

# Annapolis Police Department



## GENERAL ORDER

**Number: L.7**

**Issue Date: October  
2008**

**TO:** All Personnel

**SUBJECT:** Investigation of Sex Offenses

### PURPOSE

The purpose of this General Order is to establish clear guidelines for the investigation of rape and sexual offenses.

### POLICY

It shall be the policy of the Annapolis Police Department to thoroughly and aggressively investigate all complaints of rape and sexual offenses. There will be a coordinated effort among police investigators and social services support systems in the investigation of sexual offenses. Investigations of these offenses will be the responsibility of the Criminal Investigations Section.

### DEFINITIONS

- 1. Rape** - Vaginal intercourse with another person by force or threat of force against the will and without the consent of the victim.
- 2. Marital Rape** - There are cases when a spouse can be charged with marital rape. Due to the complexity of the laws, any cases that are believed to be marital rape will be forwarded to the Criminal Investigations Section who will consult with the State's Attorneys Office.
- 3. Sexual Offense** - Sexual act with another person by force or threat of force against the will and without the consent, or sexual contact with another person against the will and without the consent of the victim.
- 4. S.A.F.E.** - An acronym for Sexual Assault Forensic Examination. These examinations are conducted by specially trained S.A.F.E. nurses or physicians assistants (Sexual Assault Forensic Examiner).

5. **Delayed Reporting** - This allows the victim to obtain a S.A.F.E. examination without police involvement.

I. **Initial Investigation**

This does not apply to Delayed Reporting Cases.

- A. The responsibility for the initial investigation of a rape, sex offense or attempt of these crimes rests with the patrol officer dispatched to the scene. The officer's first responsibility is the welfare of the victim. When applicable, the officer must administer first aid and/or call for an ambulance.
- B. It is essential the victim of a rape or sex offense be treated with courtesy, dignity, respect and compassion by all Police Department members. The first officer on the scene must always be aware that he or she is the initial source of protection for the victim. The manner in which all personnel treat 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 the prosecution.
- C. In all cases the assigned officer or their supervisor will conduct a brief interview of the victim to determine if a crime has been committed. If it is determined that a sex crime has occurred, the following two steps must be taken:
1. Transport the victim to the hospital if the assault occurred within the last 120 hours to have a S.A.F.E. examination. If a detective is responding to investigate the incident, the detective is responsible for arranging the S.A.F.E. examination of the victim. If a patrol officer is investigating the incident, the officer is responsible for arranging for the S.A.F.E. examination of the victim. Victims must be interviewed prior to the arrival of the S.A.F.E. examiner.  
  
To arrange for a S.A.F.E. examination, the officer/detective will contact the charge nurse of the emergency room and request that a S.A.F.E. examiner be notified to respond to the hospital for the examination. If possible the investigating officer should stay with the victim until the S.A.F.E. nurse or crises counselor arrives. If it is not possible to stay, the officer will ensure that the S.A.F.E. nurse receives the case number and investigating officer's name.
  2. When the examination is complete the S.A.F.E. examiner will notify Communications for collection. The Police Communications Operator (PCO) will notify the investigating officer or another officer to respond to the hospital to collect the S.A.F.E kit for submission into evidence.
- D. In all cases the assigned officer will isolate the victim from other officers, witnesses and spectators (including friends, family members and relatives when possible). The

victim will be asked only those questions necessary to determine the type of crime and to obtain information for a suspect lookout.

- E. Officer's, investigator's and Evidence Technicians shall refrain from expressing or implying any personal opinion during the course of the investigation, particularly concerning the legitimacy of the complaint.
- F. The Platoon supervisor shall notify the Criminal Investigations Section (CIS). If no CIS investigators are on duty the Platoon supervisor shall notify the on call CIS supervisor who will determine if an investigator will respond using **General Order L.1** as a guideline.

