

DOUGLAS COUNTY SEXUAL ASSAULT PROTOCOL

The purpose of this Protocol shall be to ensure the coordination and cooperation among all agencies involved in sexual assault cases, so as to increase the efficiency with which all agencies handle such cases and to minimize the stress created for the alleged sexual assault victim by the legal and investigatory process.

This Sexual Assault Protocol is adopted pursuant to O.C.G.A. §15-24-2 to outline procedures to be used in investigating, collecting evidence, paying for expenses related to evidence collection, and prosecuting cases arising from alleged sexual assault and shall take into consideration the provisions of O.C.G.A. §4-5-17.

This Sexual Assault Protocol was revised and approved by the following members of the Douglas County Sexual Assault Protocol Committee:

Karla Ayers

Cobb and Douglas Public Health

Maegan Knight

Douglas County District Attorney's Office

Michele Mahony

Douglas Well-Star Hospital

Barbara Hogan

Douglas County Task Force on Family Violence

Bobby Holmes

Douglas County Sheriff's Office

Deborah Ogle

Douglas County Magistrate Court

Lynn Seagraves

Villa Rica Police Department

Adam Cannon

Douglasville Police Department

REQUEST FOR FORENSIC MEDICAL EXAMS

- A. A victim shall have the right to have a free forensic medical examination regardless of whether the victim participates in the criminal justice system or cooperates with law enforcement in pursuing prosecution of the underlying crime (O.C.G.A. §17-5-72).
- B. Forensic medical exams may be requested 24/7 by calling the Douglas County Task Force (DCTF) crisis line at 678-715-1196.

- C. Request for a forensic exam may be initiated by the victim, law enforcement, or hospital personnel. The national guideline from the International Association of Forensic Nurses (IAFN) recommends collection of forensic evidence within 120 hours of the alleged assault. This timeframe may be longer depending on the circumstances of the crime.
- D. The sexual assault forensic examiner is required by law to initiate a report to law enforcement and/or Department of Family and Children Services (DFCS) when the alleged sexual assault victim is 17 years of age or less.
- E. The victim (patient) can refuse at any point prior to, or during the exam, any portion of the exam.

DCTF FORENSIC MEDICAL EXAMINATION PROCEDURES

- A. A forensic medical examination may be performed only on victims aged 13 years old and over at the office of Douglas County Task Force on Family Violence (DCTF).
- B. Once the victim requests that law enforcement officials be notified, the Forensic Medical Examiner (FME) or her/his designee shall notify the appropriate law enforcement agency that evidence has been collected.
- C. Examinations shall be performed by a Sexual Assault Nurse Examiner (SANE) when possible.
- D. Forensic medical examinations and evidence collection will be completed as quickly as possible after a report of sexual assault is made.
- E. A written report of the exam shall be available to law enforcement for pick-up as soon as possible.
- F. Forensic examinations and evidence collection shall be conducted within International Association of Forensic Nurses (IAFN) guidelines and in accordance with Georgia Bureau of Investigation (GBI) procedures using the GBI Sexual Assault Evidence Collection Kit.
- G. The sexual assault forensic medical examiner provides the following information to the reporting victim (patient) that includes:

- a. "The person performing a forensic medical examination, or his or her designee, shall provide the victim with a written summary of all rights that are guaranteed to him or her under the Crime Victims' Bill of Rights", as provided by the Criminal Justice Coordinating Council. (O.C.G.A §35-1-2, §17-17-1 through §17-17-16).
- b. The case record number.
- c. Date and time of the forensic medical examination.
- d. The law enforcement agency who will be receiving the forensic evidence collected for storage purposes (unless other arrangements were made).
- e. The name and location of the center or facility where the medical forensic exam was performed.

CONDUCT OF FORENSIC MEDICAL EXAMINATIONS

- A. A Victim Advocate from DCTF will be available to accompany the victim and offer emotional support. The Advocate will at no time ask the victim questions related to details of the assault.
- B. The SANE will complete appropriate authorizations relating to the examination.
- C. The SANE will maintain and document the chain of custody of any evidence collected during the examination and assessment.
- D. All DNA samples, fluids, hairs, and other evidence requiring GBI analysis will be given directly to the investigating law enforcement agency.
- E. Once the victim requests that law enforcement officials be notified, the FME or his/her designee shall notify the appropriate law enforcement agency that evidence has been collected.

