



Cover Memorandum

Response to Crimes of Sexual Violence, JHPD Directive #465

Purpose of the Directive

The purpose of this Directive is to provide clear guidance to Johns Hopkins Police Department (JHPD) members on how to appropriately respond to calls regarding rapes and sexual assaults. This directive governs response and investigation into calls to police for assistance with crimes of sexual violence. For reports of sexual misconduct involving any member of the campus community, JHPD will notify Johns Hopkins University's (JHU) Office of Institutional Equity (OIE).

Summary of Directive Requirements

This Directive is designed to prioritize the victim's wellbeing in any response to a call for service related to sexual violence. It requires that JHPD members apply victim-centered, trauma-informed and offender focused approaches when engaging with victims of rape and sexual assault in order to facilitate a comprehensive investigation while being respectful of the victim's experience and trauma.

This Directive details the many investigative steps that JHPD members will take in responding to calls for rape and sex offenses, which, with the exception of 4th degree offenses, will be taken at the direction of the Baltimore Police Department (BPD) Sex Offense Unit.

The initial investigative steps include immediate response, rendering aid, centering a trauma-informed and victim-centered response, response of a JHPD supervisor, obtaining an initial statement (with many guidelines on how to do so appropriately), contacting BPD's Sex Offense Unit, instructions for locating a person suspected of a crime who has fled the scene, guidance on evidence preservation, providing victim assistance, and identifying witnesses and evidence. The Directive also details instructions for providing victims with assistance in seeking medical attention and forensic exams for evidence collection, as well as how to assist victims in obtaining protective orders.

The Directive provides instructions for JHPD members to contact the OIE Title IX Coordinator for all instances of sexual misconduct involving JHU students, faculty, staff, and other members of the JHU community.

Pursuant to this Directive, supervisors must respond to the scene of all calls for service related to sexual violence. In addition, this Directive requires that supervisors ensure that proper notifications were made, that the preliminary investigation was properly conducted, that proper procedures were followed regarding unfounded classifications, and that incident reports were properly completed by all JHPD members involved in the response to a call for service related to sexual violence.

This Directive requires all JHPD members receive entry level and in service training on trauma-informed, victim-centered and offender focused response to calls for services related to sexual violence. Lastly, this Directive outlines legal requirements related to JHPD's interaction with victims of sexual violence.

Blueprint for the Policy Development Process

The draft JHPD policies (hereinafter referred to as "directives") shared for community feedback are based on examples of 21st century best practices in public safety policy, identified through extensive benchmarking of university and municipal law enforcement agencies across the nation. Taken together, they represent a comprehensively progressive approach to policing that prioritizes equity, transparency, accountability, and community-based public safety strategies.

The JHPD's draft directives embody approaches that community advocates and leading experts have championed locally and in law enforcement reform efforts across the nation. The draft directives have also been developed based on input received through robust community engagement in prior phases of JHPD development, including suggestions received in the legislative process as well as last fall's Memorandum of Understanding (MOU) public comment period and feedback opportunities.

In addition, the directives were drafted to exceed the minimum requirements of the Constitution and laws of the United States and the State of Maryland, to align with the Community Safety and Strengthening Act (CSSA) and to fulfill the requirements of the MOU between the Johns Hopkins University and the Baltimore Police Department. The Hopkins community and our neighbors throughout Baltimore can help improve and strengthen these directives further through their feedback and input.

Material that was considered in the drafting of the Directive and Procedure Manual, include:

a. Publicly available policies from municipal police departments that have undergone substantial reform efforts, including: the New Orleans Police Department; Seattle Police Department; Portland Police Department; Detroit Police Department; Ferguson Police Department; and Baltimore Police Department;

b. National guidance on best practices and model policies from criminal justice reform efforts, social science research centers, and civil rights organizations, including: the Leadership Conference on Civil and Human Rights; American Civil Liberties Union (ACLU), including the ACLU of Massachusetts's "Racially Just Policing: Model Policies for Colleges and Universities"; the International Association of Chiefs of Police (IACP); the Police Executive Research Forum (PERF); U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office); The Justice Collaboratory (The JC) at Yale University Law School; and The Center for Innovation in Community Safety (CICS) at Georgetown Law School.

c. National and local higher education institutions that are based in comparable environments and make policies publicly available, including: Carnegie Mellon University; Morgan State University; Towson University; University of Chicago; University of Cincinnati; University of Maryland, Baltimore County; University of Pennsylvania; and Yale University.

To ensure that the proposed directives captured national best practices in community-focused public safety services, the development team collaborated with independent experts from two organizations: National Policing Institute (the Institute), a non-profit dedicated to advancing excellence in policing through research and innovation, and 21CP Solutions, an expert consulting team of former law

enforcement personnel, academics, civil rights lawyers, and community leaders dedicated to advancing safe, fair, equitable, and inclusive public safety solutions. Each directive was reviewed by experts selected by both organizations, who provided feedback, suggestions, and edits that were fully incorporated into the current draft.

Finally, individuals and organizations representing the diversity of the Johns Hopkins University community provided feedback to ensure the policies and procedures reflect and respond to the values of our institution and to our community's public safety service needs.

Now they are available for your review. Johns Hopkins is committed to adopting, incorporating, or otherwise reflecting recommended changes and feedback in the final version of policies so long as feedback is aligned with our values and commitments, permissible within legal parameters, and supported by national best practices for community policing and public safety.



POLICE DEPARTMENT

**RESPONSE TO CRIMES
OF SEXUAL VIOLENCE**

**OPERATIONAL
PROCEDURE #465**

Responsible Executive:
Chief of Police
Responsible Office:
Vice President for Public Safety
Approved by:
Dr. Branville G. Bard, Jr.
Issued: [full date]
Revised: [full date]

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Policy Statement

This policy governs response and investigation into calls to police for assistance with crimes of sexual violence. It is the policy of the Johns Hopkins Police Department (JHPD) to respond to all reports of rapes and other sexual offenses in a respectful, objective manner rooted in understanding, patience, and compassion. JHPD’s response shall reflect a trauma-informed, victim-centered, and multi-disciplinary response meant to minimize further trauma to victims of sexual offenses and appropriately respond to the crime, including a comprehensive offender-focused investigation, and referral to other resources when applicable.

Whenever a JHPD officer responds to a report of a sexual offense occurring anywhere within JHPD jurisdiction or in Baltimore City, the primary and follow-up police investigation will be the responsibility of the Baltimore Police Department (BPD), per JHPD’s Memorandum of Understanding with BPD, unless it is a misdemeanor and JHPD is directed by BPD to handle the

case. If the offense occurs outside of JHPD's jurisdiction, the responsible jurisdiction shall be notified immediately.

Who is Governed by this Policy

All sworn police officers, as defined by MD Code, Public Safety § 3-201 in service with the Johns Hopkins Police Department are governed by this Directive.

Purpose

This Directive provides clear guidance to officers on how to appropriately respond to calls for police service regarding rapes and sexual assaults. Officers shall not only reflect and apply the concepts of victim-centered and trauma-informed approaches to engaging with victims of rape and sexual assault, but they shall lead their response with these practices in order to facilitate a comprehensive investigation while working to minimize, as much as possible, any re-traumatization that interfacing with police could potentially cause.

For reports of sexual misconduct involving any members of the campus community, JHPD will promptly notify Johns Hopkins University's (JHU) Office of Institutional Equity (OIE). OIE is the administrative office responsible for the University's (non-criminal) response to reported violations of the [Sexual Misconduct Policy and Procedures](#) (SMPP), which prohibits various forms of sexual assault including rape, fondling, sexual assault with an object, sodomy, statutory rape, and incest as defined in that policy. For the full definitions, see <https://oie.jhu.edu/policies-and-laws/sexual-misconduct-policy-and-procedures-smpp/>. Furthermore, the JHPD Police Chief shall be notified immediately of sexual misconduct allegations made against any JHU employee.

Definitions

4th Degree Sex Offense¹:

A lesser degree of sex-related offense that is usually investigated by JHPD patrol but may be investigated by BPD's Sex Offense Unit (SOU) in some instances. All other criminal sex offenses (3rd degree sex offense and 1st and 2nd degree rape and attempts of these offenses) are investigated by BPD's SOU.

