A Special Class of Victims

The Criminal Investigation Division’s Special Investigations Section – Sex Offense Unit is responsible for investigating all rapes, sodomies, and other sexual offenses pertaining to victims 16 years of age and older. Crimes of sexual violence are among the most challenging for investigators. Because victims commonly suffer emotional and physical trauma, it is the responsibility of the investigator, from the earliest stages of the investigation, to create a safe and trusting environment. 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 effects of the crime. Therefore, it is especially important that these cases be handled non-judgmentally so as not to communicate in any way that the victim is to blame for the crime or to imply that the investigator does not believe the victim.

It is a myth that victims of sexual assault respond in a predictable manner. In fact, trauma is often exhibited in a range of behaviors from hysteria, crying, and rage to laughter, calmness, and unresponsiveness. Victims may report the incident after some delay, and may experience difficulty remembering all the details of the assault. These delays and memory lapses are not evidence that the victims are lying or intentionally omitting details.

Detectives shall conduct their investigations with the understanding that certain demographic groups – prostitutes, drug abusers, children, and family members – are often targeted by offenders because they are less likely to report their victimization. Detectives must clearly explain to victims that their purpose is to investigate the incident; they are not to pass judgment on the surrounding circumstances that may have given rise to the criminal incident.

Throughout an investigation, it is essential that detectives remain mindful of the following facts about sexual assault:

- Most sexual assaults are committed by someone known to the victim;
- Most sexual assaults are committed without a weapon, physical violence, or signs of physical injury;
- The majority of victims do not report immediately to law enforcement, if at all;
- Victims are often young, homeless, have a mental or physical impairment, are belligerent, and/or abusing alcohol or controlled substances;
- Victims often omit, exaggerate or fabricate parts of their account to investigators in order to fit society’s stereotype of a “typical” sexual assault; and
- Suspects often do not fit society’s stereotype of the unknown, masked rapist who lurks in dark places.
**Purpose**

The purpose of the Baltimore Police Department Sex Offense Unit, in carrying out its role as a member of the Baltimore City Sexual Assault Response Team (SART), is to provide sensitive, efficient, interdisciplinary services to victims of sexual assault and physical abuse; to support efforts to restore well-being to the victim; and to bring responsible person(s) to justice.

Detectives should strive to develop probable cause for arrest and to build quality evidence to successfully prosecute offenders. These criminal justice goals, however, do not supersede fealty to the best practices of investigating cases of sexual assault. Just as noble ends do not justify immoral means, it is better to assiduously follow best practices and forbear charging a suspect rather than expeditiously conclude an investigation that may later be undone by weak or uncorroborated evidence. From this perspective, an investigation is deemed successful if detectives and other members of the multidisciplinary team follow best practices; an investigation is not successful merely because an offender is identified and charged.

**Victim-Centered Approach**

The Sex Offense Unit adopts a victim-centered approach to investigations of sexual assault. This includes:

- Prioritizing the safety, privacy and well-being of the victim.
- Developing and providing training so that detectives are adequately prepared in responding to victims.
- Recognizing that victims are never responsible for the crimes committed against them and that offenders are always responsible for their crimes.
- Understanding the impact of victim trauma and how it affects victim behavior.
- Limiting the number of times a victim has to talk about the assault. Before the detailed investigative interview is conducted, first-responding officers and detectives should ask only the minimum number of questions to determine the nature of the allegation, provide medical treatment, and secure any evidence, witnesses, and suspects.
- Acknowledging and respecting victims’ input into the criminal justice response.
- Maintaining victims’ privacy and confidentiality.
- Ensuring victims are kept up-to-date at every step in the criminal justice process.

Detectives who adopt a victim-centered approach respond with sensitivity and professionalism to all victims, irrespective of their sexual orientation, socio-economic status, sexual behavior, substance abuse, mental and physical challenges, or English
fluency. Detectives treat each victim with consideration, professionalism, and compassion, and they leave their personal values, morals, and opinions at the door.

