

**Purpose**

It is the purpose of the Cecil County Sheriff's Office to establish guidelines regarding the response and investigation of incidents involving sexual assault. The Sheriff's Office recognizes that victims of crimes of sexual violence have been impacted in a manner that not only threatens their physical safety, but also their long-term emotional well-being.

**Policy**

It is the policy of the Cecil County Sheriff's Office that complaints of sexual assault will be investigated thoroughly with an emphasis on compassion and support for the victim.

Members of the Sheriff's Office are prohibited from presenting sexual assault victims with any form purporting to:

- Relieve the Sheriff's Office of an obligation to the victim;
- Preclude or define the scope of an investigation into an act allegedly committed against the victim;
- Prevent or limit a prosecution of an act allegedly committed against the victim; or
- Limit private right of action of the victim pertaining to an act allegedly committed against the victim or the victim's interaction with the Sheriff's Office.

If at any time a victim requests that the scope of an investigation be limited or that an investigation be temporarily or permanently suspended, the investigating deputy shall:

- Thoroughly document the request; and
- Follow up with the victim in accordance with this policy.

**Procedure**

**I. Initial Response**

- A. The initial responding deputies will ensure the victim's safety. The victim's physical condition and mental state should be immediately assessed and appropriate medical attention provided, if required.
- B. Responding deputies will identify, secure, and protect any crime scene(s).
- C. The responding deputies will conduct a preliminary investigation that may include identifying/interviewing potential witnesses, identifying any potential suspects, and securing vital information or evidence.
- D. The initial responding deputies will contact their patrol supervisor and provide details of the incident.

- E. The patrol supervisor will contact the on-call criminal investigation division (CID) supervisor and make notification.
- F. The on-call CID supervisor will determine whether or not a response will be necessary from the criminal investigation division. The CID supervisor will take into account various factors including time frame and identification of crime scene when determining the response.
- G. The on-call CID supervisor will also contact the Sheriff's Office crime scene technician if deemed necessary. If the Sheriff's Office crime scene technician is unavailable, the on-call CID supervisor will request the Maryland State Police Crime Scene Unit for assistance.

## II. Investigation

- A. Sheriff's Office personnel will interact with all sexual assault victims in a considerate and empathetic manner. The investigation will be conducted objectively and professionally, without any preconceived or biased judgments relating to the victim's background, personal circumstances, or perceived motivation.
- B. The investigating deputy will ensure that a rape crisis advocate is contacted and requested to respond to support the victim. A rape crisis advocate can help navigate some of the tough situations that sexual assault victims experience while engaging with the criminal justice system. A victim advocate can be particularly helpful in understating and addressing victim concerns that may cause them to want to limit the scope of an investigation/prosecution and help facilitate the necessary follow-ups with victims.
- C. The victim will be transported to the nearest emergency medical facility if needed and a rape crisis advocate will be contacted and requested to respond to support the victim.
- D. The victim will be informed that medical examinations will be conducted without charge and any limitations of the scope of the investigation or prosecution do not change the testing requirements of a sexual assault evidence kit, unless consent for analysis is knowingly, voluntarily and expressly withdrawn by the victim. The victim will also be notified that costs may be covered by the Maryland Criminal Injuries Compensation Board.
- E. The investigating deputy will provide information to the victim regarding protective orders and/or peace orders, if applicable (Ref. **Chapter 52 Court Orders for Protection**) and will be provided with a State of Maryland Crime Victims and Witness pamphlet.

- F. Investigating deputies will conduct detailed investigations including, but not limited to, attempting to interview all identified victims, witnesses, and suspects, examination of all relevant evidence, and execution of search and seizure warrants when necessary.
- G. Interviews of sexual assault victims shall be audio and video recorded with the victim's consent. Care should be taken to ensure that a victim's consent is informed and voluntary. Deputies will detail the purpose of the recording and who will have access to it. Victims may also be allowed the opportunity to consult with an advocate/attorney/support person prior to making this decision, if they request to do so.
- H. Audio and video recordings of a victim surreptitiously taken is prohibited.
- I. All interviews/interrogations of suspect(s) in rape cases or sex offenses will be audio and video recorded.
- J. The investigating deputy will honor the confidentiality of the victim.
  - 1) Deputies should make efforts to provide a private and comfortable space for victims, especially when being asked to disclose details of their case.
  - 2) Deputies shall make an effort to limit the number of disclosures that need to be made.
  - 3) Deputies should be aware, and advise victims if appropriate, that the details of their case can, and will, become a matter of public record and cannot be fully protected as confidential.
  - 4) Victims shall be advised that the services provided by certified sexual assault crisis programs are confidential.
  - 5) The deputy will not suggest a victim of sexually assaultive behavior sign a waiver of rights during the initial contact with the victim or during the continued investigation.
- K. The investigating deputy should be aware of the potential to re-traumatize the victim when conducting follow-up contacts.
- L. The investigating deputy shall inform the victim that he/she, or a deputy within the agency who investigates sexual assaults, will follow-up with the victim within 30 days of the initial contact to confirm the victim continues to request the suspension of the investigation and the deputy will discuss how and when follow-up contact will be made.
  - 1) Victims will be given the opportunity to indicate the preferred manner in which contact will be made via phone, e-mail, mail, or in-person.
  - 2) If the victim would like to be contacted by phone, the deputy should determine if a voicemail can be left and with what information.
  - 3) The deputy will document the victim's preference in the report.

- M. The investigating deputy shall provide the victim with the appropriate contact information for the Sheriff's Office and/or assigned investigator.
  - 1) Victims should be advised to contact the agency, or assigned investigator, at any time, with questions about their case; and/or
  - 2) If they have decided to pursue a criminal investigation.
  
- N. The investigating deputy will provide the victim with contact information for a certified sexual assault crisis program at the time of the initial contact.
  - 1) Deputies shall advise victims that discussions with an advocate from the certified sexual assault crisis program are confidential; and
  - 2) Deputies shall advise victims that information discussed with the advocate will not be shared with the investigator without their express consent.
  
- O. The investigating deputy shall follow-up with the victim no later than 30 days following the initial contact. If the victim continues to request a suspension of the investigation:
  - 1) The deputy shall provide contact information for the appropriate individual or unit at the time of the follow-up;
  - 2) The deputy shall request the victim advise the agency if a decision has been made to continue the investigation or to continue the decision to suspend the investigation.
  
- P. The deputy shall advise the victim any decision to suspend an investigation will not be considered permanent and, should the victim choose to pursue a criminal investigation at a later date, the case may be re-opened for investigation.
  - 1) The deputy shall again provide contact information and should provide information for a certified sexual assault crisis program serving the jurisdiction.
  - 2) The deputy shall notify the victim of any statute of limitations.
  
- Q. The investigating deputy shall document this contact in the record.

### III. **Polygraph Examinations**

- A. Deputies investigating sexual assaults, will not, at the onset of a sexual assault investigation, routinely request victims to undergo a polygraph examination merely to pre-assess their credibility. The use of a polygraph examination of the victim shall only be sought after the completion of a thorough investigation of all the available evidence related to the incident.
  
- B. Polygraph examinations of sexual assault victims shall only be considered when the investigating deputy has reasonable and articulable suspicion that a relevant and important part of the victim's report is false.

**IV. Training**

- A. Sexual assault laws and issues change; therefore, it is the practice of the Sheriff's Office to provide contemporary sexual assault training to members of this Agency.