MD Code, Crim. Law § 3-308(b) defines a 4th Degree Sexual Offense as:

- (1) sexual contact with another without the consent of the other;
- (2) except as provided in § 3-307(a)(4) of this subtitle, a sexual act with another if the victim is 14 or 15 years old, and the person performing the sexual act is at least 4 years older than the victim; or
- (3) except as provided in § 3-307(a)(5) of this subtitle, vaginal intercourse with another if the victim is 14 or 15 years old, and the person performing the act is at least 4 years older than the victim.

¹ This definition of 4th Degree Sex Offense overlaps with the definitions of Fondling and Statutory Rape under the SMPP. See Appendix C.

A fourth-degree sexual offense requires “[s]exual contact,” which is “an intentional touching of the victim's or actor's genital, anal, or other intimate area for sexual arousal or gratification, or for the abuse of either party.” MD Code, Crim. Law, § 3-301(e)(1). In order to commit a crime, such contact must be without valid consent. The Maryland courts have further defined “sexual contact” as “[P]urposeful tactile contact and tactile sensation, not incidental touching. It is the sexually-oriented act of groping, caressing, feeling, or touching of the genital area or anus or breasts of the female victim.” *Travis v. State*, 218 Md. App. 410, 465, 98 A.3d 281, 313 (2014).

It is important to note that the elements of second-degree assault are identical to those required for fourth-degree sexual offense, with the exception of one element—that for second degree assault the assaultive conduct must be sexual in nature. In other words, the sexual contact element is what distinguishes fourth degree-sexual offense from any other “touching” sufficient for second degree-assault. See *State v. Frazier*, 469 Md. 627, 644–45, 231 A.3d 482, 493 (2020)

Member:	All members of the JHPD, including employees, officers, and volunteers, unless the term is otherwise qualified (e.g., member of the public, member of the Baltimore Police Department, etc.).
Officer:	All sworn police officers, at any rank, as defined by MD Code, Public Safety, § 3-201, in service with the JHPD.
Rape²:	Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
Sexual Assault/Sex Offense³:	Act or contact of a sexual nature without consent that does not rise to the level of rape (e.g., intentionally touching a person’s genital, anal, or other intimate areas for sexual gratification or abuse of either party).
Sexual Assault Forensic Exam (SAFE):	A free medical exam conducted by a Forensic Nurse Examiner (FNE) for victims who have been sexually assaulted within the last fourteen (14) days, or otherwise if determined to be necessary by hospital staff. The FNE will complete a physical examination and collect evidence from the victim’s body and clothes, if applicable.
Sexual Contact:	An intentional touching of the victim’s or offender’s genital, anal, or other intimate area for sexual arousal or gratification, or for the abuse of either party.

² This definition of Rape encompasses several forms of Sexual Assault as defined under the SMPP, including the definitions of Rape, Sodomy and Sexual Assault with an Object. See Appendix C.

³ This definition of Sexual Assault/ Sex Offense is most similar to the SMPP definition of Fondling. See Appendix C.

Sexual Misconduct:	See JHU's Sexual Misconduct Policy and Procedures , which prohibits sexual assault, stalking, dating violence, domestic violence, and sexual and sex-based harassment. Rape, sexual assault/sex offense, and 4 th degree sex offense, as defined above, all constitute sexual misconduct under the SMPP.
Unfounded:	A report to law enforcement that is determined through investigation to be false or baseless; no crime occurred. ⁴
Victim Advocate:	An individual who is trained to provide support to survivors of sexual assault. Advocates provide emotional support, victims' rights information, and access to resources. Advocates may accompany survivors throughout the criminal justice process, including during Sexual Assault Forensic Exams (SAFE) and police interviews. TurnAround, Inc. generally provides advocate services for victims interacting with JHPD and BPD. Victim services that receive funding under the Violence Against Women Act (VAWA) are prohibited under VAWA from providing personally identified information about victims to law enforcement without the victim's prior written authorization.

Policy

Officers shall document all reports of rapes and sex offenses in an accurate and timely fashion. Officers shall prioritize the victim's⁵ physical and emotional well-being, remain non-judgmental and respectful at all times, and ensure their response to the victim is trauma-informed. JHPD understands that the way in which an officer responds to a victim plays a significant role in the likelihood that the victim will reach out to other supportive resources, how the victim begins to heal and/or cope, and the outcome for the victim, as well as the ability to prosecute the case. Should any victim feel that the JHPD response was inadequate or that the responding officers failed in any way to apply the trauma-informed, victim-centered response required by this directive they are encouraged to file a complaint with the Public Safety Accountability Unit (PSAU). The JHPD is committed to ensuring that victims are not re-victimized as a result of reporting a sexual offense.

Core Principles

I. Trauma-Informed Response

JHPD is dedicated to providing a trauma-informed response to victims of rape and sexual

⁴ *Law Enforcement Support System & Crime Statistics Management Unit (2013). Summary Reporting System (SRS) User Manual. Published by the Criminal Justice Services Information Center, Federal Bureau of Investigation, U.S. Department of Justice.*

⁵ JHPD recognizes that some individuals or groups prefer to use the term 'survivor' instead of 'victim'. For the purposes of JHPD's policies and protocols, the standard legal convention of 'victim' is used.

assault. For additional information on trauma-informed, victim-centered response, see Appendix C. As part of this response, all officers must understand that:

- A. There is no typical reaction to being sexually assaulted, and people reacting with or without emotion does not indicate the legitimacy of a report. Either reaction is common. Other trauma reactions may include, but are not limited to: sadness, anger, anxiety, fear, guilt, detachment, nausea, elevated heart rate, exhaustion, and greater startle response.
- B. Most victims never make a report and when a report is made, it is often delayed. Delayed reporting is common due to many factors, including trauma, shock, denial, self-blame, threats or coercion by the suspect, fear of not being believed, or minimizing the incident, among others. Delayed reports must be treated like all other cases and shall never deter a thorough investigation.
- C. Most victims experience continuing trauma that may affect their physical, emotional, social, and economic state. Due to on-going trauma, it may be hard to keep in contact with the victim, elicit all case details, or clearly understand the event timeline. Officers may minimize further trauma by being respectful, objective, understanding, patient, and compassionate.
- D. Victims may experience difficulty remembering details due to fragmented memory (common with trauma), and it may affect the victim's ability to explain events in a chronological order. This does not mean that the victim is lying or intentionally leaving out details. As trauma recedes, details may emerge.
- E. All officers shall understand that false reports are rare. Officers should validate the victim's perspective, assure the victim that their response—, however it is expressed, —is natural and understandable, and explain that the report will be taken seriously and investigated thoroughly.
- F. Officers who are exposed to victims' traumatic situations may experience vicarious trauma. Officers are encouraged to obtain confidential support and services in conformance with JHPD Directive #301, Personnel Allocation & Management.

II. Victim-Centered Response

The JHPD seeks to minimize victim re-traumatization throughout its interactions with the victim. Officers shall prioritize the safety, privacy, agency, and well-being of the victim. In addition, officers shall:

- A. Treat victims with respect, patience, sensitivity, compassion and without judgement, regardless of their sexual orientation, gender identity, socio-economic status, sexual behavior, substance use or abuse, mental and physical challenges, English fluency, work in the sex trade, or any other characteristic.

