently renders the individual substantially incapable of appraising the nature of the individual's conduct; resisting vaginal intercourse, a sexual act, or sexual contact; or communicating unwillingness to submit to vaginal intercourse, a sexual act, or sexual contact.

SAEK: an acronym for Sexual Assault Evidence Kit [formerly known as SAFE (Sexual Assault Forensic Examination)]; these examinations are conducted by specially trained nurses or physicians' assistants (Sexual Assault Forensic Examiners/Forensic Nurse Examiners).

SART: an acronym for Sexual Assault Response Team comprised of representatives from the following disciplines:

- Forensic Nurse Examiner providing services at a local sexual assault forensic examination program, or other qualified health care provider from the local hospital;
- MCU representative;
- States Attorney's Office (SAO) representative;
- Sexual Assault/Spouse Abuse Resource Center (SARC) representative;
- Maryland Coalition Against Sexual Assault ([MCASA](#));
- Crime Lab, if available; and
- Crime Victim Rights Attorney, if available.

INCEST: a person may not knowingly engage in vaginal intercourse with anyone whom the person may not marry under [§ 2-202](#) of the Family Law Article (Misdemeanor [CR 3-304](#)).

UNNATURAL OR PERVERTED SEXUAL PRACTICE: a person may not take the sexual organ of another or of an animal in the person's mouth; place the person's sexual organ in the mouth of another or of an animal; or commit another unnatural or perverted sexual practice with another or with an animal (Misdemeanor [CR 3-322](#)). Only applies to incidents prior to law being repealed effective October 1, 2022.

VAGINAL INTERCOURSE: genital copulation, whether or not semen is emitted; includes penetration, however slight, of the vagina.

RAPE - FIRST DEGREE: a person may not engage in vaginal intercourse with another by force, or the threat of force, without the consent of the other; or engage in a sexual act with another by force, or the threat of force, without the consent of the other and employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon; suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime; threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; commit the crime while aided and abetted by another; or commit the crime in connection with a burglary in the first, second, or third degree (Felony [CR 3-303](#)). Any attempt to commit rape in the first degree is a felony ([CR 3-309](#)).

RAPE - SECOND DEGREE: a person may not engage in vaginal intercourse or a sexual act with another by force, or the threat of force, without the consent of the other; if the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual, and the person performing the act knows or reasonably should know that the victim is a substantially cognitively impaired individual, a mentally incapacitated individual, or a physically helpless individual; or if the victim is under the age of 14 years, and the person performing the act is at least four years older than the victim. A person 18 years of age or older may not violate this section involving a child under the age of 13 years. (Felony [CR 3-304](#)). Any attempt to commit rape in the second degree is a felony ([CR 3-310](#)).

SEXUAL ACT: any of the following acts, **regardless of whether semen is emitted**: anilingus; cunnilingus; fellatio; anal intercourse, including penetration, however slight, of the anus; or an act in which an object or part of an individual's body penetrates, however slightly, into another individual's genital opening or anus; and that can reasonably be construed to be for sexual arousal or gratification, or for the abuse of either party. Sexual Act does not include vaginal intercourse; or an act in which an object or part of an individual's body penetrates an individual's genital or anus for an accepted medical purpose.

SEXUAL CONTACT: the intentional touching of the victim's or suspect's genital, anal, or other intimate area for sexual arousal or gratification, or for the abuse of either party. Sexual contact does not include a common expression of familial or friendly affection; an act for accepted medical purpose; or **in the case of two individuals engaged in an ongoing consensual sexual relationship, physical contact commonly engaged in by two individuals in a sexual relationship, unless one of the individuals has reasonably indicated to the other that further physical contact is unwanted.**

SEXUAL OFFENSE - THIRD DEGREE: a person may not engage in sexual contact with another without the consent of the other; and employ or display a dangerous weapon, or a physical object that the victim reasonably believes is a dangerous weapon; suffocate, strangle, disfigure, or inflict serious physical injury on the victim or another in the course of committing the crime; threaten, or place the victim in fear, that the victim, or an individual known to the victim, imminently will be subject to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; or commit the crime while aided and abetted by another; engage in sexual contact with another if the victim is **a substantially cognitively impaired individual**, a mentally **incapacitated** individual, or a physically helpless individual, and the person performing the act knows or reasonably should know the victim is **a substantially cognitively impaired individual**, a mentally **incapacitated** individual, or a physically helpless individual; engage in sexual contact with another if the victim is under the age of 14 years, and the person performing the sexual contact is at least four years older than the victim; engage in a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 21 years old; or engage in vaginal intercourse with another if the victim is 14 or 15 years old and the person performing the act is at least 21 years old (Felony [CR 3-307](#)).