**Offender-Focused Response**

An offender-focused response acknowledges that offenders purposefully, knowingly, and intentionally target victims whom they believe cannot or will not hold them accountable. This includes victims that offenders perceive as vulnerable, accessible, and/or lacking in credibility. It is therefore incumbent upon the detective to focus on the offender’s actions, behaviors, characteristics, and prior criminal history; to exhaust all investigative leads; and to embrace vertical prosecution as the best means of securing a criminal conviction.

An offender-focused response further means that investigators acknowledge the co-occurring nature of sexual assault. That is, offenders who commit sexual violence often commit the related offenses of domestic violence, child abuse, and stalking. Furthermore, most offenders only use the amount of force necessary to commit the assault and, as a result, victims may not sustain visible physical injuries. The mere presence of a perpetrator or the verbal tactics they employ can be seen as force and should be documented as such. An analogy is the law enforcement officer’s Use of Force Continuum, which begins with the presence of an officer and is followed by verbal commands. Neither of these use of force options leaves any physical evidence but both commonly lead to compliance.

**Working with Victim Advocates**

- It is best practice to allow victims to have an advocate or a support person of their choosing to be present from the earliest stages of an investigation. Research has shown victims participate more fully in the criminal justice process when advocates are used.

- Detectives and victim advocates are united by the shared mission of seeking justice for victims of sexual assault. However, whereas detectives are focused on identifying and charging the suspect, the attention and focus of victim advocates is attending to the emotional needs of the victim through crisis intervention, information sharing, and various forms of concrete assistance (e.g., temporary housing, transportation, clothing, and childcare). While it is true that victim advocates are not to concern themselves with the details of the sexual assault or investigation, it is appropriate for them to remind victims of their rights, ask detectives to clarify a question the victim did not understand, or offer victims a break from questioning.

- Detectives will enlist the assistance and expertise of social workers and victim advocates to periodically contact victims whose cases have not been solved. These calls will be made to assess the victim’s emotional well-being, determine
his/her need for services, and learn whether or not the victim has any additional information to provide investigators.

- Team building – the process by which people get to know one another, become comfortable with one another, and build trust – is essential to forming effective partnerships between members of the SART, and particularly between detectives and victim advocates. Supervisors and detectives will make every effort to get to know the forensic interviewers, social workers, and victim advocates who are members of the SART. Supervisors will cultivate opportunities to cross-train with victim advocates so that all members of the SART develop a greater understanding of each other’s role and how these roles are carried out.

**Contacting Victim Advocacy**

Advocacy services shall be initiated automatically by law enforcement to respond to the sexual assault victim by contacting the Sexual Assault Helpline at 443-279-0379. Advocates may respond to hotline calls, the emergency room or other medical settings, as well as the Sex Offense Unit offices. Advocates provide both immediate care and access to a range of coordinated services, which may be used to help the victim in reducing the effects of trauma.

- **At the hospital:** Mercy Medical Center generally contacts the victim advocate at the same time they contact the forensic nurse examiner to respond to a sexual assault. If, however, a victim advocate is not present when the detective arrives at the hospital, they shall check with the ER and call the Sexual Assault Helpline at 443-279-0379 for an advocate if one has not yet been contacted. Once at the hospital, the advocate will greet the victim and explain the role of the advocate, the agency, and available services. At this time the victim will have the choice to accept or decline advocacy services.

- **At the SOU office when a victim initiates a report to police:** When SOU detectives are responding to a victim who has called or walked into a police station to report a sexual assault – and does not wish or does not need to seek medical services – the SOU detective will call the Sexual Assault Helpline at 443-279-0379 to arrange for a victim advocate to respond to this initial interview. Upon arrival, the advocate will greet the victim and explain the role of the advocate, the agency, and available services. At this time the victim will have the choice to accept or decline advocacy services.

- **At the SOU office when a victim responds for follow up appointments:** When a victim is scheduled for a follow up appointment with the SOU, the investigating detective will make prior arrangements with the full-time victim advocate to attend the meeting if advocacy services are already engaged. If the victim has previously declined advocacy services, the detective shall introduce the option of having an advocate present again at this time.
Detectives will consider alternative locations – such as the victim’s home or other safe and confidential locations – to meet any special victim needs. Victim advocates shall be invited, with victim permission, to attend these off-site meetings. Detectives will audiotape victim interviews when they cannot be videotaped at the SOU office.

