



**CHEVY CHASE
VILLAGE
POLICE
DEPARTMENT**

**GENERAL ORDER: 5-26.8; SEXUAL ASSAULT EVIDENCE KITS
AND VICTIM NOTIFICATION**

DATE: 12/19/2018 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.

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

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 30th 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 30th of the calendar

year;

- The number of SAEKs destroyed within the prior 2 years as of June 30th of the calendar year; and
- The number or written requests received from victims during the prior 2 years as of June 30th of that calendar year.

B. CCVPD 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. PROCEDURES

- A. Once on the scene of a verified rape or sex offense, CCVPD officers shall first notify an on-duty supervisor (if no CCVPD supervisor is on duty, the officer shall notify the on-duty MCPD patrol supervisor).
- B. The CCVPD officer will ensure that the Special Victims Investigative Division (SVID) is notified and consulted by phone.
- C. An MCPD investigator will take charge of the investigation and CCVPD officers shall defer to that investigator and follow his/her directions.
- D. MCPD personnel (investigators or crime scene technicians) will process the crime scene and collect any evidence. If a SAEK will be utilized, the investigator will coordinate the transport of the victim to a hospital or other medical facility where the sexual assault forensic examination will be conducted by a medical professional. CCVPD officers shall assist the investigator as requested to the extent that staffing allows.
- E. MCPD will store and retain SAEKs and related evidence pursuant to their general orders and in compliance with §11-926 of the Criminal Procedure Article and the related COMAR regulations.

F. Although it is highly unlikely that CCVPD will ever be in possession of an SAEK or any other evidence related to a rape or sex offense (see Section III. B., above), if any CCVPD officer comes into temporary possession of any such evidence, the CCVPD officer shall promptly contact the appropriate MCPD/SVID investigator and arrange to transfer custody of the evidence to the SVID investigator.

V. PERIODIC REPORTING

The CCVPD Public Safety Coordinator is responsible for satisfying the reporting requirements as described in Section III. A. 5. Above.

This directive is new and was first distributed on 12/19/2018.