SEXUAL OFFENSE - FOURTH DEGREE: a person may not engage in sexual contact with another without the consent of the other; except as provided in [§ 3-307](#) 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 four years older than the victim; or except as provided in [§ 3-307](#) 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 four years older than the victim (Misdemeanor [CR 3-308](#)).

SEXUAL OFFENSE - FOURTH DEGREE /SEXUAL ABUSE OF A MINOR BY A PERSON IN AUTHORITY: except as otherwise provided in [§ 3-307](#) of this subtitle or [§ 3-308](#), 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, is a student enrolled at a school where the person in a position of authority is employed. Except as provided in [§ 3-307](#) of this subtitle or [§ 3-308](#), a person in a position of authority may not engage in vaginal intercourse with a minor who, at the time of the vaginal intercourse, is a student enrolled at a school where the person in a position of authority is employed (Misdemeanor [CR 3-308](#)).

4. References

Maryland Code Annotated Criminal Law Article [§3-303](#)
Maryland Code Annotated Criminal Law Article [§3-304](#)
Maryland Code Annotated Criminal Law Article [§3-307](#)
Maryland Code Annotated Criminal Law Article [§3-308](#)
Maryland Code Annotated Criminal Law Article [§3-322](#)

Maryland Code Annotated Criminal Law Article [§3-323](#)
Maryland Code Annotated Criminal Procedure Article [§11-929](#)
Maryland Code Annotated Family Law Article [§ 2-202](#)
[34 U.S. Code § 10451\(a\)](#)
[Violence Against Women Act \(VAWA\)](#)

5. Procedures

A. Duties of Patrol Deputies/Initial Investigations

1. Be aware that the deputy is the initial source of protection for the victim and that the way the deputy treats the victim at the time of the crime and afterwards affects not only the victim's immediate and long-term ability to cope with the crime, but also the willingness of the victim to assist in the investigation and prosecution.
2. Deputies will refrain from expressing or implying any personal opinion while interacting with victims and/or witnesses.
3. Provide medical attention and protection to the victim.
4. Isolate the victim from others at the scene (to include family members, friends, witnesses, unnecessary law enforcement, Emergency Medical Services (EMS), etc.), and conduct a brief interview with the victim to determine if a crime has been committed, and what elements of the crime exist.
5. Request a patrol supervisor, if one has not already responded to the scene, and initiate the appropriate steps called for when conducting a preliminary investigation to include providing other units and agencies with pertinent information.
6. The following crimes or attempts require immediate notification by the patrol supervisor to the On-Call Criminal Investigations Division (CID) Supervisor:
 - a. Complaints of rape or sexual assault against victims 16 years of age or older which will be investigated by the Major Case Unit (MCU).
 - b. Sexual assault complaints involving victims 15 years of age or younger which will be investigated by Harford County Child Advocacy Center (CAC).
 - c. Fourth-degree sex offenses whereby the On-Call CID supervisor may assign those cases involving sexual child abuse and vulnerable adult abuse to the appropriate CID unit, cases which are normally investigated by HCSO patrol deputies.
7. Preliminary investigations of a suspected rape or sexual offenses, other than 4th degree, conducted by patrol deputies require on-scene supervision by a patrol supervisor of at least the rank of Corporal unless relieved by a member of the CID.
8. Appropriate steps in a preliminary investigation may include, but are not limited to:
 - a. Locating, identifying, and interviewing victims, witnesses, complainants, and/or suspects;