**Accompaniment to Investigative Interviews Policy**

The treatment a victim receives during the investigative interview may impact the victim’s decision to participate in or withdraw from the criminal justice system. It is best practice to allow victims to have an advocate present during the interview. The advocate does not participate in the investigation, but is present to provide support, attend to the victim’s needs and concerns, and to ensure that the victim’s well-being remains a high priority. The involvement of the advocate should be viewed as an opportunity to foster positive working relationships with investigators and to facilitate the victim’s participation in the criminal justice system.

**Procedures: Accompaniment**

- The advocate will greet the victim and explain the role of the advocate, the agency, and available services.
- The advocate will attend to the victim’s immediate priorities and encourage the victim to identify any needs, questions, and concerns before beginning the interview.
- During the interview, the advocate shall not participate in or interfere with the victim’s statement. However, the advocate may suggest a break if the victim consents.
- If an advocate has concerns, these are to be addressed privately with the investigator during a break or following the completion of the interview.
- If the victim wishes to terminate the interview, withdraw from the investigation, or recant, the investigator may suggest that the victim speak privately with the advocate about this decision.
- The advocate shall avoid taking notes during the interview. However, with the consent of the victim and the investigator, the advocate may write down resources or phone numbers to be given to the victim to take with them at the end of the interview.
- Following the completion of the interview, the advocate may talk with the victim, allowing the victim to voice any feelings or concerns about the statement or the interview.
- The advocate and the investigator shall avoid any discussion of the case following the completion of the interview. They may discuss the needs of the victim, including transportation, medical care, or other as appropriate.
- Notification and requests for victim advocacy should be documented.
Unfounded Investigations

When a detective “unfounds” an investigation, it means that a crime was never committed. To conclude that an allegation of sexual assault is unfounded, a combination of factors must be present to demonstrate that the allegations of the crime are false or baseless. A victim’s recant – a statement that the crime never occurred and the victim’s original report to investigators was false – cannot serve as the sole basis for classifying a case as unfounded. Rather, detectives must explore why the victim recanted. Victims may falsely recant their original statement to police for a variety of reasons, including:

- The lengthy criminal justice process;
- Emotional strain;
- Pressure from family members; or
- Fear of retaliation by the suspect.

As part of the case review process, supervisors will re-contact victims who have recanted their initial reports to investigators. When practical, supervisors will re-contact the victim with the assistance of a forensic interviewer or social worker.

Detectives will only act upon their suspicion that a sexual assault report is false if these concerns are very serious and based upon the evidence during the investigation. Cases cannot be unfounded solely because of:

- Lack of documented injuries/findings during the medical examination (SAFE);
- Confusing or inconsistent statements by the victim;
- Victim’s inability to recall what happened;
- Victim’s inability to articulate the elements of the crime due to developmental disability, mental illness, lifestyle, young age, substance abuse, or intoxication; or
- Victim’s criminal history or participation in illegal activity during the assault.

In addition to close supervisory scrutiny of unfounded investigations, the SART Audit Committee will review a sample of unfounded investigations on a bi-monthly basis. The Audit Committee is an independent system of checks and balances designed to uphold the integrity of the case review process and ensure consistent compliance with best practices in the field of sexual assault investigations and the delivery of victim-centered services. It is comprised of representatives from the Sexual Assault Legal Institute, Mayor’s Office of Criminal Justice, Baltimore City State’s Attorney’s Office, Mercy Medical Center Forensic Nurse Examiner Program, TurnAround, Inc., and the Baltimore Police Department.
Daily Review of Calls for Service
The Sex Offense Unit will review Computer Aided Dispatch (CAD) at least once every 24 hours to ensure all patrol calls for service for rape and sex offense have been thoroughly investigated and reported to the Sex Offense Unit.