## **II Responsibilities of the Patrol Officer**

- A. All victims of Rape, Sex Offenses involving a sexual act or vaginal intercourse should be transported to the hospital and examined by a S.A.F.E. examiner, if the incident occurred within 120 hours of the time it was reported.
- B. If only the initial/assigned officer is present when the victim is transported to the hospital, that officer will go to the hospital and another officer will be assigned to preserve the crime scene.
- C. If two officers are present and the victim needs to be transported to the hospital for treatment, the initial/assigned officer will go with the victim while the other officer remains to secure the crime scene. Any suspect information obtained will immediately given be to Communications in order to broadcast a lookout.
- D. An Evidence Technician will be notified to respond to process the scene.
- E. Identify any witnesses and record their names, addresses, and telephone numbers; attempt to detain the witnesses until statements can be obtained.

## **III. Protection of the Crime Scene**

- A. Everything at or near the crime scene is potential evidence and must be preserved. Unless disruption is necessary to assist the injured victim, the crime scene must be secured as outlined in **General Order L.3**.
- B. All unauthorized persons, **including** police officers not assigned to the case must be barred from the scene.
- C. Responsibility for the protection of the crime scene rests and remains with the first officers on the scene until relieved by Platoon supervisor or the detective as outlined in **General Order L.1**.

- D. The victim is the primary crime scene. Encourage the victim not to bathe, change clothing or use bathroom facilities.
- E. If the victim has bathed, changed clothing, or used the bathroom facilities, this does not preclude the possibility of evidence being obtained. Evidence still shall be collected in order to determine if there is in any available physical evidence.
- F. Record the time of arrival, observations made at the scene, name of all persons on the scene, and location of initial contact with the victim.
- G. Record all spontaneous statements made by the victim, as well as the victim's physical condition, demeanor, and the condition of the victim's clothing.
- H. Have the victim indicate in what areas of the scene the assault took place and items or areas possibly handled by the suspect.
- I. Obtain the best description of the suspect and place a radio lookout so an immediate apprehension is possible. If an immediate apprehension is made;
  - 1. Do not let the suspect bathe, change clothing, or use bathroom facilities, or eat, drink, chew gum, or smoke tobacco products.
  - 2. Record spontaneous statements made by the suspect.
  - 3. Record physical condition of the suspect, condition of suspect's clothing, suspect's demeanor, and location of initial contact with the suspect.
- J. If the crime occurred inside a vehicle, preserve it for processing.
- K. Do not conduct an in-depth interview of the victim. Ascertain sufficient information to classify the offense.

#### **IV. Responsibilities of the Criminal Investigator in charge of the Investigation**

- A. It is the responsibility of the criminal investigator to ensure that the Sexual Assault Crisis Center has been notified for all cases of rape, attempted rape, and sexual assault. In most instances the hospital has a protocol for contacting the Sexual Assault Crisis Center, however it is still the responsibility of the police department to ensure that contact has been made.
- B. In all child sexual assault/abuse cases Protective Services shall be notified immediately.
- C. All items of clothing worn at the time of the assault shall be seized. Each item shall be packaged in a **separate paper bag**, and labeled appropriately to indicate chain of custody. All other evidence such as bed linens, towels, handkerchiefs and other

physical evidence should be seized and packaged in **separate paper bags and** labeled appropriately to indicate chain of custody.

- D. Search the crime scene for evidence; direct the Evidence Technicians to take photographs and fingerprints and to search for physical evidence.
- E. Assign officers to canvass the neighborhood of the crime scene for persons who have information regarding the crime.
- F. Assign personnel to systematically search the vicinity of the crime area for any evidence that may have been lost or disposed of by the suspect.
- G. Keep accurate and complete records of the case, particularly records of the following:
  - 1. Statements of the defendant;
  - 2. Possession and marking of evidence;
  - 3. Chain of custody of prisoner;
  - 4. Detailed description of the crime scene;
  - 5. All photographs of the crime scene, and the victim's physical injuries;
  - 6. Medical reports or findings; and
  - 7. Witness information and statements.
- H. Interview of Witnesses
  - 1. The effectiveness of an investigator, as well as the success of the investigation is largely dependent upon his or her ability to obtain information from complainants, witnesses, informants and suspects. It is therefore essential that interviews and interrogations be conducted by investigators with sensitivity, patience and above all, honest sincerity to the task at hand.
  - 2. Members of the Department who are in charge of conducting our investigations shall, whenever possible, obtain a signed written statement from each witness, complainant or defendant.
  - 3. All statements obtained in the investigation shall be attached to other records of the case for future reference and for the use of the State's Attorney who will present the case to court.
- I. If criminal investigations personnel are not required to respond, Section IV of this General Order shall apply to the initial/ investigating patrol officer.
- J. Arrange for Physical Examinations
  - 1. The victim may be transported to the medical facility by police or ambulance personnel. The medical needs of the victim are the first priority and take precedence over the S.A.F.E. examination. Therefore, the victim may be

transported to any medical facility for medical treatment even if the facility does not have a S.A.F.E. program.

