

SEXUAL ASSAULT PROTOCOL  
IN THE SUPERIOR COURT OF FAYETTE COUNTY  
STATE OF GEORGIA

FILED & RECORDED  
FAYETTE COUNTY, GA.  
2016 MAR 10 PM 3 54  
SHEILA STUDDARD, CLERK

ORDER


WHEREAS, the Legislature of the State of Georgia enacted O.C.G.A. § 15-24-2 requiring the establishment of a Sexual Assault Protocol; and

WHEREAS, the undersigned established a Sexual Assault Protocol Committee pursuant to O.C.G.A § 15-24-2; and

WHEREAS, the Committee has met on March 10, 2016 and discussed the Protocol, which was approved by a majority vote and which is attached hereto, as the protocol for cases of sexual assault in the Griffin Judicial Circuit, 6<sup>th</sup> District of the State of Georgia.

NOW THEREFORE IT IS HEREBY ORDERED, this document is accepted by the Court as the protocol to be used in responding to, investigating and prosecuting cases arising from an alleged sexual assault and shall be recorded upon the minutes and filed with the Clerk of the Superior Court of Fayette County.

SO ORDERED, this 10 day of March, 2016

  
CHRISTOPHER C. EDWARDS  
CHIEF JUDGE OF SUPERIOR COURT  
FAYETTE COUNTY

## FAYETTE COUNTY SEXUAL ASSAULT PROTOCOL

This Fayette County Sexual Assault Protocol ("Protocol") is adopted pursuant to O.C.G.A. § 15-24-2 for the purpose of outlining the procedures to be used in responding to, investigating, and prosecuting cases of sexual assault. The purpose of this Protocol shall be to ensure coordination and cooperation between all agencies involved in sexual assault cases so as to increase the efficiency of all agencies handling such cases and to minimize the stress created for the alleged sexual assault victim by the legal and investigatory process.<sup>1</sup>

For purposes of this Protocol, the term "victim" shall refer to adult victims. Additionally, an adolescent (defined as ages 12-17) may be served by this Protocol if the sexual assault is considered acute, or requiring an immediate medical forensic examination for biologic evidence collection.

Every sexual assault case involving adolescent victims should be evaluated individually based on assault history, medical needs, and evidentiary factors to determine the best resources available to the victim and the investigation, which shall include a referral to Southern Crescent Sexual Assault and Child Advocacy Center, when available. Every Sexual Assault Response Team ("SART") member shall consider the Fayette County Child Abuse Protocol in identifying appropriate services and resources. In providing services to anyone under the age of 18, DFACS and/or law enforcement shall be notified pursuant to O.C.G. A § 19-7-5.

### ADVOCACY

The role of the sexual assault victim advocate<sup>2</sup> is to provide services to the victims of sexual assault regardless of whether or not the victim chooses to participate in the criminal justice process. They play a very important role in providing a response that keeps the victim central in the process, allowing the investigation and prosecution to be offender focused. Advocacy also has a critical role in promoting the healing process for the victim. Sexual assault victim advocates provide crisis intervention, support, family advocacy, information and referral, and other ancillary services to assist the victim through the criminal justice process. The support provided by the sexual assault victim advocate also benefits the

---

<sup>1</sup> O.C.G.A. § 15-24-2; provided, however, that a failure by an agency to follow the protocol shall not constitute an affirmative or other defense to prosecution of a sexual assault, preclude the admissibility of evidence, nor shall a failure by an agency to follow the protocol give rise to a civil cause of action.

<sup>2</sup> Defined as a trained sexual assault victim advocate working with a Georgia certified sexual assault center.

criminal justice process because supported, well-informed victims are more likely to continue through the process. Advocates will operate under the guidelines established by *The Georgia Crime Victim's Bill of Rights* (O.C.G.A. § 17-17-1) and Georgia Sexual Assault Certification Standards.