- b. Providing aid to injured persons;
- c. Identifying, securing, and protecting the crime scene and arranging for the collection of evidence and any specialized assistance that is needed from a supervisor, a member of the Canine Unit, a detective, or a member of the Forensic Services Unit (FSU);
- c. Limiting entry/exit at the scene to a single location where the potential for disturbing the scene is minimized to the extent possible and logging the names of all persons entering the scene;
- d. Collection of evidence/scene processing will be performed by FSU unless otherwise decided by the On-Call CID Supervisor; and
- e. Encouragement to victims of 1st Degree Rape, 2nd Degree Rape, and 3rd Degree Sex offenses by the initial deputy to respond to a hospital that performs **sexual assault examinations**, if the assault occurred within 120 hours of the time it was reported.
- f. Medical Examination/Treatment
 - i. If only one deputy is present when the victim is transported to the hospital, that deputy will remain on the site to preserve the crime scene.
 - ii. The patrol supervisor in charge will direct another deputy to the hospital to meet with the victim.
 - iii. If two deputies are present and the victim needs to be transported to the hospital for treatment, one deputy will go with the victim while the other remains behind to secure the scene.
- g. Observing and noting pertinent conditions, events, remarks, and activities surrounding the incident under investigation.
- h. Providing other units with pertinent information, such as a suspect and/or vehicle description. When known, the mode, method, and direction of travel should also be provided.
- i. Reporting the incident and elements of the preliminary investigation as completely and accurately as possible in an Incident Report.
- j. The patrol deputy will provide the victim with the "Crime Victim and Witnesses: Your Rights and Services" pamphlet prior to the end of his initial interaction with the victim.
- k. If unable to locate a victim during the initial response, an initial Incident Report will be written as "Police Information" by the assigned patrol deputy and forwarded to the CID Supervisors email group.

B. Sexual Assault Examination

- 1. All victims of 1st degree rape, 2nd degree rape, and 3rd degree sex offenses should be encouraged by the initial deputy to respond to a hospital that performs **sexual assault examinations**, if the assault occurred within 120 hours of the time it was reported.

- a. If the victim is 15 years of age or younger, contact the on-call CID Supervisor for further direction.
 - b. If the victim chooses not to have a **sexual assault examination**, the victim should be made aware of the health risks of not receiving an examination.
 - c. The victim should be made aware of the risk of losing evidence by not receiving an examination.
 - d. Prior to transporting the victim to the hospital, the initial deputy will contact the emergency room at the hospital to coordinate a Forensic Nurse Examiner response. This reduces the chance of the victim being inconvenienced by having to be transported to and from multiple facilities.
 - e. If the victim wishes to have an examination performed, the victim may be transported to the medical facility by a deputy, ambulance personnel, or personal transport.
 - i. If a deputy transports the victim, the in-car camera will be activated during transport **and if not available, the body worn camera (BWC) will be activated.**
 - ii. **If the in-car camera and BWC are unavailable, a second deputy will be in the transporting vehicle.**
 - iii. **The transporting deputy should be conscious of where the victim is sitting in the vehicle as to not have the victim infer that they are under arrest.**
 - iv. The transporting deputy will advise Dispatch of his beginning and ending mileage prior to and after transport. Any deviation during transport will be communicated to Dispatch.
 - f. The medical needs of the victim are the priority and take precedence over the collection of evidence. Therefore, the victim may be transported to any medical facility for medical treatment even if the facility does not have a sexual assault evidence collection program. The hospital should be contacted to coordinate a Forensic Nurse Examiner response to the respective medical facility.
 - g. If the victim reports the crime from a medical facility that does not offer sexual assault evidence collection or if a Forensic Nurse Examiner is not available at the facility, the victim must be medically screened and released by the facility staff before being transported to another medical facility for the examination.
 - h. If the victim is a minor, it is advisable, but not mandatory, that the consent of the parents, custodians, or legal guardians first be obtained for a **sexual assault examination**. If possible, the parents, custodians, or legal guardians should be requested to accompany the victim to the hospital.
 - i. A parent or guardian cannot force a juvenile over 13 years of age to have or not have a **sexual assault examination**. The medical facilities view juveniles over the age of 13 as adults.
2. A member of the MCU and/or FSU will respond to the medical facility to collect any evidence. Patrol deputies need not wait nor return to collect evidence. Evidence must be retrieved within 30 days of the exam.
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3. Hospitals and other area medical facilities that perform sexual assault examinations have protocols in place to supply the victim with victim's services.
4. When a rape or sexual assault victim seeks care at a hospital prior to calling police, the hospital staff or advocate will present the victim with an information form advising the victim that they may:
 - a. Elect to report the crime to the police and receive a sexual assault examination;
 - b. Elect to not report the crime to the police, but receive a sexual assault examination anyway so evidence can be collected in the event the victim wants to report the crime at a later time; or
 - c. Elect to not report the crime to police and only have a medical examination.