- B.** Understand and recognize that it is the offender, not the victim, who is responsible for the crime. The victim's behavior leading up to and during the offense shall not be judged or considered as a degree of culpability in the offense. For example, prior experiences with the suspect, relationship, or interaction with the perpetrator before or after the offense, what the victim was wearing, whether the victim was intoxicated, among other things, do not mitigate the offender's culpability in committing the offense.
- C.** Comply with the policy of the State of Maryland VAWA that states, "No law enforcement officer, prosecutor or other government official shall ask or require the victim of an alleged sex offense to submit to a polygraph examination or other truth verification device as a condition for proceeding with the investigation of that offense. The refusal of a victim to submit to a polygraph examination or other truth verification test shall not prevent an investigation from going forward."⁶
- D.** Acknowledge and consider victims' input into how the case proceeds. Officers should honor their requests as much and wherever possible.
- E.** Respond promptly to victim inquiries and/or assist victims with receiving updates on their case. With the permission of the victim, officers may also provide updates to the advocate.
- F.** Not pressure the victim to decide to participate in the investigation at any stage. The victim has the right to decide this. Furthermore, no JHPD officer shall require a rape or sexual assault victim to participate in an interview.
- G.** Provide victims with information about OIE and confidential supportive resources (see Appendix A) and make clear that victims can access these resources regardless of whether they participate in a police investigation.
- H.** Not charge the victim with crimes or civil offenses, nor report student code of conduct violations if, during the course of an investigation, the victim discloses participation in prostitution, drug use, or alcohol use (if underage).
- I.** Offer all victims access to advocates who may provide support, interview and forensic exam accompaniment, social services, legal referrals, and information.
- J.** Inform victims at the earliest opportunity that they have the right to request that the officer deactivate their body-worn camera (BWC). If a victim desires BWC deactivation, they should make the request on camera and then the officer shall deactivate their body-worn camera. See JHPD Directive #433, Body-Worn Cameras.

⁶ Violence Against Women Act as amended 2005 and 2009.

- K. Refer to the victim as an “assault victim” for communications in public or that may be heard by an outside party (e.g., KGA communications, hospital check-ins, etc.) to preserve victim privacy. Officers shall limit communications that could identify the victim or private information about the victim or incident.
- L. Protect the privacy of victims to the greatest extent possible consistent with JHU’s SMPP. Officers shall also do so for witnesses. Information about sexual offenses and sexual misconduct should be shared only with those who need to know such information.

Procedures

I. Jurisdiction

Consistent with JHPD’s Memorandum of Understanding(s) (MOU) with the Baltimore Police Department (BPD), BPD is responsible for the criminal investigation of all on-campus first and second-degree rapes and attempts, and third-degree sex offenses and attempts. JHPD will be responsible for the initial response to all reports of sexual offenses, completing detailed incident reports, and any additional investigative and/or victim support as outlined in this policy and/or as directed by BPD’s Sex Offense Unit. The JHPD, after consultation with the BPD Investigative Supervisor, may retain primary investigative and charging responsibility for 4th Degree Sexual Offenses.

II. University Sexual Misconduct Notifications

- A. JHU’s Title IX Coordinator in OIE is responsible for ensuring that acts of sexual misconduct, including sexual violence, are handled consistent with Title IX of the Education Amendments of 1972, corresponding regulations, and other applicable laws. Title IX/ Sexual Misconduct investigations are separate from criminal investigations and are conducted by OIE investigators.
- B. Officers shall promptly report all reports of potential sexual misconduct, including potential crimes of sexual violence under this policy, to the University’s OIE Title IX Coordinator at (410) 516-8075 or titleixcoordinator@jhu.edu.
 - JHPD incident reports shall be forwarded to OIE for such cases. These reports must include the name of the complainant, respondent, and any witnesses and any other relevant facts, including the date, time, and location of the misconduct.
 - Upon request, JHPD will provide the JHU’s OIE Title IX Coordinator access to investigative notes and findings as necessary for any Title IX investigation, so long as disclosure does not compromise any criminal investigation.

- o Likewise, if acceptable to BPD, JHPD will facilitate access to such files maintained by BPD unless it compromises a criminal investigation.

III. **Initial Response** (CALEA (Commission on Accreditation for Law Enforcement Agencies) 42.1.4, 42.2.1 & 42.2.2)

Upon receiving a rape or sex offense call for police service, the dispatched officers will respond immediately and attempt to locate the victim or reporting person. A call for service related to a rape or sexual assault is one of the most serious offenses a police officer can respond to and shall be treated as a priority response.

If an officer cannot immediately respond, they shall immediately have communications dispatch to another unit. The officer's initial response to the victim is critical. Upon responding to the call, officers shall:

- A. Prioritize the victim's privacy throughout the preliminary investigation.
 - A report by a third-party reporter (a person who is not the victim) shall be taken, and any relevant steps below shall be followed.
- B. Render medical aid if required or requested, prioritizing the victim's physical and emotional well-being.
- C. Follow the principles under **Trauma-Informed Response** and **Victim-Centered Response** above to support, to establish trust, and to maximize the chance of continued victim participation.

Be cognizant of the fact that the details of their case are not able to remain confidential, and should advise victims if appropriate

 - Advise victims that sexual assault crisis programs and services are confidential.
- D. Contact a JHPD supervisor and the BPD Sex Offense Unit (SOU) to respond to all rape and sex offense calls.
- E. Be aware that a victim has the right to decline to provide information and shall not be pressured or required to do so.
- F. If a victim requests a person, advocate or attorney for support or consultation, accommodated if possible. If the victim does not request an advocate, the officer should ask them if they would like JHPD to contact an advocate to consult with and/or be present for the initial statement.
- G. If the victim would like an advocate, contact the JHU Gender Violence Prevention (443-927-3548), JHU's 24/7 Behavioral Health Crisis Support Team (410-516-9355), or TurnAround (443-279-0379, also 24/7).

- H.** If an advocate is needed but not available, pause the initial statement to allow the victim to contact the National Sexual Assault Hotline (1-800-656-4673) for immediate support. If an advocate is not available, allow the victim to decide whether to give an initial statement or defer it until an advocate can be reached.
- I.** Obtain an initial statement from the victim or reporting person in a nonjudgmental manner, if the individual is willing to provide information and if instructed to do so by BPD's SOU. Do not conduct an in-depth interview. Obtain only minimal facts (e.g., location, suspect description, possible witnesses) and ask questions to establish elements of the crime (e.g., statements and actions of the offender, relationship between the victim and offender, and reactions/state of mind of the victim).
- J.** Ensure that during the initial police response, the victim is only asked to tell their story one time, even if several different JHPD and BPD personnel respond at different times. The officer taking the account shall tell the victim they may have to repeat their story to an investigator later. Officers taking a victim account shall:
- Let the victim speak without interruption and go at their own pace, if possible. Write the victim's exact words (quotes when possible) to describe the elements of the crime.
 - Limit questions to clarify basic information. Ask open-ended, non-accusatory questions. Officers shall not challenge the victim's narrative. Officers shall remember that the impacts of trauma can make it difficult for the victim to remember details chronologically or all at once. This does not mean a victim is lying or intentionally leaving out information.
 - Offer breaks and follow the victim's lead on if they would like them for not.
 - Obtain accurate victim and witness contact information (e.g., address, phone number(s), email, and friend or family's phone number). Officers shall ask for their preferred method of contact.
- K.** To help protect victim privacy, confirm whether the officer may leave a voicemail or text message during any follow-up contact, and:
- Adjust their approach depending on the specific circumstances (e.g., non-stranger assault or the victim is a member of a vulnerable or marginalized population.) Officers shall avoid questions that sound victim-blaming, such as "why?" questions. Officers may explain the importance of sensitive questions to the investigation and are not meant to remove blame from the offender.
 - Conduct conversations with the victim and any witnesses separately and privately. Officers shall ask whether the victim has safety concerns. If so, the officer should make a safety plan with the victim and connect them to appropriate resources. See Appendices A & B.

- L. If the incident involves a JHPD officer, notify a supervisor as soon as possible so they can inform BPD's SOU Commander, JHU's Public Safety Accountability Unit, and the Police Chief immediately.
- M. NOTE: Officers should consider accommodations for situations involving alcohol or drug impairment, mental health issues or developmental disabilities, language, or other barriers. Refer to JHPD Directive #415, Individuals with Behavioral Health Conditions, #434, Language Access Services, #107, Interactions with LGBTQ+ Individuals, and #435, Communicating with Hearing Impaired Individuals for applicable guidance.
- N. Provide all victims with Johns Hopkins (JH)'s Resource Brochure and explain that available services include comprehensive medical care, free forensic exams for evidence collection, advocates, and reimbursements.
- O. Officers shall Reassure the victim that the police take their case very seriously. Inform them about the next steps and who will handle their case. Whenever possible, officers shall help with transitions through personal introductions.
- If the victim does not want to speak with a detective, ask if they would like to be referred to an advocate. If yes, assist the victim by contacting TurnAround.
 - NOTE: Victims of sexual assault may decline to participate or recant for many reasons (e.g., fear of retaliation, concern about not being believed, hesitancy about the criminal justice system, loss of privacy, among others). Their reluctance does not indicate a false report nor reason to forgo a strong, evidence-based investigation.
 - Advise victims about their rights and available assistance, as provided in JHPD Directive #422, Victim and Witness Assistance.

