

# Bowie Police Department - General Orders



TITLE: SEX ASSAULT	NUMBER: 423
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## I. PURPOSE

The purpose of this General Order is to establish general procedures and guidelines for proper response to, and investigation of, sexual assaults, in regard to interview techniques, evidence preservation and collection.

## II. POLICY

Sexual assaults crimes have significant psychological and physical effects on the victims. Because of the seriousness of these offenses and the delicate nature of their investigation, the Department recognizes the importance of assisting sexual assault victims in a supportive manner and such victims should always be treated with consideration, understanding, and patience. Our ultimate goal is to perform a diligent investigation, in order to apprehend and prosecute perpetrators, and encourage sexual assault victims, frequently reluctant to report these crimes, to make reports.

## III. DEFINITIONS

- A. Cognitively impaired individual:** An individual who suffers from mental retardation or a mental disorder; either of which temporarily or permanently renders the individual incapable of resisting or communicating unwillingness to engage in intercourse, a sexual act, or sexual contact.  
(IMPORTANT NOTE: THE CRIMINAL LAW ARTICLE USES THE TERM ‘MENTALLY DEFECTIVE’ TO REFER TO SUCH INDIVIDUALS. THE TERMS SHOULD BE UNDERSTOOD TO BE EQUIVALENT, BUT OFFICERS SHOULD BE SENSITIVE ABOUT THEIR USE OF THE TERM.)
  
- B. Mentally incapacitated individual:** An individual who because of the influence of a drug, narcotic, or intoxicating substance, or because of an act committed on the individual without the individual’s consent or awareness is unable to resist or communicate unwillingness to submit to intercourse, a sexual act, or sexual contact.
  
- C. Physically helpless individual:** An individual who is unconscious is physically unable to resist or communicate unwillingness to submit to intercourse, a sexual act, or sexual contact.
  
- D. Rape:** Vaginal intercourse with another person by force or threat of force against the will and without the consent of the other person.

**E. Sexual Offense:** Sexual act with another person by force or threat of force against the will and without consent, or sexual contact with another person against the will and without the consent. There are four degrees of sexual offenses, 1st, 2nd, 3rd and 4th (misdemeanor).

**F. Sex Crimes:** Includes but is not limited to sexual assault, incest, bigamy, lewdness, open and gross lewdness, soliciting a minor, luring a minor, and pornography involving minors.

#### **IV. PROCEDURES**

##### **A. Preliminary Investigation**

The responsibility for the initial investigation of a rape, sex offense, or attempt of the same, rests with the uniformed patrol officer dispatched to the scene who also shall ensure a supervisor is notified. The preliminary investigation consists of:

Note: Immediate notification should be made if there is an active crime scene. The responding officer should consider the circumstances of the investigation and the need for immediate response by an investigator.

1. If the victim requires immediate medical attention, the officer shall request Fire Department paramedics at the location.
2. If the victim spontaneously and specifically requests to speak to an officer of a different sex, the assigned officer should make every reasonable effort to accommodate the victim's request.
3. Only one officer should conduct the preliminary questioning of the victim. The questioning should take place in private (away from other officers, witnesses, relatives or onlookers).
4. The initial officer should not question the victim in great detail about the incident, but should briefly interview her/him in order to:
  - a. Determine the type of offense that has occurred.
  - b. Obtain a description of the suspect(s) for broadcast (if appropriate).
  - c. Obtain basic information for beginning the investigation and completion of the offense report.
  - d. The officer should ensure the victim is never left alone. Except during the actual medical examination, he/she should always be accompanied by the officer, friend, relative, or other person of her/his choice.
5. Preservation of the crime scene, if necessary use yellow crime tape. Treat the scene as you would a homicide. If feasible, ensure a supervisor is contacted to conduct a track for a possible suspect. DO NOT allow anyone other than an investigator, including Fire Board to take control of your crime scene.
6. Determine if Bowie CID, Prince George's County CID/SAU, or Prince George's County CID/CVA are needed. Obtain the elements of the crime, and use the Maryland Sex Laws Chart for guidance.
  - a. Bowie CID – 3<sup>rd</sup> and 4<sup>th</sup> Degree Sex Offenses and attempts of those crimes.
  - b. PGPD CID/SAU – 1<sup>st</sup> and 2<sup>nd</sup> Degree Rapes and 1<sup>st</sup> and 2<sup>nd</sup> Degree Sex Offenses and attempts of those crimes. 301-772-4908

- c. PGPD CID/CVA – Physical and Sexual Child Abuse and Vulnerable Adult cases.  
301-772-4930

7. Locating suspect, if the suspect is known and on scene, detain. If the suspect is known but not on scene, DO NOT take further investigative action to locate him/her. DO NOT go to the suspect's home to apprehend or detain unless directed to do so by an investigator. If the suspect is detained, DO NOT advise him/her of Miranda rights and DO NOT question him/her about the incident. If the suspect makes comments about the incident, notify the investigator, and document the comments on your written statement.
8. Evidence Collection, DO NOT collect evidence unless directed to do so by an investigator. If PGPD CID investigates the case, contact PGPD Evidence Unit. If Bowie CID investigates the case contact the investigator.
9. Victim Transport, victims should be transported to the hospital if they sustained serious physical injuries. Otherwise, they should be transported to CID at the direction of an investigator.
  - a. The only hospital authorized to conduct Sexual Assault Examinations is Prince George's Hospital Center.
  - b. If only one officer is present when the victim is transported to the hospital, that officer will remain on the site to preserve the crime scene. The patrol supervisor in charge will direct another officer to the hospital to meet with the victim.
  - c. If two officers are present and the victim needs to be transported to the hospital for treatment, one officer will go with the victim while the other remains behind to secure the scene.
10. Incident Reports, the narrative on incident reports shall remain brief. Document enough information to establish the elements of the crime. DO NOT use the words alleged in any written documents. All reports are to be forwarded to the appropriate CID division once complete.
11. Statements, DO NOT take statements from victims or witnesses, unless directed to do so by an investigator. Witnesses will be transported to CID, at the direction of the investigator.
12. Officer Statements, in addition to the Incident Report, officers shall submit a written statement. The information in this statement should include all of the actions taken by the officer; all statements and quotes made by victims, witnesses, and suspects; the demeanor of these individuals during the entire time they are in contact with the officer; and any inconsistent statements that are made.

NOTE: Any concerns regarding the victim's truthfulness shall not be placed in reports or statement, but should be relayed directly to the investigator.

It is essential that the victim of a rape or sex offense be treated with courtesy, dignity, respect, and compassion by all Police Department employees. The first officer on the scene must always be aware that he or she is the initial source of protection for the victim. The manner in which all personnel treat the victim at the time of the crime and afterwards effects not only the victim's immediate and long-term ability to cope with the crime, but also the willingness of the victim to assist in the investigation and prosecution.

**B. Marital Rape.** There are cases when a person may be charged with rape of a spouse. Due to the complexity of the laws, any cases that are believed to be marital rape will to be forwarded to the Sex Offense Squad who will consult with the State's Attorney's Office.

**C. Cognitively impaired, mentally incapacitated, and physical helpless individuals.** Persons falling into these categories are at particular risk of sexual assault. Officers should treat such a person with

particular care and should assume that such a person has not consented to sexual contact. An assault of a victim who falls one of these categories elevates the degree of the offense. Officers should thoroughly familiarize themselves with the provisions of Md. Code Ann., Criminal Law Article, Title 3, Subtitle 3, "Sexual Crimes".

## **V. CANCELLATION**

This General Order cancels and replaces;

General Order 4/714 thru 4/714.15 Sex Offenses Procedures, dated 7/07