C. Criminal Investigations Division

1. After conferring with the on-scene patrol supervisor and/or the primary patrol deputy, the appropriate investigative resources will be assigned by the On-Call CID supervisor which may include the MCU, CAC, and/or the FSU. Assignments will be made as follows:
 - a. Major Case Unit
 - i. Upon the determination that a rape (first or second degree) or a third-degree sex offense has occurred, or an attempt of the same has just occurred.
 - ii. If the offense occurred 24 hours from the time of the initial report, the on-call CID supervisor will determine if an immediate response by a detective is necessary or if the victim should be advised that a detective will contact them the next business day.
 - iii. If the primary deputy and patrol supervisor determine a fourth-degree sex offense has occurred, the patrol deputy will conduct the investigation if the On-Call CID supervisor concurs, and a copy of the report will be emailed to the CID supervisors email group.
 - b. Child Advocacy Center
 - i. Upon determining a victim is 15 years of age and under, regardless of the nature of the sex offense, and a sexual assault has occurred or is alleged to have occurred.
 - c. Forensic Services Unit
 - i. Upon determination of need by the On-Call CID supervisor, FSU will be dispatched to the appropriate location to document, collect, preserve, and transport physical evidence.
 2. The On-Call CID supervisor will be notified when any domestic violence investigation involves an alleged rape and/or sexual offense in any degree.
 - a. The CID supervisor will coordinate with the patrol supervisor regarding the immediate course of action.
 - b. Any reference to a sexual assault should not be in the arresting deputy's statement of charges.
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- c. MCU **detectives** will, **if appropriate**, bring forth charges regarding sexual assaults upon completion of their investigation.
- d. The MCU supervisor will confer with the Domestic Violence Unit (DVU) supervisor regarding the MCU detective's response.
- e. In addition to investigating the rape/sexual offense, the MCU **detective** will gather the appropriate information regarding the domestic assault and forward it to the DVU, thus eliminating the need to interview the victim a second time.
- f. The initial domestic violence investigation and reports should be completed per [OPS 1801](#), Domestic Violence policy, to ensure the safety of the victim.

D. Interviews and Interrogations

- 1. The effectiveness of an investigator, as well as the success of the investigation, is largely dependent upon his ability to obtain information from victims, complainants, witnesses, informants, and suspects.
- 2. It is essential that the interviews and interrogations be conducted by investigators with sensitivity, patience, persistence, and dedication to the task at hand.
- 3. The lead investigator will, whenever possible, interview victims, witnesses, and suspects in an audio/videotaped interview room. If not possible, the detective should audio tape the interview.
- 4. When relevant, the lead investigator will canvass the neighborhood of the crime scene for persons who have information regarding the crime.
- 5. All statements and recorded interviews obtained in the investigation will be uploaded to the server for future reference and transcribed if needed for trial purposes.
- 6. In accordance with the policy of the State of Maryland and the Violence Against Women Act (VAWA) 34 U.S. Code § 10451(a):

“No law enforcement officer, prosecuting officer, or other government official will ask or require an adult, youth, or child victim of an alleged sexual offense as defined under federal, state, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of an offense. In addition, the refusal of a victim to submit to a polygraph or other truth-telling examination will not prevent the investigation, charging, or prosecution of an alleged sexual offense.”

E. Crime Scene/Evidence Search

- 1. The lead investigator or CID supervisor will, when warranted, coordinate personnel to systematically search the vicinity of the crime area for any evidence that may have been lost or disposed of by the perpetrator.
- 2. FSU, when feasible, will take photographs and fingerprints, document the scene, and search for physical evidence at the direction of the assigned investigator.