IV. Contacting the BPD Sex Offense Unit (SOU)

The investigation officer or on-duty supervisor shall contact BPD's Sex Offense Unit (SOU), 410-396-2076 for every sex offense call and speak to the on-duty detective. If unavailable, contact Communications for help with contacting the on-duty detective.

- A. Officers shall provide case information to the SOU detective and follow the detective's directions. Complete all initial investigation activities at the instruction of the SOU detective or follow their specific guidance.
- There may be cases, such as Fourth Degree Sexual Offenses that the SOU detective determines that BPD patrol or JHPD will handle. IF BPD patrol will handle, the JHPD officer shall be available for support to BPD patrol as needed or requested by BPD.

- Officers shall include the name of the SOU detective contacted in the Incident Report.
- If JHPD handles the investigation, officers shall follow all investigative steps included in Section V. of this directive, below.

V. Investigation of 4th Degree Sex Offenses

- A. If a JHPD officer is instructed by BPD's SOU that the JHPD officer will handle a 4th degree sex offense case, the JHPD officer shall conduct a thorough, trauma-informed, victim-centered, offender-focused investigation, which shall include:
- A trauma-informed, victim-centered interview with the victim (see Appendix D for example questions).
 - o A victim has the right to decline to provide information and shall not be pressured or required to do so.
 - o A victim has the right to have the BWC deactivated. Document in the Incident Report if the victim wishes to have the BWC deactivated.
 - If a victim requests a person, advocate, or attorney for support or consultation, the officers should accommodate the request, if possible. If such a person is needed but not available, the initial statement should be paused to allow the victim to contact the National Sexual Assault Hotline (1-800-656-4673) for immediate support.
 - Officers shall be respectful and compassionate, prioritizing the victim's safety and keep in mind that trauma may affect their memory.
 - Officers shall ask neutral, open-ended questions that elicit a narrative of the events from the victim, rather than leading questions or questions that may be perceived as assigning blame.
 - Officers shall allow the victim to explain what happened without interruption, if possible. Written reports should use the victim's exact words, using quotations, when possible, to describe the elements of the crime.
 - Officers shall write the victim's account, including as much detail as possible and ask if they are willing to sign the report.
 - Officers shall provide the victim with a Sexual Assault Victim Resources Form, and the other resources available in Appendix B and from the bMOREsafe app.

- B.** The officer will secure and process the crime scene, including identifying and preserving evidence in conformance with JHPD Directive #468, Collection & Preservation of Evidence.
- NOTE: If the victim's report indicates the need for the collection of Deoxyribonucleic Acid (DNA) or other forensic evidence, the officer will consult with the Crime Lab. If consultation determines that a SAFE would be helpful, explain the benefits and the process to the victim.
 - o If the victim consents, the officer will follow provisions under **Medical Attention and Forensic Exams** above. Call BPD's SOU with any questions.
 - The officer shall retrieve electronic evidence, such as video (including any surveillance video), photos, text messages, direct messages, emails, or other items.
- C.** The officer should identify, separate, and interview witnesses.
- D.** The officer will exhaust all reasonable efforts to identify and investigate the offender, including interviewing them on body-worn camera, collecting and preserving evidence.
- Prior to arresting a suspect, the officer shall consult an on-duty supervisor and the on-call prosecutor with the Office of the State's Attorney or assigned to assist the officers at the Central Booking and Intake Facility with charging advice.
 - The officer shall refer to the investigation and arrest guidelines in JHPD Directive #420, Domestic Violence for incidents of domestic or intimate partner violence.

VI. Additional Investigative Steps

- A.** If BPD is handling the investigation, the JHPD officer will remain with the victim until the arrival of the responding BPD member and will coordinate the investigative activities with the BPD SOU or BPD patrol, any activity should be directed by BPD if they are the lead or primary investigating agency for the criminal offense.
- B.** If JHPD is the lead or primary investigating agency, the JHPD officers should:
- Remain with the victim. If the victim consents to a SAFE, the officer will not be present during the physical exam unless requested by the victim.
 - o If the victim would like the support of an advocate, the officer should contact JHU's Behavioral Health Crisis Support Team

(BHCST), JHU's Gender Based Violence (GBV) Prevention Program, TurnAround, or Mercy Hospital to request an advocate.

- If a suspect has fled the scene, the officer shall broadcast their description. The officer shall also follow normal canvassing and apprehension procedures with these specific considerations for sex offenses.

C. If the suspect is located, the officer shall not have the suspect transported to the victim's location.

- If necessary, the officer shall follow JHPD Directive #462, Eyewitness Identification.
 - o For any eyewitness identification, the officer conducting the identification process should be mindful of the victim's emotional state and minimize re-traumatization.
- Officers may transport the victim to canvass for the suspect, if appropriate (e.g., for stranger cases or when the suspect is nearby). **Prior to doing so, the officer shall consult BPD's SOU for guidance.**
 - o Officers shall consider the victim's emotional, physical and/or mental state and the potential for further trauma or fear. If a suspect is located, officers shall document the victim's words (as exactly as possible) that they stated upon observing/identifying the suspect.
- The officer transporting the victim shall not be involved in trying to apprehend the suspect if spotted while canvassing with the victim in the car.

D. When taking a suspect into custody, officers shall take steps to preserve potential evidence, including biological evidence, on their person (at the instruction of the SOU detective). This may include transporting the suspect to a forensic hospital for a suspect SAFE (See JHPD Directive #412, Custody, Transport & Processing).

I. Officers shall identify and secure any potential witnesses, the crime scene, and any potential evidence.

- This may include advising the victim about not bathing, changing clothes, washing, combing hair, brushing teeth, eating/drinking, urinating (see below regarding time-sensitive urine exams) or touching any items or furniture the suspect may have touched, and not changing/washing sheets, blankets, pillows, or couch covers near the site of the offense.
 - o If the victim changes clothes, officers shall advise them that they should not wash the clothes worn during the assault and should bring them to the medical facility.

- Officers are advised that this may also include the victim helping to recover possible evidence from before or after the incident, such as saving text messages, direct messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any.
- J.** Officers shall collect evidence or instruct crime lab personnel per JHPD Directive #468, Collection & Preservation of Evidence. In general, if any potential evidence is present on the suspect, notify the Crime Lab for evidence collection. If there is immediate risk that the evidence could be destroyed, the officer should remove and secure the evidence.
- NOTE: Officers shall always use appropriate biohazard safety techniques.
- K.** If the offense is related to domestic violence, officers shall ensure the case is coded properly (XY) and inform the primary detective that the offense is domestic violence related.
- L.** Officers shall maintain a secure crime scene and a crime scene log at the direction of the SOU detective. Attach the Crime Scene Log to the Incident Report.
- M.** Officers shall consult JHU Public Safety regarding whether to issue a campus ban and/or BOLO alerts for the suspect.
- N.** **Assistance with Civil Orders** - If the victim desires and at the direction of the primary detective, the officer shall offer to provide or arrange transportation for the victim to the nearest District Court or Court Commissioner so that the victim may file a petition for a civil peace or protective order.
- Officers should contact an advocate to accompany the victim if the victim desires such support.
 - For all guidance on assistance with civil orders of protection, see JHPD Directive #421, Court Orders for Protection.