2. If the victim does not require medical assistance and only requires the S.A.F.E. examination, the victim should be transported to the Anne Arundel Medical Center or the Baltimore Washington Medical Center for a S.A.F.E. examination.
  3. If the victim does not require medical assistance and is reporting the crime from a medical facility that does not offer a S.A.F.E. examination, the victim must be medically screened and released by the facility staff before being transported to another facility for a S.A.F.E. examination.
- K. In sex crimes involving minors, it is advisable but not mandatory that the consent of the parents, custodians or legal guardians first be obtained for such examinations. If possible they should be requested to accompany the victim to the hospital. Victims 12 years of age and younger must be taken to the Baltimore Washington Medical Center for a S.A.F.E. examination.

#### **V. Delayed Reporting Cases**

The 2005 reauthorization of the Violence Against Women Act (VAWA) states a victim of a sexual assault is not required to participate in the criminal justice system in order to be provided with a forensic medical examination. In order to comply, a victim may have a S.A.F.E. examination without notification of Law Enforcement. However, due to chain of custody issues regarding the evidence collected, the S.A.F.E. kit will be stored by the Annapolis Police Department for at least 90 days in the event the victim chooses to request an investigation by law enforcement.

- A. If the victim chooses to have a S.A.F.E. examination without police involvement, the nurse will contact Communications to request a case number. The Police Communications Operator will generate a call for service entitled "Suspicious Activity" and provide the case number to the nurse. The PCO will then get a hospital case number that should be included in the notes of the call, along with the name of the nurse, name of hospital, etc.
- B. The Police Communications Operator will dispatch the call to a patrol officer.
- C. When Communications is notified by the nurse that the S.A.F.E. examination is complete the PCO will dispatch the previously assigned officer or another officer to respond to the hospital and pick up the kit. The officer will then submit the S.A.F.E. kit into evidence.
- D. The assigned officer will complete an Incident Report entitled "Suspicious Activity". The report shall include but not limited to the nurses name, name of hospital, hospital

case number and that the S.A.F.E. kit was collected and turned into evidence. This report may be taken over the telephone. If another officer is assigned to collect the S.A.F.E. kit, the officer must complete a Supplement Report indicating that the S.A.F.E. kit was submitted into evidence.

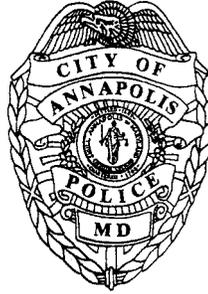
- E. The Criminal Investigations Section will review all “Suspicious Activity” reports. If at the conclusion of 90 days the victim has not contacted the Criminal Investigations Section to have the case investigated, the case will be closed. It is the responsibility of the designated supervisor in the Criminal Investigations Section to notify the property section that the S.A.F.E. kit is authorized to be destroyed.

Michael A. Pristoop  
Chief of Police

References
1. Accreditation Standards 41.2.4, 42.2.2, 83.2.1 2. General Orders K.7 Collection of Trace Evidence and DNA Evidence, L.1 Responsibility of the Criminal Investigations Division, L.3 Crime Scene Procedures/Collection of Evidence

**Revision:** This replaces General Order L.7 Investigation of Sex Crimes dated March 2000

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### MEDICAL REPORT RELEASE FORM

**TO:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**REPORT #** \_\_\_\_\_

I, \_\_\_\_\_, D.O.B. \_\_\_\_\_ do authorize the release of medical records pertaining to myself regarding the incident reported under report # \_\_\_\_\_, to Officer/Detective \_\_\_\_\_ of the Annapolis Police Department as part of his/her official investigation.

Officer/Detective \_\_\_\_\_ has my permission to view and receive a copy of said report/record.

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**WITNESS:** \_\_\_\_\_

**DATE:** \_\_\_\_\_