3. Preserve all articles such as clothing, bed linens, towels, handkerchiefs, or other physical evidence relevant to the investigation.
 - a. Each article should be separately tagged and wrapped according to the current FSU procedures and directives.

F. Lead Investigator's Initial Contact with Victim

1. Craft opening remarks carefully as this is a critical point at which the investigator must gain the victim's confidence and contributes to the immediate and long-term recovery of the victim and lays a foundation for mutual cooperation and respect from which a successful investigation is built.
2. The lead investigator will, as indicated by the circumstances of the case:
 - a. Establish what crime has occurred;
 - b. Explain the procedure involved in processing and eventually prosecuting the crime;
 - c. When and if the victim is transported to the hospital, arrange for the victim to have a change of clothes at the hospital for use upon completion of the medical examination investigator's follow-up with the victim.
 - i. Advise the victim why clothing was collected; and
 - ii. How or if the items may be returned.
 - d. Provide the lead investigator's name, incident number, and a phone number the victim/witness can call to report additional information or to receive information about the status of the case.
 - e. Offer a victim advocate to provide emotional support and help the victim make informed decisions throughout the investigative process.
 - f. Explain what to do if the suspect or the suspect's friends or family threatens or intimidates the victim.
3. Whenever feasible, the lead investigator will schedule lineups, interviews, and other required appearances at the convenience of the victim and will arrange for transportation if necessary.
4. Notify the victim of their rights as a crime victim under Maryland law, which may include the right to:
 - a. Have their name withheld from public record;
 - b. Be notified of arrests, court dates, and parole or release dates;
 - c. Be present and to make a statement at proceedings;
 - d. Apply for crime victim compensation;
 - e. Seek an order of protection; and

- f. Be free from harassment and intimidation by the suspect.

G. Investigative Records

1. The lead investigator will maintain accurate and complete records of the case, to include the following:
 - a. Incident Reports and Incident Supplements;
 - b. Statements of victims and witnesses;
 - c. Collection of evidence, including chain of custody;
 - d. Crime scene notes and diagrams;
 - e. All photographs of the scene and victim's physical injuries;
 - f. SAEK and medical reports or findings;
 - g. Suspect statements;
 - h. Photographic line-ups;
 - i. Audio-visual recordings of interviews and interrogations; and
 - j. Search warrants, court orders, etc.
2. Once the investigation has been completed and a clearance determined, the investigative case file will be uploaded to the HCSO Records Management System (RMS) as a complete folder and titled appropriately.
3. All evidence collected as a result of the investigation will be submitted to the Property Management Unit (PMU) in accordance with policy and retained in accordance with Maryland and applicable laws.

H. Request to Suspend Investigation

1. **Deputies and detectives will** not offer a Request to Suspend Investigation ([SO-054](#)) to the victim during the initial meeting.
2. If the victim does not want an investigation into the incident, they choose to no longer participate in the investigation, or choose to end the investigation into the incident alleged, they, and only they, may request a suspension of further law enforcement action.
3. Suspension of an investigation **must be reviewed and approved by the MCU supervisor** after all investigative leads are exhausted, and the following is discussed with the victim and documented in the investigative report:
 - a. Status of investigation;