Responsibilities

SOU Lieutenant & Sergeants
- Monitor all investigations to ensure they are conducted in a fair, impartial, and sensitive manner.
- Ensure all members of the Sex Offense Unit strictly adhere to General Order G-8 and this Sex Offense Unit SOP.
- Observe sergeants and detectives in the performance of their duties and provide direction.
- Verify detectives respond to all calls for service when patrol officers locate a possible victim of rape or sex offense.
- Notify the SIS commander, in a timely manner, of any noteworthy investigations or case developments.
- Review all cases for timely and appropriate case development, including case management update.
- Maintain an equitable caseload distribution among detectives.
- Ensure at least two detectives are on-duty at all times.
- Provide stringent control of overtime and other budgetary allowances.
- Identify major cases, which by their nature require extraordinary investigative time, and ensure detectives and supervisors have the necessary resources.
- Review and approve/disapprove all cases classified as unfounded.
- Establish and maintain a partnership with the State’s Attorney’s Office (SAO) so that all Sex Offense Unit cases are vertically prosecuted.
- Ensure the Sex Offense Unit operates cooperatively and collaboratively with outside agencies that provide victim services, including but not limited to TurnAround, Inc. and Mercy Medical Center.
- Attend bi-monthly SART meetings.
- Ensure the Sex Offense Unit is staffed with at least two detectives at all hours of the day.
- Ensure case management database entries are accurate, complete and current, with the supervisor’s signature and date entered into all progress reports.
- Assist detectives in planning, preparing, and serving search and seizure warrants, and ensure they are returned in a timely manner to the issuing judge.
- Ensure the Warrant Apprehension Task Force (WATF) is immediately contacted when an arrest warrant is obtained.
● Conduct inspections to verify all suspects are interrogated.

**SOU Detectives**

● Conduct every investigation in a fair, impartial, and sensitive manner.
● Strictly adhere to General Order G-8 and this Sex Offense Unit SOP.
● Respond to all calls for service where patrol officers locate a possible victim of rape or sex offense.
● Ensure the crime scene is thoroughly processed and photographed by the Crime Lab.
  ○ Escort the victim through the crime scene, whenever possible, so that the victim can identify for the detective and Crime Lab technician the suspect's movements, items he touched, and any property he may have left behind.
● Maintain familiarity with developments in forensic science, applicable federal and state statutes, and case law.
● Obtain search warrants, when appropriate, to recover evidence (including DNA) from crime scenes; suspects; suspects’ residences and/or vehicles; and computers, cell phones, and other electronic devices.
● Classify all cases according to one of the following:
  ○ Closed/Arrest
  ○ Closed/Exception
  ○ Open
  ○ Open/Warrant
  ○ Open/Inactive
  ○ Reclassified
  ○ Unfounded
● Review promptly all out-of-jurisdiction reports sent to the Sex Offense Unit to determine who is responsible for investigating the case. If the case falls within the purview of the Sex Offense Unit, assign the case according to the detective/case rotation system. If the Patrol Division is responsible, determine the appropriate district and fax the report to the administrative lieutenant or shift commander.
● Attempt to obtain a DNA standard (via search and seizure warrant) from all suspects, whenever possible.

**Preliminary Investigation**

● Interview the primary officer for any information he or she may have regarding the reported incident.
• Ensure the victim is transported to the Mercy Medical Center when treatment or examination is required. It is important to remember that evidence may normally be collected during a medical examination up to five days after the assault, and evidence can be gathered and injuries documented beyond that time, especially if the victim is injured, bleeding, or experiencing pain.

• Obtain search and seizure warrants for evidentiary purposes. Do not use consent-to-search forms.

• Have the secondary detective or a patrol officer protect the crime scene for Crime Lab processing. Crime Lab technicians will process the scene for latent fingerprints and gather any evidence that may contain DNA. In addition to the victim’s and suspect’s bodies and clothing, other potential sources of DNA include condoms, sheets, blankets, pillows, and bottles that may contain biological evidence such as blood, sweat, tissue, saliva, hair, and urine.

• Conduct an area canvass for witnesses and transport any to the Sex Offense Unit for interview. Included in these witness interviews should be “prompt outcry” witnesses and any persons who may be able to corroborate or refute the victim’s and suspect’s statements.

• Contact the State’s Attorney’s Office to obtain a subpoena when phone records, text messages, or voicemail messages need to be recovered.

• Contact the Sexual Assault Helpline to enlist the assistance of victim advocacy services.