Responsibilities of the sexual assault victim advocate include:

- Being available to victims and families 24 hours a day, 7 days a week in person and via a 24-hour crisis line staffed by trained community advocates
- Providing services to victims and families that are culturally competent and sensitive to the unique barriers some victims encounter in reporting sexual assault crimes
- Providing options to victims so that they may make informed decisions
- Supporting victims who choose to report to law enforcement by providing a link to eliminate barriers affecting the victim's participation in the criminal justice process
- Maintaining victim confidentiality
- Offering services to non-reporting victims and assisting if and when the victim decides to report

Victims may also work with victim advocates from the Fayette County Victim Witness Assistance Program if the case progresses through the criminal justice system to the point of prosecution.

## LAW ENFORCEMENT

The role of the investigating officer is to ensure the safety of the victim and the community and to ascertain if the report of sexual assault meets the elements of a crime under Georgia law. Within their jurisdictions, law enforcement shall be responsible for the investigation of sexual assault crimes.

Investigative responsibilities include:

- Identification, apprehension, and interview of suspect(s)
- Interview of victim with an offender focused and trauma informed approach, which shall include allowing an advocate to be present with the consent of the victim
- Interview of witnesses
- Collection and preservation of evidence
- Maintenance of chain of custody

- Timely submitting sexual assault evidence collection kits to GBI crime laboratory, FBI crime laboratory, or other third party crime laboratory regardless of whether a suspect has been identified, per GBI or other crime lab recommendations
- Review of GBI crime laboratory, FBI crime laboratory, or other third party crime laboratory reports as soon as possible after they are released to investigating agency, per GBI recommendations
- Determination of probable cause and arrest
- Preparation of case reports with investigative summaries
- Assistance to District Attorney's office in prosecution of case
- Testimony and presentation of evidence in court

Investigating officers will work with victim advocates to ensure a victim centered response to the investigation and proper notification of case updates to victims. Additionally, law enforcement officers will operate under the guidelines established by *The Georgia Crime Victim's Bill of Rights* (O.C.G.A. § 17-17-1).

#### MEDICAL FORENSIC EXAMINATION PROCEDURES

The role of the medical forensic personnel is to provide a timely, high-quality medical forensic examination that can potentially validate and address sexual assault patients' concerns, minimize the trauma they may experience, and promote their healing. At the same time, it can increase the likelihood that evidence collected will aid in criminal case investigation, resulting in perpetrators being held accountable and further sexual violence prevented.

Medical forensic examinations shall be performed at Southern Crescent Sexual Assault and Child Advocacy Center. Medical forensic exams should be made available if adult patient chooses to report, chooses not to report, or chooses to report anonymously.

Every effort should be made for medical forensic examinations to be completed by a Sexual Assault Nurse Examiner ("SANE"), physician, nurse practitioner or physician's assistant ("PA") trained in performing such exams.

Medical forensic responsibilities include:

- Obtaining informed consent from the patient for the medical forensic examination, documentation, and evidence collection
- Gathering the medical forensic history
- Conducting a physical examination

- Coordinating treatment of injuries
- Documentation of biologic and physical findings
- Collection of evidence from the patient
- Documentation of findings
- Providing information, treatment, and referrals for STIs, pregnancy
- Follow-up as needed for additional treatment and/or collection of evidence
- Providing testimony at trial

## BIOLOGIC EVIDENCE COLLECTION

The SANE, physician, nurse practitioner, or PA will collect biologic samples at the request of a patient, in accordance with currently accepted protocol (defined as the *National Protocol for Sexual Assault Medical Forensic Examinations*), to obtain timely biologic reference samples for possible analysis at the GBI crime lab. At the conclusion of the sexual assault medical forensic examination, any evidence collected will be packaged and protected in a manner to ensure the integrity of specimens and the appropriate chain of custody of the evidence.

All biologic evidence will be collected up to a maximum of 120 hours after assault. In addition, cases should be evaluated on an individual basis as the medical forensic examination may be completed beyond 120 hours. For all such cases exceeding the 120 hour time frame, a referral should be made to the Southern Crescent Sexual Assault and Child Advocacy Center.