- b. Sufficiency of evidence required to support criminal charges; and
 - c. Concerns of the victim related to prosecution if warranted.
 4. In the case where a victim voluntarily, and after being fully informed of their rights and our obligations, chooses to suspend the investigation the investigator will have the victim acknowledge their desire to suspend the investigation by completing a Request to Suspend Investigation ([SO-054](#)).
 5. The Request to Suspend Investigation ([SO-054](#)) will be attached to the supplement documenting victim contact so that it will be recorded in the RMS.
 - a. If the victim will not sign the Request to Suspend Investigation ([SO-054](#)), this fact will be documented via Incident Supplement.
 6. Requests to Suspend Investigation ([SO-054](#)) will be applied in accordance with state statutes.
 7. The use of this form does not:
 - a. Relieve the Agency of any obligation to the victim;
 - b. Preclude or define the scope of an investigation into an act allegedly committed against the victim;
 - c. Prevent or limit a prosecution of such an act; and
 - d. Limit a private right action of the victim.
 8. If the victim no longer wants a police investigation after being treated and examined at the hospital for a sexual assault, the MCU detective will coordinate with the victim to sign a Request to Suspend Investigation ([SO-054](#)). If the victim will not participate in this process, this fact will be documented **in the case file**.
 9. Maryland Office of the Attorney General guidance provides that a victim who signs the Request to Suspend Investigation ([SO-054](#)) is not giving their consent to test the collected evidence and as such, the evidence will not be tested.
 - I. Sexual Assault Forensic Examination with Law Enforcement Involvement
 1. If the victim chooses to have a sexual assault examination with police involvement, the Forensic Nurse Examiner will contact the Southern Precinct Duty Officer to request a patrol deputy respond to the hospital. The patrol deputy will respond and conduct his initial investigation.
 2. If the victim initially reports the incident to police, then while still at the hospital decides they do not want a police investigation, the deputy will write an incident report titled with the appropriate crime initially reported (e.g., Rape, Sex Offense, etc.).
 3. The deputy will document everything that was reported to police and all investigative steps taken up to the point the victim indicated they no longer wanted a police investigation.
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4. The incident report will be emailed to the **MCU** prior to the end of the deputy's shift, for appropriate follow-up investigation, to include collection of evidence if necessary.

J. Sexual Assault Forensic Examination Without Law Enforcement Involvement

1. If the victim chooses to have a sexual assault examination without police involvement, the Forensic Nurse Examiner will contact the MCU supervisor to request an incident number.
2. If the incident is after hours or during the weekend/holidays, the Forensic Nurse Examiner will contact the Southern Precinct Duty Officer to request an incident number.
3. A call for service will be generated for "Police Information" utilizing the Situation Found Code of G20 No Crime/Non-Enumerated.
4. If the call was received by the MCU supervisor, an MCU detective will be assigned the case. The detective will be responsible for recovering the evidence from the hospital and completing the initial Incident Report.
5. If the call was received by a patrol Duty Officer, an initial report will be completed by a patrol deputy and forwarded to the CID Supervisors email group. A patrol deputy will not be needed to respond to the hospital.
6. When the sexual assault examination is complete, the Forensic Nurse Examiner will notify the MCU supervisor and request that a detective responds to pick up the SAEK. The kit will be retrieved within 30 days of the examination.
7. The sexual assault report will be reviewed by the MCU supervisor to determine the appropriate jurisdiction where the incident occurred.
8. If the incident occurred within HCSO jurisdiction, the SAEK and any related evidence will be submitted to the PMU and maintained per Maryland law.
9. If the incident occurred outside of the jurisdiction of the HCSO, the MCU supervisor will facilitate the transfer of the SAEK and any related evidence to the appropriate jurisdiction.
10. The MCU supervisor will make entry into the Crime Lab section of RMS and the CID sexual assault database regarding the disposition of the **SAEK**.
11. If the patient elects to not report the crime to law enforcement and to have only a medical examination, then no action will be taken by the HCSO.

K. Delayed Reporting – Criminal Investigations Division Major Case Unit Responsibilities

1. The MCU supervisor will review all "Police Information" Incident Reports regarding Delayed Reporting Crimes.
 2. If a victim later initiates contact with the hospital or the HCSO requesting the victim's case be investigated, the supervisor will assign the case to a detective for a full investigation.
 3. The MCU supervisor will make entry into the Crime Lab Section of RMS and the CID sexual assault spreadsheet regarding the disposition of the **SAEK**.
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L. Sexual Assault Evidence Kit/Evidence Retention

1. Information about, and from, SAEK analysis will be provided to the victim.
2. After a request by the victim from whom the evidence was collected, the lead investigator will, within 30 days, provide the victim with:
 - a. Information detailing the status of the SAEK analysis; and
 - b. All available results of the SAEK analysis except those results that would impede or compromise an ongoing investigation.
3. The MCU supervisor will ensure that all SAEK evidence will be recovered from the reporting hospital within 30 days of the exam being performed.