VII. Medical Assistance & Examinations

- A.** For cases where a date rape drug may have been used, these steps shall be followed to collect “first urine” specimen, where the victim has not urinated since the assault and the victim needs to use the restroom prior to arriving at a medical facility. Officers will:
- Obtain a sterile urine specimen cup and evidence tape from the first aid kit of a JHPD Police vehicle;
 - Find a private bathroom and search it for contraband;
 - Flush the toilet;

- Instruct the victim to provide a urine sample in the specimen cup and seal the cup;
 - Remain outside the bathroom while the victim provides the sample;
 - Instruct the victim to mark the sample level on the side of the specimen cup with a permanent marker;
 - Seal the specimen cup with evidence tape;
 - Ensure the victim keeps immediate custody of the specimen until the victim is transported to a medical facility; and
 - Document all steps in related reports.
- B.** Transporting Officers shall follow the investigating officer's instructions regarding transportation of the victim to the hospital, and comply with JHPD Directive #209, Fleet Management and JHPD Directive #107, Interactions with LGBTQ+ Individuals. Officers shall document all and the medical facility information in the Records Management Section (RMS).
- C.** The designated medical facility for SAFE is Mercy Medical Center. Officers shall normally transport Victims to Mercy in all instances in which a SAFE is warranted and when the victim has agreed and provided consent to be transported. If the victim agrees to a SAFE, officers shall transport them to Mercy regardless of whether or not they want to initiate or cooperate in a police investigation.
- If the victim requests to be accompanied by friends or family members, the transporting officer shall honor that request.
 - NOTE: A officer shall allow a relative or friend to transport the victim in a private vehicle, if the victim prefers. The officers should advise victims not to drive, but if that is their preference, the officer should allow them to do so.
- D.** While Mercy is best equipped for SAFE, the victim's health, safety, and preferences shall be prioritized in determining at which medical facility the victim will be treated. Officers are advised that arrangements can be made for a forensic nurse to travel to another medical facility to conduct a mobile SAFE (known as "go-exams").
- In instances where the victim is transported to or is located at a facility other than Mercy, the transporting officer shall notify the primary detective for assistance with go-exam arrangements.
- E.** Transport officers shall inform the victim that a hospital advocate should be available to support and accompany them for the exam. If the victim prefers to meet with an advocate before the exam, this should be honored unless one is not available.

- F. If directed to do so by the primary detective, while at the hospital, transporting officers shall complete the appropriate sections on the Physical Examination and Collection of Evidence for Rape and Sexual Assault form and return the original form to the SAFE nurse.
- G. Officers are prohibited from using the results of drug tests as a routine and necessary part of the SAFE kit to charge the victim with a drug offense.

VIII. Patrol Reporting for All Sex Offense Cases

Patrol officers shall complete an Incident Report in for **all reports** sexual offenses, prior to the end of their shift, in conformance with JHPD Directive #470, Field Reporting and this directive.

- A. For cases where BPD is lead, the JHPD officer shall add a supplemental report by selecting “Narrative Only” and document all relevant details, observations, evidence, and aggravating factors in the narrative. As accurately as possible, the JHPD officer shall use victims’, witnesses’ and/or suspects’ own words in writing. JPHD officers shall not sanitize language used by any of those individuals for the report.
- B. JHPD officers shall document which detective was contacted and any supervisors and other JHU personnel who were contacted and/or who responded to the scene. JHPD officers shall also document that JHU’s OIE was notified and how (e.g., by phone or email) they were notified. JHPD officers shall be directed by the SOU detective about any other reporting requirements.
- C. JHPD officers shall never deem any sex offense case for which BPD is the primary investigator as “unfounded” or “unsubstantiated.” JHPD officers shall collect any evidence and information available and shall include it in the incident report or supplemental report for review by BPD.
- D. JHPD shall follow up with the BPD for all sexual offenses committed within its jurisdiction, and provide any assistance to BPD, possible, and monitor the investigation through its conclusion. All activities shall be documented in supplemental reports.

IX. Supervisory Responsibilities

- A. A supervisor shall respond to the scene of all sex offense calls for service. If a patrol officer responds and locates a victim or reporting person, the supervisor shall promptly respond to the location to supervise the initial investigation and to ensure all appropriate notifications are made.

- B.** If extenuating circumstances prevent the supervisor from responding and if no other supervisor is available, the supervisor shall designate an Officer-In-Charge to hold the scene until a permanent-rank supervisor can respond.
- C.** The supervisor shall ensure that BPD's SOU is called for each sex offense call.
- D.** The supervisor shall ensure that all investigations were properly conducted and that any crime scene(s), evidence, witness(es) and/or suspect(s) are protected or secured, as necessary.
- E.** The supervisor shall ensure that OIE has been notified per above *JHU OIE Title IX/ Sexual Misconduct Notifications*.
- F.** For crimes under the jurisdiction of the BPD's SOU, the supervisor shall ensure that the JHPD officers do not re-interview the victim even if more information is needed.
- The supervisor shall ensure the victim knows a detective will follow up with them and that they know who to contact if they have questions.
 - The supervisor shall ensure that the victim received JH's Resource Brochure.
- G.** The supervisor shall ensure that the officer does not deem any case unfounded that, per the circumstances, must be forwarded to BPD's SOU for investigation.
- H.** If the supervisor determines that a crime other than a sex offense has occurred, the supervisor shall notify the dispatcher to make the appropriate changes and notations within the CAD (Computer Aided Dispatch) system.
- I.** The supervisor shall review whether the patrol officer's response was trauma-informed and victim-centered. If deficiencies are noted, the supervisor shall identify whether training, mentoring, or another method would be appropriate to address the issue and make any appropriate referrals.
- J.** The supervisor shall not allow responding officers to close out sex offense calls for service without completing a report.
- K.** If the incident involves a JHPD officer, the supervisor shall ensure that notifications are made to BPD's SOU Commander and PSAU as soon as possible.

VIII. Training

Entrance-level training and in-service training (IST) will be conducted in accordance with current Maryland Police and Corrections Training Commissions (MPCTC) requirements. The Public Safety Training Section shall, in consultation with the Investigations Commander or their designee, will develop the training curriculum. Such

training for all officers will cover at a minimum, but not be limited to, the following topics on a rolling basis:

- A. How to conduct a trauma-informed response to sexual assault calls, including cases presenting co-occurring crimes such as domestic violence, strangulation, and stalking.
- B. Impact of trauma on victims of sexual violence and ways to minimize further physical and psychological trauma to victims.
- C. Guidance on working with vulnerable populations.
- D. Response to non-stranger sexual assault, alcohol, and drug-facilitated sexual assault, or assaults in which the victim is incapacitated or unable to clearly describe the assault.
- E. Building investigations that are evidence-based and offender-focused.
- F. Standards for report writing and documentation for preliminary investigations for all rape and sex offense cases.
- G. Evidence gathering, handling, and submission.
- H. OIE Sexual Misconduct training.

IX. Maryland Law Requirements

- A. MD Code, Criminal Procedure, § 11–929 requires that at no point in an interaction with a sexual assault victim shall any officer present a form that purports to:
 - Relieve JHPD of any obligation to the victim,
 - Preclude or define the scope of a JHPD’s investigation into the act allegedly committed against the victim,
 - Prevent or limit a prosecution of an act allegedly committed against the victim, or
 - Limit the private right of action of the victim pertaining to the alleged act, or the victim’s interaction with JHPD.
- B. If a victim requests that the scope of an investigation be limited or that an investigation be temporarily or permanently suspended, the officer shall:
 - Thoroughly document the request,
 - Contact BPD for any cases in which they are the lead investigator, and

- Follow up with the victim in accordance with practices recommended by MPTSC (Maryland Police Training and Standards Commission).

Policy Enforcement

Enforcement	JHPD managers and supervisors are responsible for enforcing this Directive.
Reporting Violations	Suspected violations of this Directive should be reported to the Public Safety Accountability Unit, or via the online form .