• Offer transportation to the victim and his/her family once the medical examination and victim interview are completed.

• Complete a 24-Hour Report for all new cases prior to the end of the tour of duty, including the following information:
  o Basic facts of the case;
  o Results of the SAFE;
  o Submission of the SAFE kit and any other evidence;
  o Previous BPD contacts with the victim, suspect or witnesses; and
  o Suspect’s arrest record, parole and probation status, Sex Offender Registry status, and any other pertinent information.

**Victim Interviews & Suspect Interrogations**

• Detectives will use the rooms wired with audio/video at all times for interview and interrogation.

• The recording system must be activated prior to anyone entering the room so as to capture the entire exchange between the investigator and the person being interviewed or interrogated.

• The practice of conducting “pre-interviews” prior to recording is forbidden.
- The audio/video system should never be turned off and back on during any interview or interrogation, for any reason. The system should only be turned off at the conclusion of the interview/interrogation process.

- Victims and witnesses must be advised they are being recorded, for both their protection and to preserve testimonial evidence. Consent must be obtained except under the below listed exception of enumerated crimes. If there is any doubt whether the individual being interviewed is a witness or a suspect and/or the crime being investigated fits one of the enumerated crimes listed below, the individual must be advised and consent obtained:
  - Murder, kidnapping, rape, sexual offenses in the 1st or 2nd degree, child abuse, child pornography, and/or other enumerated crimes identified in Article 10-402 of the Annotated Code of Maryland – Courts and Judicial Proceedings.

- Failure to use the audio/video wired rooms must be explained and documented in the case folder.

- Investigators should speak clearly, in a tone audible to the system, and in a professional manner.

- At least one copy of the interview/interrogation must be copied (onto CD) from the video/audio recorder hard drive and submitted to the Evidence Control Section within 24 hours of the interview/interrogation. A copy must also be maintained in the case folder.

**Interviewing the Victim**

- Detectives shall prioritize the needs and comfort of the victim.

- Patient, skillful, and tactful questioning is critical for the victim’s long-term health and well-being. Investigators must refrain from lines of questioning and language that may cause victims to feel responsible for their victimization.

- Investigative notes and reports must be written in first-person, using the victim’s language and terminology and including direct quotes from the victim (i.e., avoid sanitizing the language).

- Detectives will avoid asking questions or making statements the victim and his/her family may interpret as blaming the victim. Examples include:
  - “Why didn’t you run?”
  - “Why didn’t you scream?”
  - “Why didn’t you fight back?” and,
  - “That doesn’t make sense.”

- The skillful detective/interviewer will tactfully explain why sensitive questions are necessary to further the investigation. For example, an investigator could say: “I need to ask these questions because I have to write a report on this, and I want to get every detail correct.”
• Detectives will not use quotations around the incident under investigation (e.g., “rape”) and shall refrain from using language that implies victim deception. Simply document the facts as they are understood at the time they are reported.
• Victims will not, under any circumstances, be interviewed in a suspect interrogation room/holding cell.
• Detectives will run wanted checks on all suspects, witnesses, and victims, consistent with departmental policy (see PCM 02-02). However, detectives will consult with the Office of the State’s Attorney when victims are found to have open warrants for misdemeanor offenses or felony offenses that are five years or older, as these charges may be quashed or converted to a criminal summons.

Processing the Suspect
• Place all suspects in a holding cell until they are ready for interrogation.
• Interrogate all suspects with two detectives and follow established procedures for their care and custody.
• Allow the suspect ample opportunity to give an account of the incident. Many perpetrators will provide information in an attempt to justify their actions.
• Notify the appropriate investigative unit when the suspect may be involved in other criminal activity (e.g., contact DDU when the suspect may be involved in street robberies or burglaries)
• Obtain a search and seizure warrant to obtain oral swabs (suspect DNA standard) or a suspect SAFE Kit (if necessary) when probable cause exists.