M. Transfer and Storage of SAEK

1. Within 20 years after the evidence is collected, the HCSO may not destroy or dispose of:
 - a. A SAEK; or
 - b. Other crime scene evidence relating to a sexual assault that has been identified by the SAO as relevant to the prosecution.
2. This condition will not apply if:
 - a. The crime for which the evidence was collected resulted in a conviction and the sentence has been completed, to include probation; or
 - b. All suspects identified by testing a SAEK are deceased.
3. Victims of sexual assaults may agree to have forensic evidence collected by health care providers and turned over to law enforcement but elect to remain anonymous and decline to participate in the criminal justice process.
4. On written request by a victim from whom evidence was collected, an agency with custody of a SAEK or other crime scene evidence relating to a sexual assault will:
 - a. Notify the victim no later than 60 days before the date of intended destruction or disposal of the evidence; or
 - b. Retain the evidence for 12 months longer than the initial 20 years or for a time period agreed to by the victim.

N. Status Communications with Victim

1. In addition to those opportunities identified throughout this policy, investigators will:
 - a. Re-contact the victim throughout the investigation to help resolve impediments to the victim's needs being met and concerns limiting the opportunity for prosecution;

- b. Notify the victim in the event there is a change in who the investigator is or who is handling the investigation; and
- c. Notify the victim of the disposition of the case, return of certain property, and if an arrest has been made.

O. Testing of SAEK

- 1. All SAEKs will be submitted to a forensic laboratory for analysis except for those collected associated with unfounded rape cases.
- 2. Unfounded Rape Cases with SAEK
 - a. All unfounded rape cases with SAEK will go through an "Untested Kit Review" with the SART.
 - b. The SART must vote unanimously to deem the case unfounded.
 - c. Unfounded cases may be appealed to the State SART Committee by the victim or victim's advocate. The State SART Committee will give a recommendation for whether or not the SAEK will be tested.
 - d. The Agency will abide by the State SART Committee's recommendation.
- 3. The Maryland Office of the Attorney General recommends sexual assault examination evidence obtained from Delayed Reporting not be tested as the victim is not consenting to testing at the time of the evidence collection.
- 4. The Maryland Office of the Attorney General recommends sexual assault examination evidence not be tested if the suspect's profile has been collected for entry as a convicted offender for a qualifying offense in the Combined DNA Index System (CODIS) and the suspect has pled guilty to the offense that led to the sexual assault examination.
- 5. Upon request from the victim, the lead **detective** will provide the victim with:
 - a. Information about the status of the SAEK analysis; and
 - b. All available results of the SAEK analysis except results that would impede or compromise an ongoing investigation.

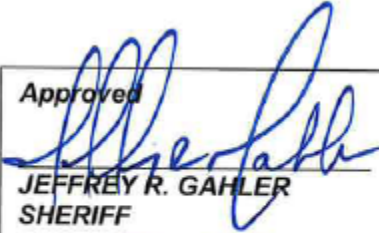
P. Biennial Reporting to the Maryland Office of the Attorney General

- 1. On or before September 1, 2019, and every two years thereafter, the Commander of the HCSO CID will ensure submission of the following to the Office of the Attorney General:
 - a. The number of SAEK in its possession as of June 30th of that calendar year;
 - b. The date each SAEK in its possession was received;

- c. The number of SAEK tested within the prior two years as of June 30th of that calendar year;
- d. The number of SAEK destroyed during the prior two years as of June 30th of that calendar year; and
- e. The number of requests received from the victim by the HCSO, who retains custody of their SAEK, or other crime scene evidence related to a sexual assault, requesting notification of intended destruction or disposal of evidence during the prior two years as of June 30th of that calendar year.

Q. Annual Reporting to the Maryland Sexual Assault Examination Kit Policy and Funding Committee

- 1. On or before January 15, 2021, and every year thereafter if required or necessary due to operational or legislative changes, the Commander of the HCSO CID will ensure the following is submitted to the Maryland SAEK Policy and Funding Committee:
 - a. A copy of Harford County Sheriff's Office Policy as required by the Annotated Code of Maryland, Criminal Procedure Article, Section 11-929.

Approved

JEFFREY R. GAHLER
SHERIFF
DATE 8.18.2022