DRAFT

Related Resources

<p>University Policies and Documents</p> <p>Conduct & Responsibility #107, Interactions with LGBTQ+ Individuals Personnel Procedure #301, Personnel Allocation & Management Operational Procedure #412, Custody, Transport & Processing Operational Procedure #415, Individuals with Behavioral Health Conditions Operational Procedure #420, Domestic Violence, Stalking & Harassment Operational Procedure #422, Victim & Witness Assistance Operational Procedure #421, Court Orders for Protection Operational Procedure #433, Body-Worn Camera Operational Procedure #468, Collection & Preservation of Evidence JHU Sexual Misconduct Policy and Procedures (“SMPP”) https://oie.jhu.edu/confidential-resources/ https://oie.jhu.edu/non-confidential-resources/ https://wellbeing.jhu.edu/resources/mental/ (for students)</p>
<p>External Documentation</p> <p>Baltimore Police Department Policy 708, Rape and Sexual Assault</p>
<p>Police Department Forms and Systems</p>

Contacts

Subject Matter	Office Name	Telephone Number	E-mail/Web Address
Policy Clarification and Interpretation			

APPENDIX A
Johns Hopkins Resource Brochure

<p>HELPFUL INFORMATION TO REMEMBER</p> <p>JHPD officer name/badge # _____</p> <p>BPD detective name/seq # _____</p> <p>Police phone number(s) to contact _____</p> <p>Case number _____</p> <p>JHU advocate name & phone # _____</p> <p>Other advocate/support name & phone # _____</p> <p>Other information I received _____ _____ _____</p>	<p>JHPD IS DEDICATED TO PROVIDING A TRAUMA-INFORMED, VICTIM-CENTERED RESPONSE TO VICTIMS OF SEXUAL VIOLENCE AND DOMESTIC VIOLENCE.</p>	  <p>JHU, LOCAL & NATIONAL RESOURCES FOR SURVIVORS OF SEXUAL ASSAULT AND DOMESTIC VIOLENCE</p> <p>Johns Hopkins Police Department [PHONE] For Emergencies, Dial 911</p>  <p>JOHNS HOPKINS UNIVERSITY</p>
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**APPENDIX A (Cont.)
JHU Resource Brochure**

JHU CONFIDENTIAL RESOURCES

JHU Sexual Assault Helpline (24/7)
410-516-7333

Behavioral Health Crisis Support Team (24/7)
410-516-9355

Gender Violence Prevention & Education
410-927-3548
HopkinsGBVP@jh.edu

JHU Counseling Center
410-516-8278
<https://studentaffairs.jhu.edu/counselingcenter/>

Student Health & Wellness Center
410-516-8270
<https://studentaffairs.jhu.edu/student-health/>

JHU Student Assistance Program (24/7)
443-287-7000
<http://jhsap.org>

Health Services/Mental Health Services
(serving Schools of Medicine, Public Health
& Nursing)

University Health Services – 410-955-3250
Mental Health Services (24/7)– 410-955-1892

**JHU NON-CONFIDENTIAL
RESOURCES**

Office of Institutional Equity
oie.jhu.edu
410-516-8075



**JHU CONFIDENTIAL RESOURCES
FOR FACULTY & STAFF**

Employee Assistance Program (24/7)
888-978-1262
[https://hr.jhu.edu/benefits-worklife/
support-programs/](https://hr.jhu.edu/benefits-worklife/support-programs/)

**BALTIMORE &
MARYLAND RESOURCES**

TurnAround Inc. (support for victims of sexual
violence)
443-279-0379 (24/7)
turnaroundinc.org

House of Ruth MD (support for victims of
domestic violence)
410-889-7884 (24/7)
hruth.org

Mercy Medical Center
bmoresafemercy.org

MD Coalition Against Sexual Assault
mcasa.org

MD Network Against Domestic Violence
mnadv.org

NATIONAL RESOURCES

National Sexual Assault Hotline
1-800-656-4673 (24/7)
online.rainn.org (24/7 chat)

National Domestic Violence Hotline
1-800-799-7233 (24/7)
thehotline.org

PLACEHOLDER ADD:

JH Health System / Mental Health Services, Resources, Counseling and Support Services

APPENDIX B

Additional Information on Trauma-Informed, Victim-Centered Responses

Additional Information on Trauma-Informed, Victim-Centered Responses

Trauma, Brain Response and Body Response

Trauma-informed care recognizes how trauma affects the brain. Hyperactivity in the amygdala and hippocampus overrides the prefrontal cortex (in charge of rational choices and modulating emotional responses). This keeps a person in survival mode.

Trauma results from physical and emotional harm and impacts a person's functioning and mental, physical, social, emotional, or spiritual well-being. How a person responds to trauma often depends on what kinds of internal and external resources they must use to help them cope.

Depending on the combination and quantity of hormones that the brain releases during a traumatic event, individuals may react to trauma in a variety of ways. Some victims will present upset, others will have flat or even disinterested affects. Reacting with or without emotion does not indicate the legitimacy of a report, and either reaction is common. Other reactions may include, but are not limited to sadness, anger, anxiety, fear, guilt, detachment, nausea, elevated heart rate, exhaustion, and greater startle response.

When a person experiences trauma, brain activity is rerouted to the brain's survival center. This impacts the coding and storing of memories. Because of this, victims may have trouble remembering details in order or even all at once. As trauma recedes, details may emerge. Letting the victim go at their own pace can be helpful in recounting details, specifically if it is their first time recounting the incident or the incident is recent. Thus, a vague account lacking detail, or the victim being unable to recall specifics does not mean that they are lying or intentionally leaving out details. Similarly, missing meetings, misunderstanding timelines and/or instructions are not indications of untruthfulness.

It is not unusual for victims to have experienced orgasm during a sexual assault. Orgasms during a sexual assault are not an indication a sex act was wanted, rather can be the natural result of genital stimulation and release of hormones, specifically oxytocin.

Signs of Trauma

Signs of trauma in victims and witnesses can include:

Nausea, flashbacks, trembling, memory gaps, fear, and anger. These symptoms can trigger behaviors that police may misinterpret as not cooperating, appearing adversarial, or behaving in an aggressive manner.

Acting in a hypervigilant state or in a constant state of arousal. These individuals may be perceived as hostile, particularly when they are feeling threatened.

Disengaging, “tuning out,” or avoiding being out in the world. Traumatized individuals may feel numb and show no outward signs of distress, which police can misinterpret as suggesting that there is little or no trauma because the person is not acting out.

In teens, trauma can affect their brain development by interrupting the creation of coping strategies to deal with difficult situations and their ability to trust others. This will impede police efforts to effectively relate to them and gain their trust.

When encountering someone with symptoms of trauma, first address the victim’s safety needs, acknowledging and addressing their physical concerns. Next, officers should allow the person to vent about their feelings and should validate those feelings. Listen attentively with a non-judgmental demeanor. Ask victims “What has happened to you?” instead of “What is wrong with you?” Furthermore, asking sensory questions (e.g., what did the victim see, hear, touch, smell, taste) can be helpful, since during traumatic events the brain stores sensory information better than chronological information. Also, explain to the victim what happens next in the case process and their role in that process to help victims heal and prepare for their future.

Assigning Responsibility to Whom it Belongs

It is important for officers to understand and recognize that it is the offender, not the victim, who is responsible for the crime. No matter what a victim was wearing, where they were, what they were doing, if they were drinking or using drugs, or if they had willingly engaged in sexual activity with the offender at any time prior to the assault; it is always the fault of the offender, the person who chose to interact with another person’s body without permission (consent) from that person.

Dynamics of Domestic Violence / Intimate Partner Violence

Domestic violence, particularly intimate partner violence, is an ongoing pattern of coercive, controlling, abusive behavior used to gain or maintain power and control over the victim. Domestic violence may include physical, sexual, emotional, economic, and psychological actions or threats of actions. Abusers may also commit verbal threats, acts of intimidation, property damage, animal cruelty, elder and child abuse, strangulation, and stalking. The trauma and harm caused by domestic violence can be complex.

Abusers use tactics like isolation, financial abuse, emotional and mental abuse, and physical abuse with the intent to make it as difficult as possible for the victim to leave. These are

intended to keep the victim in fear of and dependent on the abuser, without support or resources.