All biologic samples, fluids, hairs, and other evidence requiring GBI analysis will be given directly to the case investigator for processing using a proper chain of evidence.

All biologic evidence collected at the request of a patient who chooses not to initiate and participate in and/or cooperate with a law enforcement investigation shall be retained by the investigating officer in the evidence room for a minimum of one year. Such biologic evidence shall not be sent to GBI.

## REQUESTS FOR MEDICAL FORENSIC EXAMINATION

With the consent of the patient, medical forensic examinations can be performed at the request of (1) a law enforcement agency, (2) the District Attorney's office, (3) the medical examiner or coroner's office, (4) a hospital, (5) pursuant to a court order, or at the patient's request pursuant to O.C.G.A. § 17-5-72.

Medical forensic examinations may be requested 24 hours a day by using the following procedure:

- Patrol officer/deputy/investigator should contact the Southern Crescent Sexual Assault and Child Advocacy Center via the 24 Hour Crisis Line at 770-477-2177
- Patrol officer/deputy/investigator should relay the following information to the Southern Crescent Sexual Assault and Advocacy Center's advocate, if possible:
  - Name of officer and investigator assigned to the case
  - Name of law enforcement agency, to confirm jurisdiction
  - Gender and age of victim
  - Special needs of victim (i.e., language barriers, disabilities, etc.)
  - Time period since assault occurred
  - Location of victim
  - Estimated time of arrival at Hampton office
  - Special needs/requests of investigator (i.e., to interview victim prior to exam, etc.)
- If victim goes to emergency department first, he or she should be medically cleared by the Emergency Department staff and then released to go to the Hampton office for the rape exam
- If necessary, the patrol officer/deputy/investigator should transport sexual assault victim to the exam location
- At the Southern Crescent Sexual Assault and Child Advocacy Center, the patrol officer/deputy/investigator should remain in the building until the exam and interview are completed
- If the patrol officer/deputy/investigator cannot be at the office for the duration of the exam, a relief officer must be present for security purposes
- Law enforcement should receive all evidence (rape kit, clothing, etc.) directly from SANE or Southern Crescent Sexual Assault and Child Advocacy Center staff
- Officers should contact Southern Crescent Sexual Assault and Child Advocacy Center at 770-507-7772 to arrange for pick-up of medical records

If a victim is injured, highly intoxicated, or potentially violent, he or she should be taken to the hospital, rather than the Hampton office.

For acute cases involving children under 12 (reported within 120 hours) or delayed disclosure (>120 hours) for ages 0-12, officers should contact the crisis line of the Southern Crescent Sexual Assault and Child Advocacy Center at 770-477-2177 to speak with a crisis responder.

## COSTS OF THE MEDICAL FORENSIC EXAMINATIONS

The cost of examinations shall be paid pursuant to O.C.G.A. § 16-16-1(c), O.C.G.A. § 17-5-72. Patients shall not be responsible for the payment of medical forensic examination costs.

## CONDUCT OF THE MEDICAL FORENSIC EXAMINATION

A SANE, physician, nurse practitioner, or PA will perform the examination and assessment.

Medical forensic examinations and biologic evidence collection should be completed as quickly as possible after a report is received.

Medical forensic examinations and biologic evidence collection shall be conducted in accordance with Georgia Bureau of Investigation (GBI) procedures using a GBI Sexual Assault Evidence Kit. It is also recommended that medical forensic exams be conducted in accordance with the *National Protocol for Sexual Assault Medical Forensic Examinations*.

A trained victim advocate will be available to accompany the patient and offer emotional support during the examination. The advocate will at no time ask the patient questions related to the details of the assault.

The SANE, physician, nurse practitioner, or PA will complete appropriate authorizations relating to the examination.

The SANE, physician, nurse practitioner, or PA will photograph and document injuries and prepare a report.

The SANE, physician, nurse practitioner, or PA will maintain and document the chain of custody of any evidence collected during the examination and assessment.

## PROCEDURES FOR HOSPITALS RECEIVING WALK-IN REPORTS OF SEXUAL ASSAULTS

Hospitals receiving patients reporting incidents of sexual assault shall immediately contact law enforcement in accordance with O.C.G.A. § 31-7-9 mandating all non-accidental injuries be reported. Patients will retain the right not to initiate, participate in, and/or cooperate with any law enforcement investigation of such assault.

Hospital emergency department personnel shall timely notify Southern Crescent Sexual Assault and Child Advocacy Center of the incident at 770-477-2177, including which law enforcement agency is responding.

Hospital emergency department personnel shall notify the victim that the forensic medical exam will be conducted at the Southern Crescent Sexual Assault and Child Advocacy Center after the victim is medically cleared, unless the injuries are severe or other acute medical conditions exist (at which point the medical exam will be conducted in the emergency department).

## PROSECUTION

The role of the District Attorney's office is to protect the rights of the victim while holding the offender accountable. Prosecutors should work in a collaborative fashion with law enforcement, medical forensic, and victim advocates. Prosecutors will operate under the guidelines established by *The Georgia Crime Victim's Bill of Rights* (O.C.G.A. § 17-17-1) that state, for example, that victims have the right,

- To be treated fairly and with dignity by all criminal justice agencies involved in the case
- To proceedings free from unreasonable delay
- To reasonable, accurate, and timely notice of a court proceeding where the release of the accused will be considered
- To reasonable, accurate, and timely notice of a court proceeding or any changes to such proceeding, including restitution hearings
- To reasonable, accurate, and timely notice of the accused's release and/or monitoring program
- To be present at all criminal proceedings in which the accused has a right to be present
- To NOT be excluded from any scheduled court proceedings, except as provided in O.C.G.A. § 17-17-1 or otherwise provided by law
- To a waiting area, during judicial proceedings, that is separate from the accused and his or her relatives, friends, and witnesses
- To be reasonably heard at any scheduled court proceedings involving the release, plea, or sentencing of the accused
- To complete a Victim Impact Statement and have it presented to the court prior to the trial or plea of the accused (O.C.G.A § 17-10-11)
- To refuse to submit to an interview by the accused, accused's attorney, or agent of the accused



- To a requirement by the court that defense counsel not disclose victim information to the accused (O.C.G.A. § 17-17-10)

If a victim attends a court proceeding, a victim advocate from either Southern Crescent Sexual Assault and Child Advocacy Center or District Attorney's office will accompany the victim.

## LOCAL SART COORDINATED RESPONSE

*Members of the Fayette County SART agree to meet as needed for confidential case review, discussion and evaluation to assure the coordination and cooperation between all agencies responding to sexual assault cases in Fayette County.*

## 911 RESPONSE

The first report of a sexual assault is usually made by the victim to a dispatch or communications center of a law enforcement agency. Dispatch or communications staffers are critical in aiding the victim to regain control and composure after an assault. The staffers should remain calm, understanding, and non-judgmental while speaking with any victim. *Priority ranking* should be applied to all sexual assaults regardless of when the attack occurred.

If the victim is the caller, then the dispatcher should:

- Obtain the victim's name and location
- Determine where and when the attack occurred
- Determine if the victim is currently safe and whether the victim needs immediate medical attention
- Dispatch the appropriate law enforcement units and, if necessary, emergency medical help
- Emergency room staff or law enforcement will initiate contact with the Southern Crescent Sexual Assault Center
- Instruct the victim not to wash, change clothes, douche, eat or drink, or disturb any potential evidence. If possible, the victim should not urinate until a responding officer arrives with a clean urine collection container. If the victim cannot wait for medical personnel or law enforcement, the Operator can instruct victim to urinate in a clean jar or other container with a lid.
- Assure the victim that help is coming

- Gather other pertinent information as defined by communications agency guidelines such as the name or description of the assailant(s), the means used by the assailant(s) to leave the scene, the direction of flight, whether the suspect is a known offender or stranger, any information about the suspect's history of violence and/or use or possession of a weapon, whether drugs or alcohol were used to facilitate the sexual assault.

If it is immediately apparent to the dispatcher that the victim is unable to discuss the assault, then the dispatcher should simply seek to keep the victim calm until help arrives.

If the victim is not the caller, then the dispatcher should:

- Gather the same information previously described to assist the victim
- Enlist the help of the caller to keep the victim safe and calm until additional help arrives

A record of calls, radio traffic, and other communications pertaining to a sexual assault case may be preserved by the law enforcement agency receiving the complaint. The dispatch center may be asked to assist investigating officers by copying calls, radio traffic, and other communications received immediately after the assault.

*\*\*\*The following criteria are offered as guidelines, not requirements, for optimal, expeditious, and reliable responses to report sexual assault. Depending on the circumstances, there may be both a responding officer and an investigating officer, or there may only be an investigating officer. Accordingly, an investigating officer may vary the allocation of the actions described in this section.*

## THE RESPONDING LAW ENFORCEMENT OFFICER

The first law enforcement officer to reach a sexual assault victim is usually a uniformed patrol officer. This officer, as with others who investigate the case, should quickly develop a good rapport with the victim while initiating the gathering of evidence. The responding officer in sexual assault plays a vital role in the outcome of the investigation. The responding officer has the ability to encourage the victim's participation in the criminal justice process by reassuring the victim that she/he is not being judged and that the case is taken seriously. Remembering the principles of the victim-centered approach, responding officers can investigate in a manner that helps restore a victim's sense of control. This approach builds trust

and the victim's confidence in cooperating with the investigation through prosecution.

As for the immediate response, the responding officer should:

- Address the victim's physical and medical needs
- Request an ambulance if immediate medical attention is needed and an ambulance has not already been dispatched
- Address the emotional needs of the victim by remaining calm, sympathetic, and understanding
- Explain that an advocate from the Southern Crescent Sexual Assault and Child Advocacy Center will meet the victim at the Southern Crescent Sexual Assault and Child Advocacy Center
- Make contact with an advocate from the Southern Crescent Sexual Assault and Child Advocacy Center; assess advocacy needs prior to making contact to ascertain any special need such as mental/physical impairment or limited English proficiency
- Explain to the victim that a physical examination will be needed for evidence and should arrange for the transportation of the victim to the Southern Crescent Sexual Assault and Child Advocacy Center
- Ask the victim to refrain from washing, bathing, showering, brushing teeth, using mouthwash, smoking, eating, drinking, douching, urinating, or defecating to prevent the loss of valuable physical evidence
- Responding officer should not leave a victim unattended unless handling a critical threat

The responding officer, if time permits, may also ask the victim some questions about the sexual assault. Questioning should be conducted by a single officer, in the greatest privacy available, and questioning should be limited in scope to crucial information immediately needed by law enforcement. Officers should explain that the initial interview is preliminary in nature and a follow up interview will be necessary. The follow up interview may be conducted by the same officer or by a detective if the agency has an investigative unit.

- Nature and description of assault
- Exact location and approximate time of assault
- Name or physical description of assailant(s)
- Unusual physical characteristics of assailant(s)
- Clothing of assailant(s)
- Method of flight (car, truck, on foot, etc.)

- Description of vehicle
- Direction of flight
- Name and contact information of any witnesses
- Other pertinent information as dictated by law enforcement agency
- Any weapons used in the assault or any knowledge the victim has of the suspect's history of violence or weapons possession

If the crime scene is known, the Crime Scene Unit should be notified as soon as possible that it will be needed to process the scene.

The responding officer will call the Southern Crescent Sexual Assault and Child Advocacy Center to request a forensic examination. The officer should remain at the facility until police investigators have arrived or until the collection of evidence is complete.

As for delayed reporting, if the victim contacts law enforcement and more than 120 hours have elapsed since the incident of sexual assault, there is a possibility that some forensic evidence may still be collected. Samples have been found up to five days later in the victim's body or there may be evidence of tearing or other internal abrasions. For this reason, the victim may be encouraged to seek medical care and to complete the medical evidence collection. All referrals should be made to the Southern Crescent Sexual Assault and Child Advocacy Center for advanced/after care services.

## THE CRIME SCENE

No one, including the responding officer, should touch physical articles, including weapons, blood, or any other potential item of evidence at the scene. The victim's clothing and personal effects should be protected from all handling and contamination until the Crime Scene Unit reaches the crime scene. The responding officer, with the assistance of other officers, should guard the scene from any intrusion until the arrival of the Crime Scene Unit. A crime scene access log should be maintained listing the full name of every person, police and civilian, who comes to the scene. When the Crime Scene Unit arrives at the scene, the responding officer should give them all information available regarding the crime.

## THE INCIDENT REPORT

It is imperative that the responding officer provide an accurate and complete report detailing the officer's activity.

The report should include:

- The date and time of dispatch and arrival at the scene
- The nature of the crime
- The location of the crime
- The location of the dispatch
- A description of the crime scene (if known)
- The identity of the victim
- The victim's personal information including phone numbers and addresses for home and work
- The names, phone numbers, and addresses of any witnesses
- A description of any injuries to the victim and of the clothing of the victim and any damage to the victim's clothing or personal possessions
- A careful description of the victim's emotional state
- Actions taken on behalf of the victim
- Actions taken to preserve the crime scene
- Information learned about the sexual assault, including:
  - The exact location of the assault
  - The approximate time of the assault
  - Whether a weapon was used, and, if so, what kind
  - How the victim and assailant came to the scene
  - A description of the sexual assault
  - The identity of the assailant(s) or a complete description, including clothing and any other information obtained from the victim and witnesses
  - The means by which the assailant left the scene
  - The assailant's direction of flight
  - Any other information obtained from the victim
  - The names, addresses, and phone numbers of any witnesses identified by the victim or located by the police
  - The statements of any witnesses interviewed at the scene
  - The names of any law enforcement officers, including supervisors, detectives, and forensic officers who came to the crime scene (access log) or hospital
  - Any other actions taken in the case
  - The exact time the officer left the crime scene and, if applicable, the medical facility

## THE INVESTIGATOR'S RESPONSE

Depending on agency structure and policy, an investigator may respond to Piedmont Fayette Hospital.

In cases where an investigator responds, the investigator should:

- Obtain a thorough briefing from the responding officer(s)
- Direct each officer who responded to the crime scene, had contact with the victim, or came to the hospital to file a detailed written report on the case
- Conduct an initial interview with the victim and write up the interview and/or audio tape it; during the initial contact, the investigator should:
  - Clearly identify himself/herself to the victim
  - Verify the information obtained by the dispatcher and/or responding officer which may help the police locate the suspect
  - Make certain that the victim understands what is being done on the victim's behalf
  - Carefully note the emotional status and physical injuries of the victim for later inclusion in the case report
  - Inform the victim that a more detailed, thorough interview will be conducted at a later time
  - Provide the victim with information or a copy of the Georgia Crime Victim's Bill of Rights

The investigator should confirm that:

- Action is being taken by other officers to locate and detain the suspect
- The crime scene, if known, is being protected and thoroughly processed by the Crime Scene Unit
- Known witnesses are being or will be interviewed
- The chain of custody is maintained and photographs will be taken or arranged for if needed
- The emergency phone calls and records of police traffic in reference to the case are preserved by the communications department for later use
- All evidence available at the hospital, including the clothing of the victim, is collected and held by medical staff

Additionally, the investigator should:

- Consult with the victim advocate/crisis counselor and, with the consent of the victim, any family members or friends of the victim to explain the actions being taken by the police and to seek their cooperation and assistance in future contacts with the victim

- Arrange transportation home or to a safe location selected by the victim
- Assure that information about the suspect has been sent to other law enforcement agencies
- Verify that all the evidence obtained at the medical facility is correctly inventoried and prepared for transfer to the crime lab

## DRUG FACILITATED SEXUAL ASSAULTS

In the case of suspected drug facilitated sexual assaults, law enforcement must obtain a urine sample as soon as possible. A blood sample (collected in a grey top tube) must also be collected if the assault took place within 24 hours of the sample collection. Voluntary consumption of illegal substances or underage drinking should not be used to discredit a victim or discourage participation in a criminal investigation. The investigative priority is the sexual assault, not misdemeanor violations.

## PREPARATION FOR THE INTERVIEW

After a sexual assault has occurred, an in-depth interview with the victim should be conducted within 24 hours, though it may take place within a week. The victim's physical and emotional health must remain paramount, and the interview should be held when the victim is no longer in crisis.

The interview should be held in a comfortable, private setting. A location should be selected which permits both visual and sound privacy, free of unnecessary interruptions.

Victims should be given the opportunity to have a victim advocate from the Southern Crescent Sexual Assault and Child Advocacy Center present during the preliminary interview. A spouse, parent, boyfriend, or friend is not appropriate source of support for a victim during a law enforcement interview because the victim may be hesitant to reveal certain aspects of the assault in the presence of a loved one or close friend due to embarrassment or concern for the loved one's feelings. Additionally, family members, interested parties, and victim advocates should not be used as interpreters. Rather, law enforcement should refer to Southern Crescent Sexual Assault and Child Advocacy Center to obtain the best possible interpretation services for limited English proficiency or hearing-impaired victims.

The interview should be tape recorded in order to document the details of the interview, preserve the interview to permit other authorized persons to hear the

victim's account without requiring additional interviews, and permit the presence of other persons, such as victim advocates, to be present at the interview.

## THE INTERVIEW

The investigator should be professional, compassionate, understanding, and non-judgmental during the interview. The necessarily intimate communications with the victim demand tactful and sensitive questioning.

The investigator must remain aware at all times that the victim may have suffered psychological trauma far worse than any physical injury. Many victims experience a shock and anxiety which persists for hours, days, and even months after being attacked. Insensitivity to the victim can cause additional psychological harm to the victim and severely damage the investigation by diminishing the victim's willingness to cooperate with law enforcement. Conversely, a sensitive, caring investigator can bolster the victim's confidence and self-esteem and increase the victim's desire to assist with the investigation.

The investigator's role in connection with the investigation should be clearly explained to the victim. The victim should be informed why certain very intimate, perhaps embarrassing, questions must be asked, particularly about the assault itself. The victim should be assured that the investigator understands the difficulty of the interview and is more than willing to conduct the interview at a pace comfortable for the victim.

The investigator should use language that is readily understood by the victim. To the extent possible, the investigator should use the same terms, including slang, as the victim in order to build rapport with the victim and increase valuable communication. If slang terms are used, the interviewer should use the terms without hesitation or embarrassment.

Certain questions and inquiries are never appropriate. For example, victims should not be asked "did you enjoy it?" or "did you have an orgasm?"

If possible, the interview will be held when the investigator arrives with the SANE. The investigator should let the victim narrate what happened, in the victim's own words. Then follow-up questions can be asked *with the investigator explaining to the victim why those questions need to be asked*. The interview should be as thorough as possible.

Inquiry areas should include:



- The victim's prior relationship with the assailant
- Prior sexual history with the assailant
- The details of the forced sexual act(s)
- The assailant's modus operandi
- The assailant's clothing
- The assailant's appearance including marks, scars, tattoos, deformities, or unusual physical features or body odors
- The assailant's means of restraining the victim
- The victim's response to the attack, including any verbal or physical resistance
- The victim's state of mind during the attack
- The use or threat of weapons
- What the assailant said to the victim, including threats and instructions
- The names or descriptions or any other witnesses, participants, or accomplices

## FALSE REPORTING AND RECANTATION

The definition of a false report is *the report of a sexual assault that did not happen*. It was not completed *or* attempted. A decision that an assault *did not happen* must be made based on evidence. Personal views about a victim must not influence law enforcement's investigative analysis of the evidence in a case. A suspicion of a false report is not an evidence based reason to suspend an investigation or determine a case unfounded. If an evidence based investigation *fails to prove* an assault occurred, the investigation would be unsubstantiated or inconclusive.

*Victim Recantation* is a retraction of a report of a sexual assault. Recantations are often not an indication of a false report, as victims frequently recant to avoid proceeding further with the criminal justice process. A victim may recant, even when the assault actually occurred for a variety of reasons. When a victim recants, it is incumbent upon the investigator to determine if external factors have contributed to the victim's desire to disengage from the criminal justice system. Recantations are definitely challenging, but they should not automatically result in the case being declared unfounded.

## POST-INTERVIEW FOLLOW-UP

The investigator should encourage the victim to seek support from family, friends, and victim advocacy groups.

After the interview has been conducted, the detective should obtain any additional physical evidence, such as photos, needed from the victim. The possible need of additional steps in the investigation, including composite drawings, photographic or live line-ups, should be explained.

#### VICTIM FOLLOW-UP

During the investigation of the sexual assault, and after the arrest of an assailant, the chief investigator has a continuing responsibility to interact with the victim by:

- Informing the victim when an assailant has been arrested
- Informing the victim of future investigative and prosecutorial activities on the case, including those which might require the victim's involvement
- Maintaining contact with the victim to ensure that appropriate support services are available
- Working with prosecutors and victim advocacy agencies to develop the case and familiarize the victim with court practices and procedures

#### THE CASE REPORT


The chief investigating officer in a sexual assault case has the crucial responsibility of compiling all the information learned throughout the investigation. This compilation, the case report, will be the main source of information for the prosecutors handling the case. Therefore, it is imperative that every effort is made to be as thorough, accurate, and informative as possible in building the report.


Pursuant to O.C.G.A § 15-24-2, members of the Fayette County Sexual Assault Protocol Committee agree to meet annually to review, update and evaluate this Sexual Assault Protocol.


The foregoing Fayette County Sexual Assault Protocol is hereby adopted and replaces any previously adopted protocol and remains in effect until such time as said protocol is amended and adopted.

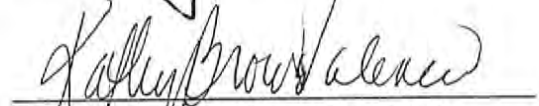
This 10 day of March, 2016.

APPROVED BY:


  
RHONDA WARREN-GARDNER  
DEPARTMENT OF HEALTH  
FAYETTE COUNTY

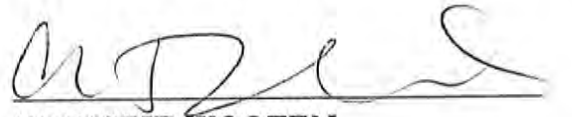
  
ANDREW WARD  
PEACHTREE CITY POLICE DEPT  
FAYETTE COUNTY

  
MELISSA PEACOCK  
FAYETTEVILLE POLICE DEPT  
FAYETTE COUNTY

  
KATHY BROWN-VALENCIA  
JUDGE, MAGISTRATE COURT  
FAYETTE COUNTY

  
BRIAN LEE  
FAYETTE COUNTY SHERIFF'S OFFICE  
FAYETTE COUNTY

  
SCOTT BALLARD  
DISTRICT ATTORNEY'S OFFICE  
FAYETTE COUNTY

  
CHRISTIE WOOTEN  
SOUTHERN CRESCENT SEXUAL  
ASSAULT AND CHILD ADVOCACY  
CENTER