



FROSTBURG CITY POLICE DEPARTMENT

37 BROADWAY, FROSTBURG, MD 21532 • 301-689-3000 (P) 301-687-0642 (F)

Kevin G. Grove
Commissioner of Public Safety

Nicholas J. Costello
Chief of Police

Sexual Assault Examination Kits

POLICY

- A. It is the policy of the Frostburg City Police Department to handle, store, and dispose of Sexual Assault Evidence Kits in accordance with Maryland state law, using the procedures outlined below.
- B. It is the policy of the Frostburg City Police Department to provide for Victim Notifications in accordance with Maryland state law, using the procedures outlined below.
- C. It is the policy of the Frostburg City Police Department to provide Sexual Assault Evidence Collection Kit data to the Maryland Office of the Attorney General as required by law and in accordance with the procedures outlined below.

DEFINITIONS

- A. C3I Unit – The Combined County Criminal Investigation Unit for Allegany County, which is a task force composed of investigators and supervisors from the various law enforcement agencies in Allegany County.
- B. Sexual Assault Evidence Kit (“SAEK”) – A SAEK is a forensic evidence kit collected during a sexual assault examination.

PURPOSE

- A. The purpose of this policy is to ensure compliance with COMAR regulations and other Maryland state laws pertaining to sexual assault evidence collection kits, including the handling, storage, retention, and disposal of the kits; notification of SAEK data to the Maryland Office of the Attorney General; and notification of victims regarding the status and potential disposal of SAEKs.

PROCEDURE

I. SAEK Status Inquiries and Victim Notification

- A. Maryland law states that when a victim inquires about the status of a SAEK from whom the evidence was collected, the investigating law enforcement agency shall, within 30 days, provide the victim with (1) information about the kit analysis and (2) all available results of the kit analysis except results that would impede or compromise an ongoing investigation. Reference COMAR 02.08.01.03.



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B. Any employee of the Frostburg City Police Department who receives an inquiry from the victim about a SAEK shall request the name and contact information of the inquiring person and, before the completion of his or her shift, the employee shall:

- 1) Notify (a) the investigating officer and (b) the case supervisor of the inquiry, and
- 2) Add a supplement to the incident report noting that an inquiry was received and the notification to the investigator and case supervisor was made. This includes C3I Cases originating with the Frostburg City Police Department.

C. **The investigating officer shall check the records and, within 30 days, notify the victim of the status of the SAEK and all available results, unless notification would compromise an on-going investigation.**

1) **The investigating officer will add a supplement to the incident report that notification was made to the victim.**

D. If the investigating officer believes notification would compromise an on-going investigation, he or she will consult with the Allegany County State's Attorney's Office (SAO) regarding the case and ensure that the SAO agrees that notification would compromise the on-going investigation.

If the SAO agrees, the investigating officer will notify the victim that disclosure is believed to compromise the investigation and that notification may be made at a later time.

If the SAO disagrees and believes notification should be made, the investigating officer will notify the victim.

E. **C3I Cases.** Most sexual assault incidents reported to the Frostburg City Police Department are investigated by the Combined County Criminal Investigation Unit (Allegany County C3I Unit). If the investigating officer is employed by another police agency, the Frostburg City Police Department employee receiving the inquiry shall:

- 1) Notify a C3I Unit supervisor of the inquiry,
- 2) Add a supplement to the incident report showing that notification to the supervisor was made, and
- 3) Notify the chief of police.

F. **Notifications of SAEK Status Inquiry.** The above notifications to the investigating officer, case supervisor, and chief of police may be made verbally in person, by telephone, or by



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using the employee's department e-mail. Using the department e-mail system to make notifications of an inquiry is recommended for documentation purposes. A supplemental narrative in the reporting system documenting the inquiry and notification efforts is required.

II. SAEK Storage and Disposal

A. Maryland law states that a law enforcement agency may not destroy or dispose of, within 20 years of its collection: (1) a SAEK or (2) other evidence relating to a sexual assault that has been identified by the State's Attorney's Office as relevant to prosecution. Reference COMAR 02.08.01.04.

B. The Frostburg City Police Department shall retain all SAEK kits and other evidence for 20 years in accordance with the above regulation, except when:

1) The case has resulted in a conviction and the defendant has completed the sentence, or

2) All suspects are deceased.

Reference COMAR 02.08.01.04.

III. Notification to Victim of Pending SAEK Destruction

A. Maryland law requires that when a victim provides a written request, the law enforcement agency with custody of a SAEK or relevant evidence must notify the victim no later than 60 days before the date of the intended destruction or disposal of the evidence. Alternatively, upon written request of the victim, the law enforcement agency shall retain the evidence for 12 months longer than the normal time period for destruction or for a period of time mutually agreed upon by the victim and the agency. Reference COMAR 02.08.01.04 (D).

B. When a victim provides a written request, the Frostburg City Police Department shall notify the victim no later than 60 days prior to the destruction of the evidence.

C. When a victim provides a written request, the Frostburg City Police Department shall retain a SAEK and relevant evidence for 12 months longer than the normal time period for destruction or disposal or for a time period mutually agreed upon with the victim and the Frostburg City Police Department.

D. The property room officer shall be responsible for monitoring the storage and disposal of SAEKs and relevant evidence and compliance with the regulations set forth by law and agency policy.

E. Any employee of the Frostburg City Police Department who receives a written request under this section (III) shall forward a copy to (1) the property room officer.



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IV. Reporting SAEK Data to the Office of the Attorney General

A. Maryland state law requires periodic reporting of data pertaining to SAEK kits to the Maryland Office of the Attorney General.

B. On or before September 1, 2019, and every 2 years thereafter, the Frostburg City Police Department shall submit the following data to the Maryland Office of the Attorney General:

- 1) The number of SAEK kits in the department's possession of of June 30 of that year;
- 2) The date each SAEK was received;
- 3) The number of SAEK kits tested within the prior 2 years as of June 30th of the reporting year;
- 4) The number of SAEK kits destroyed during the 2 years prior to June 30th of the reporting year;
and
- 5) The number of written requests filed with the Frostburg City Police Department under Section III above.

C. It shall be the responsibility of the property room officer to maintain a log of SAEK kits and the status of each, including all information necessary for reporting data to the Office of the Attorney General.

Reference COMAR 02.08.01.05