Because domestic violence is about power and control, the MOST dangerous time for a victim is as they are leaving or as they are trying to leave:

- The risk of being murdered by an intimate partner increase about 300% in the first 72 hours (about 3 days) after leaving.
- On average, it takes about 7 attempts to leave an abusive relationship.
- The presence of a firearm in the home increases the chance of lethality by 500%

Police response to domestic violence must prioritize victim safety and recognize how dangerous and traumatic some perhaps seemingly harmless domestic disputes may actually be.

Officers shall also be aware that often the abuser will attempt to engage in DARVO (Deny, Attack, Reverse Victim and Offender). This looks like the abuser claiming they are the "real" victim, accusing the victim of harm (often if there is injury caused by the victim it was defensive), accusing the victim of lying or being "crazy," saying whatever they can to shift the blame shifted onto the victim. Due to these tactics, officers must critically assess the situation to ensure the primary aggressor is properly identified.

Barriers to Reporting

There are many barriers to victims reporting crimes of sexual assault and/or domestic violence. Such barriers include, but are not limited to:

- Fear of not being believed
- Fear of the offender
- Self-blame
- Concerns about the justice system
- Denial/disbelief, sometimes exacerbated by involvement of drugs or alcohol
- Cultural differences
- Concerns about racial bias

Officers must understand that certain demographic groups – sex workers, drug users, people with disabilities, children, immigrants, LGBTQ persons, and family officers – are often targeted by offenders because they are *less* likely to report the crime.

Tips for Interacting with Victims of Sexual Assault and Domestic Violence

- Be mindful of the power dynamics between police and victims.
- Be mindful of personal space and body language (if you need to touch the victim for any reason, ask them first. Do not lean or tower over them).
- Avoid questions that sound victim-blaming, such as “why” questions.
- Explain as much of what you are doing and why you are asking certain questions as you can. Even when not intended, investigative questions can sometimes feel like they are casting blame on a victim. It can be helpful for a victim to know why a question is being asked, and be reassured through the explanation that they are not being blamed for the assault/harm.
- Let them know you believe them and take their disclosure seriously. Listen to what they have to say about what happened.
- Validate their emotions, even if you do not understand them. All emotions are fair responses to sexual assault and domestic violence.

For More Information

Resource for safety planning: <https://www.thehotline.org/create-a-domestic-violence-safety-plan/>

More on trauma-informed care: <https://nnedv.org/spotlight on/understanding-importance-trauma-informed-care/>

More information about sexual violence: <https://www.rainn.org/>

APPENDIX C

Definitions from JHU's Sexual Misconduct Policy and Procedures

Excerpt from JHU's Sexual Misconduct Policy and Procedures (SMPP)

Section III

Definitions

Anonymous Reports: Reports of sexual misconduct filed with the University, including the Title IX Coordinator or the University's Office of Institutional Equity ("OIE"), may be filed anonymously, meaning that the reporter files the report without identifying themselves. Anonymous reporters are encouraged to speak with the Title IX Coordinator or an OIE investigator so as to understand the potential limitations for an investigation being conducted based on an anonymous report. See Section IV of this Policy for anonymous reporting options.

Complainant: The term "complainant" refers to an individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment or Other Sexual Misconduct, whether reported by the alleged victim or a third party.

Confidential Resources: A "Confidential Resource" is a formal University designation given to certain University employees and departments that are exempt from any Responsible Employee obligations under this Policy. Confidential Resources are not required to report sexual misconduct to the University. Confidential Resources include mental health providers and staff, healthcare providers and staff, pastoral counselors and staff, and any other persons who have a legal obligation to protect confidentiality when acting in a professional capacity unless there is an imminent threat to health or safety, or other basis for disclosure pursuant to law. Confidential Resources designated by the University include the Sexual Assault Helpline, the Associate Director of Student Well-being, Gender Violence Prevention, Education and Response Coordinators, providers and staff at the Johns Hopkins Counseling Center, the Johns Hopkins Student Assistance Program, the Faculty and Staff Assistance Program, University Mental Health Services, student health centers operated by the University, as well as chaplains and staff at the Bunting Meyerhoff Interfaith and Community Center. Confidential Resources serve in that role at all times regardless of setting or specific activity. For a list of both JHU and off-campus Confidential Resources, see [Appendix B](#). Confidential Resources are not [Responsible Employees](#) (defined below). All resources not specifically designated as Confidential Resources are considered non-confidential. If you have any question about whether you are a Confidential Resource or whether someone you would like to speak to is a Confidential Resource, please contact the [Title IX Coordinator](#) or [Office of Institutional Equity](#) for clarification.

Consent: Sexual activity of any kind requires "consent," which consists of the following:

- Consent means clear and voluntary agreement between participants to engage in the specific act.
- Consent requires a clear "yes," verbal or otherwise; it cannot be inferred from the absence of a "no."
- Consent cannot be obtained from someone who is unconscious, asleep, physically helpless, or incapacitated (including, but not limited to, mentally incapacitated). A person is incapacitated when they are unable to make a rational decision because the person lacks the ability to understand their decision. A person who is incapacitated is unable to consent to sexual activity. A person can become incapacitated as a result of physical or mental disability, involuntary physical constraint, being asleep or unconscious, or consumption of alcohol or other drugs. A person can consume alcohol and/or drugs without becoming incapacitated. A person who engages in sexual activity with someone that person knows or reasonably should know is incapacitated does not have consent and will be found responsible for a Policy violation.
- Consent cannot be obtained by pressure, threats, coercion or force of any kind, whether mental or physical. Consent means actually agreeing to the specific sexual activity, rather than merely submitting as a result of pressure, threats, coercion or force of any kind, whether mental or physical.
- Consent cannot be obtained from an individual who is under the legal age of consent.
- Consent must be ongoing throughout a sexual encounter and can be revoked at any time.
- Consent to some sexual acts does not necessarily imply consent to others.
- Past consent does not mean ongoing or future consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

APPENDIX C (Cont.)

Definitions from JHU's Sexual Misconduct Policy and Procedures

Dating Violence:¹ The term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse, but excludes acts covered under domestic violence.

Discrimination: The term “discrimination” means treating a member of the community unfavorably because that person is a member of a protected class. The University prohibits discrimination on the basis of: race, color, national origin, immigration status, ethnicity, age, disability, religion, sex, gender, pregnancy, military status, veteran status, marital status, sexual orientation, gender identity or expression, genetic information, or other legally protected characteristics. For further information, see the [University Statement on Equal Opportunity](#) and [Discrimination and Harassment Policy and Procedures](#).

Domestic Violence:² The term “domestic violence” means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim; is cohabitating or has cohabitated with the victim as a spouse or intimate partner, shares a child in common with the victim; or commits acts against a youth or adult who is protected from those acts under the family or domestic violence laws of the jurisdiction receiving grant monies.

Economic Abuse: The term ‘economic abuse’, in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person’s ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to (A) restrict a person’s access to money, assets, credit, or financial information; (B) unfairly use a person’s personal economic resources, including money, assets, and credit, for one’s own advantage; or (C) exert undue influence over a person’s financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

Formal Complaint: The term “Formal Complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a respondent and requesting that the university investigate the allegation of Title IX Sexual Harassment. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, electronic mail, or online form, as provided below. A “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the university) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the Formal Complaint.

Gender Expression: The external appearance of one's gender identity, usually expressed through behavior, clothing, haircut or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

Gender Identity: One’s innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same as or different from their sex assigned at birth.

Interim Supportive Measures: The term “interim supportive measures” means non-disciplinary, non punitive individualized services offered as appropriate and reasonably available, and without fee or charge to the complainant, respondent or other individuals involved in a matter, before or after the filing of any type of Title IX Sexual Harassment or Other Sexual Misconduct report or complaint. Such measures are designed to restore or

¹ Dating violence is covered by the Policy whether or not it involves sexual conduct.

² Domestic violence is covered by the Policy whether or not it involves sexual conduct.

APPENDIX C (Cont.)

Definitions from JHU's Sexual Misconduct Policy and Procedures

preserve equal access to a university program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter Title IX Sexual Harassment or Other Sexual Misconduct. For examples of interim supportive measures, see Section VII below. To discuss or request interim supportive measures, please contact the [Title IX Coordinator](#) or Deputy Title IX Coordinator.

