
	GAITHERSBURG POLICE DEPARTMENT			
	Investigation of Rapes & Sex Offenses			
	GENERAL ORDER	604.7		Related CALEA Standards:
	Effective Date	08/06/2020		42.1.4, 42.2.2, 55.1.1, 55.1.3, 83.2.1, 83.2.2, 83.2.3
Authorized by:	Mark P. Sroka CHIEF OF POLICE	SIGNATURE <i>Mark Sroka</i>	DATE 08/06/2020	

I. DEPARTMENT POLICY

Officers and investigators play a significant role in both the victim's willingness to cooperate in the investigation and ability to cope with the emotional and psychological affects of the crime. Therefore, it is the policy of the department that all officers handle investigations of rape and sexual assault with a nonjudgmental perspective so as not to communicate in any way to a victim that the victim is to blame for the crime.

II. INVESTIGATIONS AND REPORTS

A. Procedures

1. If the victim has sustained injuries requiring immediate treatment, the officer shall direct transportation and accompany the victim to the nearest hospital.
2. In non-emergency situations, if it is necessary to transport the victim to the hospital prior to the investigator's arrival, the victim should be advised to take a change of clothing.
 - a. The victim has the right to select ANY hospital in Montgomery County, and also has the right to request that a medical examination be conducted by their personal physician, or the victim has the right to refuse medical treatment/examination.
3. Everything at or near the crime scene is potential evidence (including the victim) and must be protected and preserved by the officer conducting the preliminary investigation so that it can be photographed and collected by the officer or by F.S.S. (see General Order 1101.1 - Crime Scene Protection and 1103.1 - Photographing Evidence).
4. Unless disruption is necessary to assist the injured victim, the crime scene must remain secure and all unauthorized persons, including other police officers not assigned to the case, must be barred from the scene.

- a. Responsibility for the protection of the crime scene rests and remains with the first officer on the scene until the arrival of the investigator.
 - b. The victim is the primary crime scene so they should be encouraged not to bathe, change clothing, or use bathroom facilities until after medical treatment/examination.
 - c. At all times, the victim will be treated with compassion, dignity, and respect.
5. The patrol officer, as soon as possible after arriving on the scene, will gather information from the victim, complainant, and/or witnesses for purposes of a preliminary look-out for officers still en-route or patrolling in the area.
 6. A thorough preliminary investigation will be conducted by the patrol officer to aid the investigator assigned the follow-up.
 7. A record of the time of arrival on the scene, observations made of conditions, events, and remarks made at the scene, names of all persons on the scene and the location of initial contact with the victim will be made.
 8. A record will also be made of all spontaneous statements made by the victim, as well as the victim's physical condition, demeanor, and condition of his/her clothing.
 9. The victim should be asked to identify locations on the scene where the assaults occurred, and items possibly handled by the suspects.
 10. If an immediate apprehension is made, record the same information about the suspects as is listed in #8 above.
 11. If the crime occurred in a vehicle, the vehicle must be preserved for processing (which should include photographs, lifting of latents, recovery of hair fibers, and body fluids, etc.).
 12. All information should be obtained from witnesses, who should be encouraged to remain near the scene until the investigator's arrival.
 13. Statements taken from witnesses should be in writing.
 14. The officer conducting the preliminary investigation will contact the *Sexual Assault Assistance Team (SAAT)* and advise them of the

incident, unless relieved of that responsibility by the investigator.

- a. When the patrol officer notifies the Special Victims Investigative Division (SVID), the officer should ask about notification of the SAAT because investigators may wish to make the notification upon their arrival.
 - b. The SAAT can be contacted Monday through Friday, 0900 – 1700 hours, at 240-777-1355. The after-hours hotline number is 301-315-4000.
15. Upon the arrival of the appropriate investigator, the patrol officer(s) shall yield the responsibility for the investigation to the investigator, and will assist as necessary.
 16. If a victim requests during the initial on-scene response that the scope of an investigation be limited or that an investigation be temporarily or permanently suspended, the patrol officer shall thoroughly document the request in the report. Notification of SVID is still required. The assigned SVID detective will be responsible for follow-up contact with the victim.

B. MCP Special Victims Investigative Division

1. The Montgomery County Special Victims Investigative Division has the investigative responsibility for all rapes and attempted rapes and for all first, second and third degree sex offenses (and attempts where the victim is a juvenile.
2. The Special Victims Investigations Division also handles ALL investigative responsibility of rapes and sex offenses previously investigated by the MCP Major Crimes Division.
3. The Sex Assault Unit within the Special Victims Investigations Division will assume investigative responsibility for all reports of rapes and first, second and third degree sex offenses where the victim is 18 years of age and older.
 - a. Officers should call the Special Victims Investigations Division, Sex Assault Unit at (240) 773-5050 during business hours. The PSCC will assist in contacting the on-call investigator for after-hour notifications.

C. If an Adult Victim Does Not Wish to Prosecute

1. Only assigned investigators from the appropriate MCP

Investigative Section will determine, after appropriate follow-up, whether or not an allegation of rape or sexual assault investigation will continue or whether the victim will be permitted to sign a *Release from Investigation form*. Patrol Officers **WILL NOT** offer or accept a *Release from Investigation form* from a victim. Instead, patrol officers are directed to note any and all refusals in the narrative of the event report and forward it to the appropriate investigative section.

2. **All** allegations of rape or sexual assault **shall** be documented in a police report, whether or not the victim is cooperative, unless relieved of the responsibility by MCP Special Victims Investigative Division.

III. IN-SERVICE TRAINING

- A. Mandated by the Maryland Police and Correctional Training Commission, officers are updated in the laws governing sexual offenses, at a minimum, every three years. All officers receive in-service training in the care and handling of victims of sexual offenses, and in the investigation of sexual offenses, especially those involving children.