

SENATE BILL 807

Article — Criminal Procedure

11-929

(C) IF A VICTIM REQUESTS THAT THE SCOPE OF AN INVESTIGATION BE LIMITED OR THAT AN INVESTIGATION BE TEMPORARILY OR PERMANENTLY SUSPENDED, THE LAW ENFORCEMENT AGENCY SHOULD:

(1) THOROUGHLY DOCUMENT THE REQUEST; AND

(2) FOLLOW UP WITH THE VICTIM IN ACCORDANCE WITH PRACTICES RECOMMENDED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.

(D) IF A LAW ENFORCEMENT AGENCY VIOLATES THIS SECTION, AN AFFECTED VICTIM MAY BRING AN ACTION SEEKING INJUNCTIVE OR DECLARATORY RELIEF.

(E) (1) ON OR BEFORE JANUARY 1, 2021, EACH LAW ENFORCEMENT AGENCY IN THE STATE SHOULD ADOPT A POLICY TO ENFORCE THE PROVISIONS OF THIS SECTION.

(2) ON OR BEFORE JANUARY 15, 2021, EACH LAW ENFORCEMENT AGENCY SHOULD PROVIDE A COPY OF THE POLICY REQUIRED UNDER THIS SUBSECTION TO THE MARYLAND SEXUAL ASSAULT EVIDENCE KIT POLICY AND FUNDING COMMITTEE.

PTSC APPROVED PRACTICES -- (July 8, 2020)

Victims of Sexually Assaultive Behavior – Waivers of Rights – Prohibition

1. The officer/investigator should honor the confidentiality of the victim.
 - a. Officers/investigators should make efforts to provide a private and comfortable space for victims, especially when being asked to disclose details of their case.
 - b. Officers/investigators should make an effort to limit the number of disclosures that need to be made.
 - c. 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.
 - d. Victims should be advised that the services provided by certified sexual assault crisis programs are confidential.
 - e. 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.
2. The officer/investigator should be aware of the potential to re-traumatize the victim when conducting follow-up contacts.
3. 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.
 - a. 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.
 - b. 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.
 - c. The officer should document the victim's preference in the report.
4. The officer/investigator should provide the victim with the appropriate contact information for the law enforcement agency and/or assigned investigator.
 - a. Victims should be advised to contact the agency, or assigned investigator, at any time, with questions about their case; and/or
 - b. If they have decided to pursue a criminal investigation.
5. 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.

- a. Officers/investigators should advise victims that discussions with an advocate from the certified sexual assault crisis program are confidential; and
 - b. Officers/investigators should advise victims that information discussed with the advocate will not be shared with the investigator without their express consent.
6. The officer/investigator should follow-up with the victim no later than 30 days following the initial contact. If the victim continues to request a suspension of the investigation:
 - a. the officer/investigator should provide contact information for the appropriate individual or unit at the time of the follow-up;
 - b. the officer should request the victim advise the agency if a decision has been made to continue the investigation or to continue the decision to suspend the investigation.
7. The officer should advise the victim any decision to suspend an investigation will not be considered permanent and, should the victim choose to pursue a criminal investigation at a later date, the case may be re-opened for investigation.
 - a. The officer/investigator should again provide contact information and should provide information for a certified sexual assault crisis program serving the jurisdiction.
 - b. The officer should notify the victim of any statute of limitations.
8. The officer should document this contact in the appropriate record.