HOSPITALS RECEIVING VICTIMS OF SEXUAL ASSAULT

- A. A victim reporting an incident of sexual assault is considered a priority. Hospital personnel shall immediately contact law enforcement in the jurisdiction where the crime occurred.
- B. Hospital personnel shall contact DCTF Crisis Line if the victim is 13 years or older at 678-715-1196 to activate a SANE and a Sexual Assault Advocate as soon as possible.
- C. Hospital personnel should follow hospital Sexual Assault Protocol for patient care and guidelines.
- D. Sexual assault victims should be considered a priority in obtaining a medical clearance and discharge due to the time sensitive nature of forensic evidence collection.
- E. If a hospital patient that is reporting an incident of sexual assault is placed on an involuntary hold such as 1013, 1014, 2013, or 2014, the hospital staff will take responsibility for performing the sexual assault exam on-site.
- F. If a hospital patient that is reporting an incident of sexual assault is not medically cleared for discharge, the hospital staff will take responsibility for performing the sexual assault exam on-site.

LAW ENFORCEMENT

- A. The investigating law enforcement agency shall maintain any physical evidence collected as a result of an alleged sexual assault that contains biological material including, but not limited to, stains, fluids, or hair samples that relate to the identity of the perpetrator of an alleged sexual assault for 10 years after the report of the alleged sexual assault. (O.C.G.A. § 17-5-71a)
- B. If the victim does not cooperate with law enforcement in the investigation or prosecution of an alleged sexual assault, the investigating law enforcement agency shall maintain any physical evidence collected as a result of such alleged sexual assaults that contains biological material including, but not limited to, stains, fluids, or hair samples that relate to the identity of the perpetrator of an alleged sexual

assault for no less than 12 months from the date any such physical evidence is collected. (O.C.G.A. §17-5-71b)

- C. No prosecuting attorney, investigating law enforcement agency, or government official shall ask or require any victim of a sexual assault to submit to a polygraph examination or any other truth-telling device as a condition precedent to an investigating such alleged crime. The refusal of a victim to submit to a polygraph examination or any other truth-telling device shall not prevent an investigation or prosecution of any sexual assault. (O.C.G.A. §17-5-73)
- D. When a victim has requested that law enforcement officials be notified, the FME or his/her designee shall notify the appropriate law enforcement agency that evidence has been collected. The law enforcement agency must take possession of the evidence no later than 96 hours after being notified. Within 30 days of taking possession of the evidence, the law enforcement agency must submit it to the GBI, which is responsible for testing the evidence for purposes of identifying the perpetrator. (O.C.G.A. §35-1-2)
- E. It is the duty of certain officials to offer a written statement of information to victims of rape or forcible sodomy. When any employee of the Department of Human Services, Department of Community Health, Department of Public Health, Department of Behavioral Health and Developmental Disabilities, a law enforcement agency, or a court has reason to believe that he/she in the course of official duties is speaking to an adult who is or has been a victim of a violation of Code Section 16-6-1 relating to rape, or Code Section 16-6-2 relating to sodomy, such employee shall offer or provide such adult a written statement of information for victims of rape or aggravated sodomy. Such written statements shall, at a minimum, include the information set out in Code Section 17-18-2 and shall include addition information regarding resources available to victims of sexual assault. Information for victims of rape or aggravated sodomy may be provided in any language. O.C.G.A. § 17-18-1 (2017)
- F. The following information in substantially the form set out in this Code section shall be provided to adult victims of rape or aggravated sodomy in accordance with Code Section 17-18-1:

a. INFORMATION FOR VICTIMS OF RAPE OR FORCIBLE SODOMY

"If you are the victim of rape or forcible sodomy, you have certain rights under the law.

Rape or forcible sodomy by a stranger or person known to you, including rape or forcible sodomy by a person married to you, is a crime. You can ask the government's lawyer to prosecute a person who has committed a crime. The government pays the cost of prosecuting for crimes.

If you are the victim of a rape or forcible sodomy, you should contact a local police department or other law enforcement agency immediately. A police officer will come to take a report and collect evidence. You should keep any clothing you were wearing at the time of the crime as well as any other evidence such as bed sheets. Officers will take you to the hospital for a medical examination. You should not shower or use a douche before the examination. The law requires that the Georgia Crime Victims Emergency Fund pay for the medical examination to the extent of the cost for the collection of evidence of the crime." O.C.G.A. § 17-18-2 (2017)

JUDICIAL PROCEEDINGS

- A. The District Attorney's Office will inform victims or the Parent/Guardian of any minor victims of any scheduled court proceedings, in accordance with the Georgia Crime Victims Bill of Rights. (O.C.G.A. §15-17-1)
- B. If a victim chooses to exercise his/her rights to attend any court proceedings, a Victim Advocate from the District Attorney's Victim Witness Program will be available to accompany the victim to court.
- C. The District Attorney's Office will send any necessary subpoenas for the SANE to the DCTF facility. The SANE will call into the DA's Office on any and all subpoenas received and notify the office staff of any conflicts in availability. The prosecutor assigned to the case will coordinate court attendance with the SANE, and the SANE will appear for court as directed by the prosecutor assigned to the case.