Follow-Up Investigation
• Supervisors and detectives will conduct thoughtfully planned and well-organized follow-up investigations based upon the unique facts of each case. Prior incidents with similar characteristics will be reviewed for possible patterns and links.
• Follow-up investigations shall be conducted using all available resources, to include but not limited to:
  o Arrest Viewer
  o Maryland court records
  o 911 tapes
  o DIG
  o CAD
  o Criminal history check
  o MVA
  o Case management database
  o i2
  o Parole and Probation
  o CLEAR
Detectives shall ensure all suspect descriptions (including composites) are disseminated via KGA broadcast, departmental e-mail, Metro Crime Stoppers and, when appropriate, the media (under the direction of the Public Affairs Section).

Detectives will enlist the expertise of other investigative units such as the Advanced Technical Team (ATT), Computer & Electronic Crimes Unit (CECU), and Violent Crimes Impact Team (VCIT) to identify and apprehend suspects and to build the quantity and quality of evidence.

Detectives should seek prompt outcry witnesses – persons (often friends and family) to whom the victim disclosed the assault prior to making a report. Collecting outcry statements may provide corroborative details, additions to the timeline, and/or increase the credibility of the victim’s account.

Detectives should seek suspect disclosure witnesses – persons (often friends, co-workers and/or acquaintances) to whom the suspect may have bragged or disclosed his crimes. Suspect disclosure witnesses can corroborate the sexual acts described by the victim and provide insight into the suspect’s perception of the incident and behavior surrounding it.

One-party consent or pretext phone calls are a strong tool to be considered when the victim and suspect know each other. The transcript from a monitored call can provide useful evidence as facts are corroborated and the suspect makes admissions or gives improbable statements.

Because sex offenders also commonly commit other crimes, detectives shall contact district post officers, Operations Unit personnel, and District Detective Units for assistance in identifying known offenders, problem areas, burglary patterns, street robbery patterns, and other offenses that may have a bearing on the sex offense investigation.

Sex Offense Unit supervisors shall brief district commanders on open sexual assaults in their districts. In cases where the suspect is unknown, deployment and enforcement initiatives will be considered.

Sex Offense Unit detectives shall utilize the Sex Offender Registry Unit for assistance in conducting door-to-door area canvasses for witnesses and suspects.
It is the policy of the Special Investigations Section to consult with the State’s Attorney’s Office prior to seeking criminal charges. Consultation with the State’s Attorney’s Office shall be a routine part of every investigation and begin at the earliest practical stage. Consultation is particularly critical when considering criminal charges, making “one-party consent” phone calls, obtaining subpoenas, taking suspect statements, and writing search and seizure warrants. In high-profile and complex cases, detectives should request that an assistant state’s attorney respond to the scene.

- In the event there is a disagreement about filing criminal charges between the detective and ASA, the detective will notify his or her supervisor and/or the SOU commander. Final decision-making authority for charging a suspect rests with the SIS commander.
- Detectives shall provide victims with frequent case updates and inquire if any additional information can be provided to further the case. Detectives shall contact all victims in open cases at least twice within the first 60 days of reporting the incident, upon arrest of the offender, and as necessary to assist the SAO in preparation for trial. Unsuccessful attempts to contact the victim must be noted in the case folder.

**Case Folders**

- All case folders will be filed in an approved and secure location.
- Each folder will be assigned a sequential number that corresponds with the case number in the case management database.
- Each case folder will contain an “OUT” file card marked with the folder’s sequential number.
- When a case folder is removed from the file, the “OUT” card will be completed with the date, the name of the member removing the folder, and the reason for the folder’s removal (e.g., court or meeting with the SAO). The card will be placed in the file cabinet, taking the place of the removed folder.
- When a case folder is returned to the file, the “OUT” card will be returned to the case folder.
- When a copy of the case folder is forwarded to the prosecuting attorney, the primary detective will obtain the attorney’s signature on a Case Folder Receipt Form, indicating receipt of the copy.
- Case folders will be maintained in a file cabinet for 12 months. As file space is needed, case folders from the preceding year will be removed and secured in an accessible storage area inside the Sex Offense Unit.
- Supervisors shall have access to all case folders on a 24-hour basis.
Supervisors will remove and review active case folders on a weekly basis. Any deficiencies or omissions within the case folders will be addressed in a timely manner.

All case folders will have the following:
1. Title sheet
2. Index page
3. Section separations
4. Case review sheet for the supervisor’s signature