



**CHEVY CHASE  
VILLAGE  
POLICE  
DEPARTMENT**

**GENERAL ORDER: 5-26.8; SEXUAL ASSAULT EVIDENCE KITS  
AND INTERACTING WITH VICTIMS**

DATE: 08/13/2020    Pages: 2    ◇    New    ◆    Amended

DISTRIBUTION:    **Sworn Personnel**

  
Police Chief: John Fitzgerald

**I. PURPOSE**

In 2017, §11-926 of the Criminal Procedure Article was amended requiring law enforcement agencies to do several things related to the handling of sexual assault evidence kits (SAEK) and the notification of sexual assault victims. Additionally, the law authorized the Maryland Office of the Attorney General (OAG) to adopt COMAR regulations to implement the new law.

In 2020, SB 807 passed which modified §11-929 of the Criminal Procedure Article requiring law enforcement personnel to follow up with victims of sexual assault in accordance with practices recommended by the Maryland Police Training and Standards Commission.

The purpose of this general order is to ensure that the Chevy Chase Village Police Department is in compliance with the law, regulations and PTSC recommended practices.

**II. POLICY**

All employees shall comply with this general order.

**III. BACKGROUND**

A. The law and regulations require that agencies in possession of an SAEK and other evidence of sexual assault must:

1. Provide a victim with information about the status of the SAEK and analysis and all available results of the kit analysis within 30 days of a victim's request;
2. Retain SAEKs and other crime scene evidence for 20 years after the evidence was collected (with certain exceptions);
3. Notify the victim at least 60 days before the date of the intended destruction or disposal of an SAEK or other evidence;
4. Develop written policies to demonstrate compliance with the law and regulations; and
5. Send periodic (on or before September 1, 2019 and every 2 years thereafter) reports to the OAG to include:
  - The number of SAEKs in its possession as

of June 30<sup>th</sup> of the calendar year in which the report is submitted;

- The date each SAEK was received;
- The number of SAEKs tested within the prior 2 years as of June 30<sup>th</sup> of the calendar year;
- The number of SAEKs destroyed within the prior 2 years as of June 30<sup>th</sup> of the calendar year; and
- The number or written requests received from victims during the prior 2 years as of June 30<sup>th</sup> of that calendar year.

B. CCVDP is comprised strictly of first-response patrol officers. By agreement with the Montgomery County Police Department (MCPD) and consistent with long-standing practice, the MCPD is responsible for investigating all serious crimes which occur within Chevy Chase Village including rapes and serious sex offenses. MCPD, through its investigators, crime scene technicians and crime lab, are responsible for the collection, analysis and retention of SAEKs and other related evidence.

**IV. INITIAL RESPONSE AND GENERAL PROCEDURES**

A. Once on the scene of a verified rape or sex offense, CCVDP officers shall first notify an on-duty supervisor (if no CCVDP supervisor is on duty, the officer shall notify the on-duty MCPD patrol supervisor).

B. The CCVDP officer will ensure that the proper investigative unit is notified as follows:

1. For victims under the age of 18, contact the Special Victims Investigative Division (SVID) at [REDACTED] during business hours. After hours, request an SVID investigator via ECC.
2. For adult victims, contact the Sexual Assault Unit at [REDACTED] during business hours. After hours, request an SAU investigator via ECC.

C. An MCPD investigator will take charge of the investigation and CCVDP officers shall defer to that investigator and follow his/her directions.

D. If the victim requests that the scope of the investigation be limited or that an investigation be temporarily or permanently suspended, officers shall:

1. Thoroughly document the request; and
2. As soon as practical, inform the MCP investigator of the request.

NOTE: Follow up with the victim in accord with V.C. below will be the responsibility of the MCP investigator who is assigned to, and in charge of, the case.

E. In any event, officers shall thoroughly document the incident in a report by the end of their shift.

F. Under no circumstances shall a CCVPD officer present a form to the victim purporting to, or otherwise suggest that the victim:

1. Relieve the Department from an obligation to the victim; or
2. Preclude or define the scope of the police investigation; or
3. Prevent or limit a prosecution of an act allegedly committed against the victim; or
4. Limit a private right of action of the victim pertaining to an act allegedly committed against the victim or the victim's interaction with the Department.

**V. GUIDELINES FROM THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION (PTSC) REGARDING INTERACTING WITH VICTIMS OF SEXUAL CRIMES**

A County Police investigator will be in charge of any follow-up investigation involving a sexual assault, however, Village officers will respond to the scene and conduct a preliminary investigation. Village police officers shall adhere to the below guidelines issued by the PTSC whenever they apply to the circumstances on the scene.

A. The officer/investigator should honor the confidentiality of the victim.

1. Officers/investigators should make efforts to provide a private and comfortable space for victims, especially when being asked to disclose details of their case.
2. Officers/investigators should make an effort to limit the number of disclosures that need to be made.
3. Officers/investigators 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 should be advised that the services provided by certified sexual assault crisis programs are confidential.

5. The officer should 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.

B. The officer/investigator should be aware of the potential to re-traumatize the victim when conducting follow-up contacts.

C. The officer/investigator should inform the victim that the officer, or an officer 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 officer/investigator will discuss how and when follow-up contact will be made.

1. Victims should 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 officer/investigator should determine if a voicemail can be left and with what information.
3. The officer should document the victim's preference in the report.

D. The officer/investigator should provide the victim with the appropriate contact information for the law enforcement agency 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.
3. The officer/investigator should provide the victim with contact information for a certified sexual assault crisis program serving the jurisdiction at the time of the initial contact.

This directive voids the previous version dated 12/19/2018.