



The Senate of Maryland
ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR SHELLY HETTLEMAN
SB 807 – CRIMINAL PROCEDURE – VICTIMS OF SEXUALLY ASSAULTIVE BEHAVIOR –
WAIVERS OF RIGHTS – PROHIBITION

Just one year ago I learned about the practice among some law enforcement agencies to require sexual assault survivors to sign a document waiving their rights if they choose not to participate in the investigation of a sexual assault.

Over 2017 and 2018, police departments used these forms 223 times, according to a Baltimore Sun survey and report. My own county was the worst offender of those that were surveyed, with 172 individuals having signed these documents. Police departments in Anne Arundel County, Harford County and Prince George’s County also used them. But, there could be many more that use them – we just don’t know.

Historically, waivers have been used as a means of protecting the police department if they didn’t pursue an investigation so that later on, if a survivor decided they wanted to cooperate with the police, they wouldn’t be held accountable if they were blamed for not having investigated. They have been used to avoid responsibility.

They’ve also been used as a way to intimidate victims, a way of pressing them to back off. In one such case, a 21-year old college student – who was legally intoxicated - was asked to sign a waiver as she was in the hospital awaiting a rape kit forensic exam. In part, the waiver said, “I release from responsibility and hold harmless Baltimore County and any of its employees from any and all liability concerning my decision to cease the investigation. I make the request to terminate the investigation into this incident voluntarily, and of my own free will. My decision is the not the result of any threats, promises or inducements....”

Fortunately, many police departments have ceased the practice. In fact, Baltimore County stopped over a year ago and has experienced a significant increase in the number of survivors who stay engaged with the Special Victims Unit, attributable to the cessation of this practice, according to a lieutenant in the force.

We already know that sexual assault is a notoriously underreported crime for a variety of reasons, top among them that victims did not believe that the police would help. Even though many law enforcement agencies have ceased this practice, they could begin again at any time. Waivers are against the International Association of Chiefs of Police best practices and, I believe, should be ended once and for all. This bill would do just that. I respectfully ask for your support of SB 807. Thank you.