Non-Title IX Sex-Based Harassment: The term "non-Title IX sex-based harassment," whether between people of different sexes, or the same sex, includes, but is not limited to, conduct that does not meet the definition of Title IX Sexual Harassment but otherwise constitutes unwelcome and offensive conduct based on sex (including gender, sexual orientation and gender identity/expression) when:

1. Submission to such conduct is made either explicitly or implicitly a term of the individual's employment or participation in an education program or activity;
2. Submission to or rejection of such conduct is used as a basis for employment or academic decisions or advancement; *or*
3. Such conduct unreasonably creates a work or academic environment that a reasonable person would perceive to be abusive or hostile.

The alleged conduct need not be severe or pervasive. When assessing whether the alleged conduct unreasonably creates an abusive or hostile work or academic environment from the perspective of a reasonable person, the university considers the totality of the circumstances. This includes consideration of whether the unwelcome and offensive conduct unreasonably interferes with, limits, or deprives a member of the community of the ability to participate in or to receive benefits, services or opportunities from the university's education or employment programs and/or activities. Although the conduct need not be severe or pervasive to constitute an unreasonably hostile or abusive environment, the heightened seriousness of alleged severe or pervasive conduct will be considered during OIE's process.

Non-Title IX Sex-Based Harassment does not include unwelcome conduct of a sexual nature, which is considered non-Title IX Sexual Harassment.

Non-Title IX Sexual Harassment: The term "non-Title IX sexual harassment," whether between people of different sexes or the same sex, includes, but is not limited to, conduct that does not meet the definition of Title IX Sexual Harassment but otherwise constitutes unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, electronic or physical conduct of a sexual nature when:

- The respondent is a non-employee and submission to such conduct is implicitly or explicitly a term or condition of an individual's participation in an educational program or activity³;
- The respondent is a non-employee and submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions, evaluation or advancement⁴; or
- Such conduct unreasonably creates a work or academic environment that a reasonable person would perceive to be abusive or hostile.

The alleged conduct need not be severe or pervasive. When assessing whether the alleged conduct unreasonably creates an abusive or hostile work or academic environment from the perspective of a reasonable person, the university considers the totality of the circumstances. This includes consideration of whether the unwelcome and offensive conduct unreasonably interferes with, limits, or deprives a member of the community of the ability to participate in or to receive benefits, services or opportunities from the university's education or employment programs and/or activities. Although the conduct need not be severe or pervasive to constitute an unreasonably hostile or abusive environment, the heightened seriousness of alleged severe or pervasive conduct will be considered during OIE's process.

Examples of conduct that may, depending on the facts and circumstances, constitute non-Title IX sexual harassment include, but are not limited to: making comments about someone's appearance in a sexually suggestive way; staring at

³ Where it is alleged that an *employee* engaged in such conduct, but the circumstances do not otherwise meet the criteria for utilizing the Procedures for Title IX Sexual Harassment as set forth in Section IX, such alleged conduct will be considered potential Non-Title IX Sexual Harassment and will be evaluated as needed under the Procedures for Other Sexual Misconduct.

⁴ Where it is alleged that an *employee* engaged in such conduct, but the circumstances do not otherwise meet the criteria for utilizing the Procedures for Title IX Sexual Harassment as set forth in Section IX, such alleged conduct will be considered potential Non-Title IX Sexual Harassment and will be evaluated as needed under the Procedures for Other Sexual Misconduct.

APPENDIX C (Cont.)

Definitions from JHU's Sexual Misconduct Policy and Procedures

someone or making obscene gestures or noises; repeatedly asking someone on a date; “flashing” or exposing body parts; sexual coercion; intentional sexual in nature touching that does not meet the definition of Title IX Sexual Harassment; disrobing; spreading sexual rumors; rating peers or colleagues with respect to sexual performance; non-consensual observation, photographing, or recording of sexual activity or nudity; non-consensual distribution or dissemination of photographs or recordings of sexual activity or nudity, including distribution or dissemination of photographs or recordings that were made consensually; allowing a third party to observe sexual activity without the consent of all parties; and prostituting or trafficking another person.⁵

Non-Sex-Based Stalking: The term “non-sex-based stalking” means conduct that is not sex-based but still constitutes engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others, or suffer substantial emotional distress. Acts which solely create an annoyance or inconvenience are generally insufficient to meet this standard. For purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates with another person, or interferes with that person’s property.

Although non-sex-based stalking does not require evidence that the Respondent intended to cause fear or emotional distress, there must be evidence that the Respondent intentionally engaged in a course of conduct directed at the Complainant, as set forth above. Inadvertent, involuntary, or accidental conduct will not meet this standard. Likewise, incidental or routine contact and/or communications issued during the regular course of University business concerning legitimate academic or employment matters - for example, a supervisor issuing an annual performance review or a professor providing feedback on an essay – do not constitute non-sex-based stalking. Protected conduct – such as making a good faith complaint/report under this policy or participating in an OIE investigation – also will not be considered part of a course of conduct in evaluating alleged Non-Sex-Based Stalking.

Other Sexual Misconduct: The term “Other Sexual Misconduct” includes all sexual misconduct that is not considered “Title IX Sexual Harassment.” This includes non-Title IX sexual harassment, non-Title IX sex-based harassment, and non-sex-based stalking. It also includes sexual assault, stalking, dating violence and domestic violence that does not meet all of the jurisdictional requirements to be considered under the “Procedures for Title IX Sexual Harassment,” for example if the conduct occurred outside of the United States.

Preponderance of the Evidence: A “preponderance of the evidence” means it is more likely than not that a policy violation occurred (or did not occur) based on the evidentiary record.

Respondent: The term “respondent” refers to an individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment or Other Sexual Misconduct.

Responsible Employee: “Responsible Employee” is a designation given to certain University employees who have a duty to report sexual misconduct that they learn of to the University’s Title IX Coordinator. Responsible Employees are designated based on the University’s determination that they have the authority to redress sexual misconduct, have the duty to report sexual misconduct to the [Title IX Coordinator](#), or are employees who a student reasonably believes have such authority or duty. [Confidential Resources](#) are not Responsible Employees. Responsible Employees designated by the University include academic administrators, academic advisors, non-confidential employees serving in a supervisory role, department heads and chairs, directors, deans, student affairs staff, Office of Institutional Equity staff, faculty, Human Resources personnel, campus security officers, resident advisors, and athletic coaches. **Responsible Employees must promptly report all known relevant information to the Title IX Coordinator, including the name of the complainant, respondent, and any witnesses and any other relevant facts, including the date, time, and location of the misconduct.** Faculty who are also licensed medical providers do not have a Responsible Employee obligation when providing patient care where the patient information that constitutes a report of potential sexual misconduct is protected by applicable patient privacy laws. If you have any question about whether you are a Responsible Employee or questions regarding your Responsible Employee duties, please promptly contact the [Title IX Coordinator](#) or the [Office of Institutional Equity](#) for clarification.

⁵ These conduct examples may constitute Title IX Sexual Harassment if they are accompanied by additional facts and circumstances that bring them within the definition of Title IX (e.g., the conduct occurred within the University’s education program or activity and other criteria described in Section IX are satisfied).

APPENDIX C (Cont.)

Definitions from JHU's Sexual Misconduct Policy and Procedures

Sex-Based Stalking: The term “sex-based stalking” means, on the basis of sex, engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others, or suffer substantial emotional distress. Acts which solely create an annoyance or inconvenience are generally insufficient to meet this standard. For purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates with another person, or interferes with that person’s property.

Although sex-based stalking does not require evidence that the Respondent intended to cause fear or emotional distress, there must be evidence that the Respondent intentionally engaged in a course of conduct directed at the Complainant, as set forth above. Inadvertent, involuntary, or accidental conduct will not meet this standard. Likewise, incidental or routine contact and/or communications issued during the regular course of University business concerning legitimate academic or employment matters do not constitute sex-based stalking. Protected conduct – such as making a good faith complaint/report under this policy or participating in an OIE investigation – also will not be considered part of a course of conduct in evaluating alleged Non-Sex-Based Stalking.