REFERRALS TO THE DOUGLAS COUNTY BOARD OF HEALTH

- A. Sexual assault victims who receive services from the DCTF may be referred to the Douglas County Board of Health (DCBOH) for follow up care.
- B. A victim who makes contact with the DCBOH will be scheduled for an appointment, during which they will be screened for Sexually Transmitted Infections (STI's), including Syphilis and HIV. The screening acts as a test of cure to ensure that the medication they received during their initial exam was sufficient.
- C. Prophylactic HIV medications are not available through the DCBOH, but the victim will be given information about other services available with Douglas Public Health and referred to other community partners to address any additional needs.

The foregoing Sexual Assault Protocol is hereby agreed upon and adopted by the agencies represented by the committee members. Please see the attached signature pages.

Douglas County District Attorney's Office

Committee Member:

Maegan Knight, Director of Victim Services

mknight@co.douglas.ga.us

8700 Hospital Drive
Douglasville, GA 30134

Office: (770) 920-7292

Fax: (770) 920-7123

The Douglas County Sexual Assault Protocol March 2019 Revision is hereby acknowledged and accepted by the following agency representative:



Ryan Leonard, District Attorney
Douglas Judicial Circuit

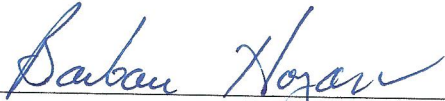
Date 3/25/19

Douglas County Task Force on Family Violence and Sexual Assault

Committee Member:
Barbara Hogan, Director
dctaskfroce@yahoo.com

678-715-1196

The Douglas County Sexual Assault Protocol March 2019 Revision is hereby acknowledged and accepted by the following agency representative:



Barbara Hogan, Executive Director
Douglas County Task Force on Family Violence and
Sexual Assault

3-20-19

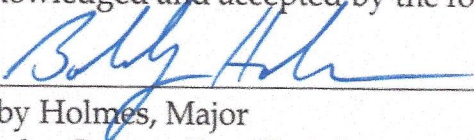
Date

Douglas County Sheriff's Office

Committee Member:
Major Bobby Holmes
bholmes@sheriff.douglas.ga.us

8470 Earl D. Lee Boulevard
Douglasville, GA 30134
Office: (770) 942-2121
Fax: (770) 920-7135

The Douglas County Sexual Assault Protocol March 2019 Revision is hereby acknowledged and accepted by the following agency representative:



Bobby Holmes, Major
Douglas County Sheriff's Office

03-22-19

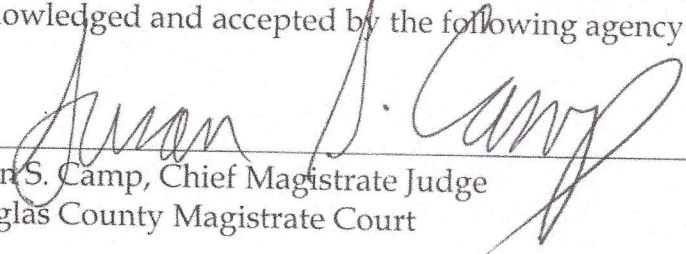
Date

Douglas County Magistrate Court

Committee Member:
Deborah Ogle
dogle@co.douglas.ga.us

8700 Hospital Drive
Douglasville, Georgia 30134
Office: (770) 920-7259

The Douglas County Sexual Assault Protocol March 2019 Revision is hereby acknowledged and accepted by the following agency representative:



Susan S. Camp, Chief Magistrate Judge
Douglas County Magistrate Court

3-20-19
Date

Villa Rica Police Department

Committee Member:
Lynn Seagraves, Detective
lmorris@villarica.org

101 Main Street
Villa Rica, GA 30180
Office: (770) 459-5149

The Douglas County Sexual Assault Protocol March 2019 Revision is hereby acknowledged and accepted by the following agency representative:



Michael Mansour, Chief of Police
Villa Rica Police Department

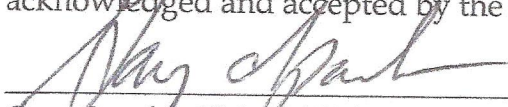
3/21/19
Date

Douglasville Police Department

Committee Member:
Captain Adam Cannon
cannona@douglasvillega.gov

2083 Fairburn Rd
Douglasville, GA 30135
Office: 770-920-3010
Fax: (678) 293-1714

The Douglas County Sexual Assault Protocol May 2019 Revision is hereby acknowledged and accepted by the following agency representative:



Gary Sparks, Chief of Police
Douglasville Police Department

5-13-19
Date

Wellstar Douglas Hospital

Committee Member:

Shannon Hill

Shannon.hill@wellstar.org

8954 Hospital Drive
Douglasville, GA 30134
Office: 470-644-5060

The Douglas County Sexual Assault Protocol March 2019 Revision is hereby acknowledged and accepted by the following agency representative:



Shannon Hill
Executive Director, Emergency Services
Douglas Wellstar Hospital

12/9/2019
Date