

Sex Offense Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sex offense assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notification requirements are addressed in the Child Abuse and Adult Abuse policies.

601.2 POLICY

It is the policy of the Montgomery County Sheriff's Office that its Deputies, when responding to reports of sex offenses, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sex offenses, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sex offense investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sex offense investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sex offenses to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Refer victims to Department of Social Services for therapy, victim advocates and support for the victim.

601.4 INVESTIGATION AND REPORTING

In all reported or suspected cases of a sex offense, a report shall be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.4.1 INTERVIEWS

The primary considerations in sex offense investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

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An in-depth follow-up interview with the victim should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Victims and witnesses shall not be required to take a polygraph examination. If a victim or witness consents to a voluntary polygraph examination, the victim or witness shall be advised that:

- (a) The polygraph examination is voluntary.
- (b) The results of the examination are not admissible in court.
- (c) The decision to refuse the test shall not be the sole basis for the Office to not investigate the matter.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.4.2 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported offense. The collection shall be in compliance with State Crime Laboratory guidelines .

The Office shall preserve any physical evidence, regardless of the date of collection, that is reasonably likely to contain any biological evidence collected in the course of a sex offense investigation.

If a drug-facilitated sex offense is suspected, it is critical to the investigation that a urine sample from the victim be collected by a medical professional.

If resources allow, kits or biological evidence from all sex offense cases, including cases where the suspect is known by the victim, should be submitted for biological testing. The result and the case information should be entered into state and national registries in a timely manner.

601.4.3 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Criminal Investigations Division Director.

Classification of a sex offense as unfounded requires that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/ her original statement, there must be corroborating evidence to support the recanted information before the case should be determined as unfounded.

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601.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Criminal Investigations Director should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.6 TRAINING

Subject to available resources, periodic training may be provided to:

- (a) Deputies who are first responders. This includes, but is not limited to, the following topics:
 - 1. Initial response to sexual assaults
 - 2. Legal issues
 - 3. Victim advocacy
 - 4. Victim's response to trauma
- (b) Qualified investigators who should receive advanced training on additional topics. This includes, but is not limited to, the following:
 - 1. Interviewing sexual assault victims
 - 2. Medical and legal aspects of sexual assault investigations
 - 3. Serial crimes investigations
 - 4. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP)