

Committed to working together

Toombs Judicial Circuit Sexual Assault Protocol

The purpose of this Protocol is to coordinate and assist service providers in delivering a high quality of service to victims/survivors of sexual violence.

This Protocol is brought to you by the following community agencies:

Glascock County Sheriff's Office
Glascock County Health Department
Magistrate of Glascock County

Lincoln County Sheriff's Office
Lincolnton Police Department
Lincoln County Health Department
Magistrate of Lincoln County

McDuffie County Sheriff's Office
Thomson Police Department
McDuffie County Health Department
Magistrate of McDuffie County

Taliaferro County Sheriff's Office
Crawfordville Police Department
Taliaferro County Health Department
Magistrate of Taliaferro County

Warren County Sheriff's Office
Warrenton Police Department
Warren County Health Department
Magistrate of Warren County

Wilkes County Sheriff's Office
Washington Police Department
Wilkes County Health Department
Magistrate of Wilkes County

Georgia Bureau of Investigation

Thomson Parole Office

Dr. Susan Land, McDuffie Medical Associates

Toombs Judicial Circuit District Attorney's Office

CHAIR, Toombs Judicial Circuit Victim Assistance Program

Table of Contents

1. Foundational Information

A. Establishment.....	4
B. Sexual Assault Protocol Committee Representatives.....	6
C. Signatures	7
D. Statements of Principles and Beliefs	9

2. Principles and Procedures

A. General Interventions Principles.....	11
1. Initial Contract / Law Enforcement.....	11
2. Confidentiality	12
3. Health Services	12
4. Victim's/Survivor's Right and Choices.....	13
5. Community Resource Referrals.....	13
6. Criminal Proceedings.....	14

3. Accountability

A. Victim / Survivor Complaint Procedures	15
B. Problem Resolution	15
C. Protocol Review.....	15

4. Appendices

A. Guideline To Understanding the Adult Victim/Survivor	16
B. Possible Effects of Sexual Assault on Adult Victim/Survivor	17
C. Crime Victims' Bill of Rights.....	20

5. Conclusion	26
---------------------	----

1. Foundational Information

A. Establishment

In accordance with Georgia General Assembly Section 15-24-2 the Honorable Chief Judge Roger W. Dunaway formed the Sexual Assault Protocol Committee:

§15-24-2

(a) Each judicial circuit shall be required to establish a sexual assault protocol as provided in this Code section.

(b) The chief superior court judge of each judicial circuit shall establish a sexual assault protocol committee as provided in subsection

(c) of this Code section and shall appoint an interim chairperson who shall preside over the first meeting. The chief superior court judge shall appoint persons to fill any vacancies on the committee. Thus established, the committee shall thereafter elect a chairperson from its membership.

(c)(1) Each of the following agencies of the judicial circuit shall designate a representative to serve on the committee:

- (A) The office of the sheriff of each sheriff's office in the judicial circuit;
- (B) The office of the district attorney;
- (C) The magistrate court;
- (D) The office of the chief of police of a county of each county within the judicial circuit in counties that have a county police department;
- (E) The office of the chief of police of the largest municipality in the county of each county within the judicial circuit; and
- (F) The county board of health of each county within the judicial circuit.

(c)(2) In addition to the representatives serving on the committee as provided for in paragraph (1) of this subsection, the chief superior court judge shall designate:

- (A) A local citizen of the judicial circuit;
- (B) A representative of a sexual assault or rape crisis center serving the judicial circuit or, if no such center exists, then a local citizen; and
- (C) A health care professional who performs sexual assault examinations within the judicial circuit or, if no such person exists, then a local citizen.

(c)(3) If any designated agency fails to carry out its duties relating to participation on the committee, the chief superior court judge of the circuit may issue an order requiring the participation of such agency. Failure to comply with such order shall be cause for punishment as for contempt of court.

(d) The protocol committee shall adopt a written sexual assault protocol, a copy of which shall be furnished to each agency in the judicial circuit that handles cases of sexual assault. The protocol shall be a written document outlining in detail the procedures to be used in investigating, collecting evidence, paying for expenses related to evidence collection, and prosecuting cases arising from alleged sexual assault. The protocol may provide for different procedures to be used within particular municipalities or counties within the judicial circuit. The protocol committee shall adopt a written sexual assault protocol no later than December 31, 2004. The protocol committee may incorporate sexual assault protocols used in the judicial circuit, as they existed on or before July 1, 2004.

(e) The purpose of the 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; 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, nor shall a failure by an agency to follow the protocol give rise to a civil cause of action.

(f) Upon completion of the writing of the sexual assault protocol, the protocol committee shall continue in existence and shall meet at least annually for the purpose of evaluating the effectiveness of the protocol and appropriately modifying and updating same.

1. Foundational Information

B. Sexual Assault Protocol Committee Representatives

John Cooper, Glascock County Sheriff's Office
Nona Lord, R.N., Glascock County Health Department
Misty May, Magistrate Judge of Glascock County

Gerald Lawson, Sheriff, Lincoln County Sheriff's Office
Jim Justice, Chief, Lincoln Police Department
Frances S. Aycock, R.N., B.S.N., Lincoln County Health Department
Lee Moss, Magistrate Judge/Probate Judge of Lincoln County

Logan Marshall, Sheriff, McDuffie County Sheriff's Office
John Hathaway, Chief, Thomson Police Department
Virginia Bradshaw, R.N., Nurse Practitioner, McDuffie County Health Department
Gwen Darden, Magistrate Office of McDuffie County

Mark Richards, Sheriff, Taliaferro County Sheriff's Office
Crawfordville Police Department
Dorothy Kendrick, Taliaferro County Health Department
Martha R. Mayo/Kendall Richards, Magistrate Judge/Clerk of Taliaferro County

Michael Lynn, Warren County Sheriff's Office
Patricia Kendrick-Walker, Warrenton Police Department
Julia Veasey, R.N., Warren County Health Department
S. D. Pearson, Jr., Magistrate Judge of Warren County

Jimmy Harrison, Investigator, Wilkes County Sheriff's Office
Mike Davis, Chief, Washington Police Department
Jeri L. Hicke, R.N., Wilkes County Health Department
Deborah Davis, Magistrate Office of Wilkes County

Patrick E. Morgan, Investigator, Georgia Bureau of Investigation

Tammy Evans, Parole Officer, Thomson Parole Office

Dr. Susan Land, McDuffie Medical Associates

Dennis C. Sanders, District Attorney, Toombs Judicial Circuit District Attorney's Office

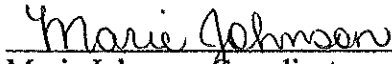
CHAIR, Marie Johnson, Toombs Judicial Circuit Victim Assistance Program

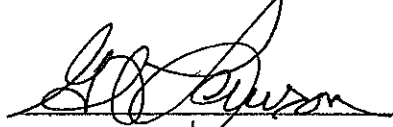
1. Foundational Information

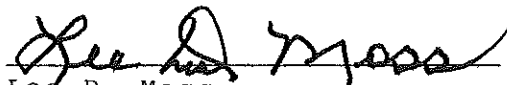
C. Signatures

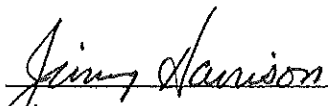
We will within the mandate of our services:

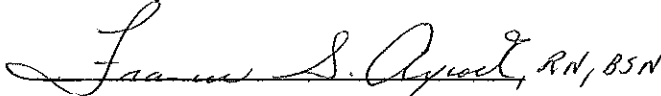
- Be inclusive and provide equal treatment for all people accessing our services, while being sensitive to the issues related to race, language, ethnicity, gender, age, sexual orientation, socio-economic status, and / or abilities of individuals;
- Ensure that all staff/members are fully informed of the contents and procedures of this protocol.

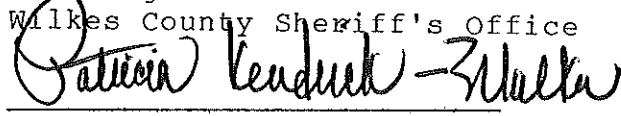

Marie Johnson, Coordinator
Victim Assistance Program


Sheriff Gerald Lawson
Lincoln County Sheriff's Office



Lee D. Moss
Magistrate Judge/Probate Judge
Lincoln County

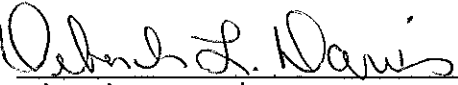

Jimmy Harrison
Investigator
Wilkes County Sheriff's Office

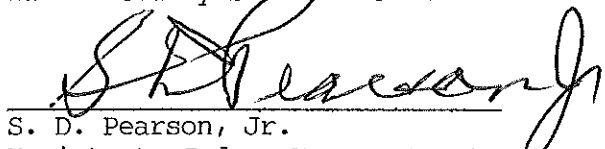

Frances S. Aycock, R.N., BSN
Lincoln County Health Department



Patricia Kendrick-Walker
Warrenton Police Department



Jim Justice
Chief, Lincolnton Police Department



Michael Lynn
Warren County Sheriff's Office



Deborah L. Davis
Magistrate Office, Wilkes County


S. D. Pearson, Jr.
Magistrate Judge, Warren County


Mike Davis
Chief, Washington Police Department


Julia Veasey, R.N.
Warren County Health Department


Jeri L. Hicke, R.N.
Wilkes County Health Department


John Cooper
Chief Deputy, Glascock County Sheriff's Office

Misty L. May

Misty L. May
Magistrate Judge, Glascock County

Nona Lord, R.N.

Nona Lord, R.N.
Glascock County Health Department

Marc Richards

Sheriff Marc Richards
Taliaferro County Sheriffs Office

Martha R. Mayo
(Kendall Richards)

Martha R. Mayo / Kendall Richards
Magistrate Judge / Clerk, Taliaferro County

Dorothy Kendrick

Dorothy Kendrick
Taliaferro County Health Department

Patrick E. Morgan 289

Patrick E. Morgan
Investigator, Georgia Bureau Of Investigation

John Hathaway

John Hathaway
Chief, Thomson Police Department

Logan Marshall

Sheriff Logan Marshall
McDuffie County Sheriffs Office

Gwen Darden

Gwen Darden
Magistrate Office of McDuffie County

Tammy R. Evans

Tammy R. Evans
Parole Office, Thomson Parole Office

Susan H. Land

Susan H. Land, M.D.
McDuffie Medical Associates

Virginia Bradshaw, APRN, BC

Virginia Bradshaw, APRN, BC
McDuffie County Health Department

Dennis C. Sanders

Dennis C. Sanders
District Attorney
Toombs Judicial Circuit

1. Foundational Information

D. Statement of Principles and Beliefs

The Toombs Judicial Circuit Sexual Assault Protocol uses gender-neutral language to reflect the reality that both women and men may be victims/survivors of sexual assault.

1. It is a basic human right for all individuals to live their lives with respect and without violence.
2. Women and children are more vulnerable to sexual assault because of their lack of power, control and authority in society. Sexual assault both mirrors and perpetuates this inequality.
3. Sexual assault is an act of aggression using power and control to dominate and violate an individual. It is not an act of sexual intimacy.
4. Sexual assault frequently includes a violation of trust by those who are in a position of perceived or real power and/or authority.
5. A victim's/survivor's response to a sexual assault should be supported, accepted and respected.
6. Individuals who have experienced sexual assault may display a variety of behaviors that may not be understood or considered appropriate by service providers. It is essential that these behaviors are understood as coping strategies and that the victims/survivors are responding in a way that they believe is necessary for their survival.
7. All persons who have experienced sexual assault should receive sensitive, immediate and appropriate care.
8. The safety of the victim/survivor of sexual assault shall be the primary focus of any intervention.
9. Support and counseling to victims/survivors of sexual assault will focus on providing options and information about services and the impacts of sexual assault so that the victim/survivor can make informed choices and the victim/survivor will be respected.
10. A coordinated community approach to service delivery is essential to providing choices and meeting the many unique needs of victims/survivors who have experienced sexual assault.
11. Services, which are helpful to victims/survivors of sexual assault, and their family, must be accountable to victims/survivors who use their services.
12. While sexual expression may be affected by sexual assault, sexual orientation is not.
13. Sexual assault within the home does not exclusively impact the family. It affects the whole community.
14. Ending sexual assault is everyone's responsibility. The Sexual Assault Protocol must address the issue of violence at both the individual and the systemic level in order to create a non-violent society.

15. Sexual assault is a societal problem that requires change in our health care, legal and social systems.
16. Sexual assault is a crime and a moral offense which demands that perpetrators not their victims, be held responsible for the assault. Comments about such things as the victim's behavior, dress and values are inappropriate and wrongly suggest the victim/survivor is to blame for the assault.
17. Adolescents who have experienced or witnessed sexual assault may have needs that are different from those of adults. The service delivery system must be sensitive to this and offer appropriate services.
18. The issue of sexual assault is the primary focus when providing service to victims/survivors. Issues related to substance use, disabilities, mental health, culture, economic status, the nature of their occupation or sexual orientation etc. are not the primary focus and should not detract from their initial credibility.
19. Victims/survivors of sexual assault who have traditionally been marginalized due to such things as age, race, language, culture, disability, economic status, geographic location or sexual orientation require services that are sensitive and appropriate to meet their needs.
20. Sexual assault may have an impact on other person(s) associated to the victim/survivor, i.e. family members, witnesses. It is recognized that these individuals may require proper support and/or referrals.

2. Principles and Procedures

A. General Interventions Principles

The underlying goal of any general intervention is to empower the victim/survivor by providing support, services and information that optimize choices and allow the individual to regain some control over the situation. It is equally important that all service providers approach victims/survivors in a respectful manner. For this reason, service providers must be aware of their own assumptions and biases about how the victim survivor looks, behaves or what they say, as well as being aware what perspective is taken in the information gathering stage. In order to demonstrate respect, service providers will adhere to the following general principles in addition to the procedures outlined by their individual agencies. This protocol is also set up to collaborate with the Crime Victims' Bill of Rights, which can be found on page 18.

1. Initial Contact / Law Enforcement

Initial contact will set the stage for the duration of the relationship between the individual and the agency. The impact of the trauma on the victim/survivor should be recognized and service providers should be sensitive to the effect that this will have on their relationship with the victim/survivor. For this reason, it is essential that service providers convey respect for the victim/survivor from the beginning.

1. Identify yourself and the role that you play and assure the victim/survivor that you understand this may be difficult for them.
2. If you have received permission from the victim/survivor to talk to them:
 - Find out how the victim/survivor prefers to be addressed, minimize the existing power imbalances by referring to the victim/survivor with the same formality with which they address you.
 - Explain that you are there to help, and discuss the kind of assistance you can attempt to provide.
 - Refer victim to the Toombs Judicial Circuit Victim Assistance Program
 - Refer victim to other agencies that can offer assistance.
3. During this initial contact attempt to ensure the following courtesies are provided:
 - Allow the victim/survivor to determine what physical contact is acceptable between yourself and them. Consider that the personal space of the victim/survivor has been violated. Only make physical contact with him/her when you have been invited to do so.
 - Let the victim/survivor control the pace of the intervention to the extent that this is possible. Allowing the victim/survivor to take

breaks when needed affords them some control over an otherwise dis-empowering situation.

- Try to create an environment that is comfortable and that facilitates communication. Ensure that it is safe and private as well as comforting wherever possible (e.g. comfortable chairs, warm décor and blankets or pillows help to create a comforting environment).
4. Provide realistic and accurate information by identifying the implications and potential ramifications for the victim/survivor who accepts your assistance.

For example:

- Discuss the limits of confidentiality and the possibility that your records may be subpoenaed to court.
 - Explain that if the victim/survivor gives a statement to the police that he/she may have to repeat this information in court.
 - Advise the victim/survivor that as a service provider or volunteer who has tried to offer assistance, you may be called to court to testify.
5. As your initial contact with the victim/survivor comes to a close, provide him/her with any pamphlets, information bulletins, and /or other relevant available material and information about your service and how he/she can contact you in the future.

2. Confidentiality

Each service provider has their own policy around the issue of confidentiality to which they must strictly adhere. It is up to each service provider to be aware of their own procedures of confidentiality and disclosure obligations and inform victims/survivors of the practices, policies and procedure.

- Discuss what is meant by the word “confidentiality” and the limitations there are to it.
- Efforts to maintain confidentiality should be guided by the utmost respect for the victim/survivor and his/her wishes and applicable legal procedures.

3. Health Services

A victim/survivor of sexual assault has right not only to medical attention or services but to:

- Respect and sensitivity (e.g. privacy) during all intervention such as a medical examination/health assessment and evidence gathering;
- Have all procedures / interventions explained in detail before they are done;

- Request a friend, family member or advocate to accompany them during the examination process.
- Stop any part of the Sexual Assault Evidence Kit process at any time.
- In accordance with O.C.G.A. §16-6-1 (c); Victims/survivors and/or their insurance company are not financially responsible for the Sexual Assault Evidence Kit and must not be billed for this expense!

O.C.G.A. §16-6-1 (c) When evidence relating to an allegation of rape is collected in the course of a medical examination of the person who is the victim of the alleged crime, the law enforcement agency investigating the alleged crime shall be responsible for the cost of the medical examination to the extent that expense is incurred for the limited purpose of collecting evidence.

4. Victim's / Survivor's Rights and Choices

It is fundamental to recognize a victim's/survivor's right to make choices whether of not these choices reflect your personal biases or beliefs. It is crucial to emphasize the victim's/survivor's choices in all matters, informing the individual of the options.

The victims'/survivors' rights are protected by the Crime Victims' Bill of Rights (see more information in section number 5).

5. Community Resource Referrals

All service providers have an obligation to be informed about appropriate resources and to let the victim/survivor know about the range of resources and information available, and how to access community services.

- When referring a victim/survivor, inform the individual that it might be best for him/her to contact organizations to determine their level of accessibility and suitability to his/her needs.

Victims/Survivors are encouraged to seek additional follow up services from the organization that best meets their needs (i.e. physical accessibility, philosophical framework, language availability).

6. Criminal Proceedings

Once criminal proceedings have been laid, it is the discretion of the District Attorney's Office to make the decision about whether the criminal process continues or ceases. If the criminal justice system is involved it is crucial that the victim/survivor understand that his/her rights as well as the rights of society will be taken in to account. As a result,

while his/her input is of critical importance and can influence the process, the victim/survivor does not have ultimate decision-making authority.

The Crime Victims' Bill of Rights O.C.G.A. §17-17-1 et seq. mandates that the criminal justice system provide the fundamental service of notification concerning case status to victims throughout all phases of the justice process. The Bill outlines obligations of law enforcement and the prosecution office to crime victims and explains how crime victims' rights are incorporated within the context of the criminal justice system.

The victim/survivor will be informed of their right to make or submit a Victim Impact Statement.

The victim/survivor has the option to waive any of the information or notification or other obligations specified under the Crime Victims' Bill of Rights. A victim has the right to designate a spouse, adult child, parent, sibling, or grandparent to act on behalf of him or her, when that person is physically unable to personally assume the rights under this law.

3. Accountability

A. Victim / Survivor Complaint Procedures

Despite all participants' commitment to the principles and procedures outlined in the Protocol, it is inevitable that on occasion, victims/survivors will not be satisfied with the services they receive. It is essential that victims/survivors are given information about where to express any concerns and/or questions they may have about the system. Service providers should advise where to direct their concerns and/or complaints to the following access points:

- a) The agency / organization wherein the problem arose. They should speak directly to the service provider or to that person's supervisor.
- b) Staff in any organizations/agencies involved in the Protocol with which the victim/survivor has had contact.

B. Problem Resolution

We recognize that the potential for conflicts and problems between and among service providers exist and must be addressed. In order to continue to work cooperatively, all participants agree that issues will be brought to the table in the spirit of problem solving rather than for the purpose of attaching blame.

Problems can be addressed in one of more of the following ways:

- a) Service providers can contact each other directly;
- b) Unresolved concerns will be brought to a meeting of the Protocol Committee;
- c) Concerns brought to the attention of the Committee will be brought to the attention of the service provider first.

C. Protocol Review

A protocol review can be initiated at any time by a member of the Protocol committee.

4. Appendices

A. Guidelines To Understanding The Adult Victim/Survivor

The following is a guide to understanding the victim's reactions to being sexually abused or assaulted. Victims/survivors may experience all, some or none of the indicators set out below. It is important to remember that this guide should not be presented to victims/survivors as a checklist or assessment tool. Service providers should not use this guide to suggest feelings or reactions. This guide is meant to be of assistance to service providers in understanding possible and potential effects.

Under reporting and a lack of understanding of the victim/survivor has been a recurring problem with cases of sexual assault that come to the attention of police, judiciary, social service agencies, schools, mental health agencies, health care system and other problems. It is, therefore, important that the administration of these agencies ensure that their service providers are educated in relation to:

- developing a broader understanding of the long term effects of sexual assaults including child sexual abuse;
- indicators which may point to the presence of sexual assault;
- indicators which may point to the presence of childhood sexual abuse; and/or
- developing a supportive approach to recording and documenting evidence where appropriate.

Also, it is important to recognize that:

- a victim who has been sexually assaulted may experience all, some or none of the indicators listed;
- the victim/survivor can be affected in a wide variety of ways depending upon ethnicity, culture, life experiences, personal and professional resources available, sexual orientation, age and disability. (It is very important to focus on the sexual assault and not the disability, sexual orientation or situation of the crime);
- each victim/survivor will experience their abuse in a unique way;
- there is no "correct" or "typical" response to sexual abuse;
- there is no one type of abuse that is worse than any other; and/or
- all sexual abuse is "bad enough" to warrant a reaction; one incident, no matter how minor it may seem, can have a lifelong impact.

The attached appendices are not exhaustive. They will grow as our knowledge of the effects of sexual assault grows. There is not one characteristic that applies to every victim/survivor and many women who do not identify themselves as having been sexually assaulted may see themselves in the indicators listed. It is important to note that a victim/survivor may not identify what has happened to him/her as sexual assault.

Understanding the victim/survivor is an integral part of the decision making process. Improved understanding increases our ability to provide a higher level of care and response to the victim/survivor. As such it is important to:

- Ensure the physical safety of the victim/survivor as the first priority.
- Understand that the victim/survivor can react in a wide variety of ways and not to any preconceived notion of how a victim/survivor should react. The impact can be in different areas including behavioral, emotional, cognitive and physical. The individual goes through a recovery process that is unique to the individual.
- Consider the future needs of the victim/survivor.
- Optimize control and choice in the decision making process for the victim/survivor during all stages of intervention. To make an informed decision the victim/survivor must be aware of all options available. As service providers we must support and respect the victim's/survivor's decisions.
- Respect the privacy of the victim/survivor by maintaining confidentiality. Be conscious around the issue of confidentiality as it relates to the issues of disclosure of information during legal processes. Inform the victim/survivor of all known limitations of confidentiality.

B. Possible Effects of Sexual Assault On Adult Victims/Survivors

Emotional Effects:

- fear of being alone in the dark, of sleeping alone;
- nightmares;
- night terrors (especially of pursuit, threat, entrapment);
- suicidal thoughts, attempts, obsession;
- depression (sometimes paralyzing);
- seemingly baseless crying;
- anger issues; inability to recognize own, or express anger, fear of actual or imagined rage; constant anger; intense hostility toward entire gender or ethnic group of the perpetrator;
- fear of losing control;
- guilt, shame, low self-esteem, feeling worthless, high appreciation of small favors by others;
- feeling dirty; and/or
- lack of affect or what appears to be inappropriate affect - talking about the sexual assault without emotion. May or may not be accompanied by inappropriate smiles or gestures.

Physical Effects:

- gastrointestinal problems; gynecological disorders (including spontaneous vaginal infections);
- headaches;
- arthritis or joint pain, general body aches or chest pains;

- eating disorders, drug or alcohol abuse (or total abstinence), other addictions, compulsive behaviors; and/or
- shakes, palpitations.

Behavioral Effects:

- wearing a lot of clothing, even in summer, baggy clothes; failure to remove clothing even when appropriate to do so (while swimming or bathing);
- obsessive/compulsive behaviors (attempts to control things that don't matter, just to control something); and/or
- sexual promiscuity.

Cognitive Effects:

- phobia;
- trust issues; inability to trust (trust is not safe); total trust; trusting indiscriminately;
- boundary issues; control, power, territoriality issues;
- feeling of carrying an awful secret; urge to tell, fear of its being revealed; certainty that no one will listen; being overall generally secretive; feeling "marked";
- denial; no awareness at all; repression of memories; pretending; minimizing ("it wasn't that bad"); strong, deep, inappropriate negative reactions to a person, place or event; "sensory flashes" (a light, a place, a physical feeling) without a sense of their meaning; remembering the surroundings but not the event.

Note: Homosexuality and/or bisexuality are not an after-effect of sexual assault or child abuse.

C. Crime Victims' Bill of Rights

17-17-1.

The General Assembly hereby finds and declares it to be the policy of this state that victims of crimes should be accorded certain basic rights just as the accused are accorded certain basic rights.

17-17-2.

This chapter shall be known and may be cited as the 'Crime Victims' Bill of Rights.'

17-17-3.

As used in this chapter, the term:

(1) 'Accused' means a person suspected of and subject to arrest for, arrested for, or convicted of a crime against a victim.

(2) 'Arresting law enforcement agency' means any law enforcement agency, other than the investigating law enforcement agency, which arrests the accused.

(3) 'Compensation' means awards granted by the Georgia Crime Victims Compensation Board pursuant to Chapter 15 of this title.

(4) 'Crime' means an act committed in this state which constitutes any violation of Chapter 5 of Title 16, relating to crimes against persons; Chapter 6 of Title 16, relating to sexual offenses; Article 1 or Article 3 of Chapter 7 of Title 16, relating to burglary and arson; Article 1 or Article 2 of Chapter 8 of Title 16, relating to offenses involving theft and armed robbery; Code Section 16-12-100, relating to sexual exploitation of children; Code Section 40-6-393, relating to homicide by vehicle; Code Section 40-6-393.1, relating to feticide by vehicle; or Code Section 40-6-394, relating to serious injury by vehicle.

(5) 'Custodial authority' means a warden, sheriff, jailer, deputy sheriff, police officer, correctional officer, officer or employee of the Department of Corrections or the Department of Juvenile Justice, or any other law enforcement officer having actual custody of the accused.

(6) 'Investigating law enforcement agency' means the law enforcement agency responsible for the investigation of the crime.

(7) 'Notice,' 'notification,' or 'notify' means a written notice when time permits or, failing such, a documented effort to reach the victim by telephonic or other means.

(8) 'Person' means an individual.

(9) 'Prompt notice,' 'prompt notification,' or 'promptly notify' means notification given to the victim as soon as practically possible so as to provide the victim with a meaningful opportunity to exercise his or her rights pursuant to this chapter.

(10) 'Prosecuting attorney' means the district attorney, the solicitor-general of a state court or the solicitor of any other court, the Attorney General, a county attorney opposing an accused in a habeas corpus proceeding, or the designee of any of these.

(11) 'Victim' means:

(A) A person against whom a crime has been perpetrated; or

(B) In the event of the death of the crime victim, the following relations if the relation is not either in custody for an offense or the defendant:

(i) The spouse;

(ii) An adult child if division (i) does not apply;

(iii) A parent if divisions (i) and (ii) do not apply;

(iv) A sibling if divisions (i) through (iii) do not apply; or

(v) A grandparent if divisions (i) through (iv) do not apply; or

(C) A parent, guardian, or custodian of a crime victim who is a minor or a legally incapacitated person except if such parent, guardian, or custodian is in custody for an offense or is the defendant.

17-17-4.

If a victim is physically unable to exercise privileges and rights under this chapter, the victim may designate by written instrument his or her spouse, adult child, parent, sibling, or grandparent to act in place of the victim during the duration of the physical disability. During the physical disability, notices to be provided under this chapter to the victim shall continue to be afforded only to the victim.

17-17-5.

(a) All victims, wherever practicable, shall be entitled to notification as defined by paragraph (7) of Code Section 17-17-3 of the accused's arrest, of the accused's release from custody, and of any judicial proceeding at which the release of the accused will be considered. No such notification shall be required unless the victim provides a landline telephone number other than a pocket pager or electronic communication device number to which such notice can be directed.

(b) The investigating law enforcement agency, prosecuting attorney, or custodial authority who is required to provide notification pursuant to this chapter shall advise the victim of his or her right to notification and of the requirement of the victim's providing a landline telephone number other than a pocket pager or electronic communication device number to which the notification shall be directed. Such victim shall transmit the telephone number described in this subsection to the appropriate investigating law enforcement agency, prosecuting attorney, or custodial authority as provided for in this chapter.

17-17-6.

(a) Upon initial contact with a victim, all law enforcement and court personnel shall make available to the victim the following information written in plain language:

- (1) The possibility of pretrial release of the accused, the victim's rights and role in the stages of the criminal justice process, and the means by which additional information about these stages can be obtained;
- (2) The availability of victim compensation; and
- (3) The availability of community based victim service programs.

(b) The Criminal Justice Coordinating Council is designated as the coordinating entity between various law enforcement agencies, the courts, and social service delivery agencies. The Criminal Justice Coordinating Council shall develop and disseminate written information upon which law enforcement personnel may rely in disseminating the information required by this chapter.

17-17-7.

(a) Whenever possible, the investigating law enforcement agency shall give to a victim prompt notification as defined in paragraph (9) of Code Section 17-17-3 of the arrest of an accused.

(b) The arresting law enforcement agency shall promptly notify the investigating law enforcement agency of the accused's arrest.

(c) Whenever possible, the prosecuting attorney shall notify the victim prior to any proceeding in which the release of the accused will be considered.

(d) Whenever possible, the prosecuting attorney shall offer the victim the opportunity to express the victim's opinion on the release of the accused pending judicial proceedings.

(e) Whenever possible, the custodial authority shall give prompt notification to a victim of the release of the accused.

- (1) Prompt notification of release from a county or municipal jail is effected by placing a telephone call to the telephone number provided by the victim and giving notice to the victim or any person answering the telephone who appears to be sui juris or by leaving an appropriate message on a telephone answering machine.

(2) Notification of release from the custody of the state or any county correctional facility shall be in the manner provided by law.

(f) If the court has granted a pretrial release or supersedeas bond, the victim shall have the right to file a written complaint with the prosecuting attorney asserting acts or threats of physical violence or intimidation by the accused or at the accused's direction against the victim or the victim's immediate family. Based on the victim's written complaint or other evidence, the prosecuting attorney may move the court that the bond or personal recognizance of an accused be revoked.

17-17-8.

(a) Upon initial contact with a victim, a prosecuting attorney shall give prompt notification to the victim of the following:

- (1) The procedural steps in processing a criminal case;
- (2) The rights and procedures of victims under this chapter;
- (3) Suggested procedures if the victim is subjected to threats or intimidation; and
- (4) The names and telephone numbers of contact persons at both the office of the custodial authority and in the prosecuting attorney's office.

(b) If requested in writing by the victim and to the extent possible, the prosecuting attorney shall give prompt advance notification of any scheduled court proceedings and notice of any changes to that schedule. Court proceedings shall include, but not be limited to, pretrial commitment hearings, arraignment, motion hearings, trial, sentencing, appellate review, and post-conviction relief. The prosecuting attorney shall notify all victims of the requirement to make such request in writing.

17-17-9.

The victim shall have the right to wait in an area separate from the accused, from the family and friends of the accused, and from witnesses for the accused during any judicial proceeding involving the accused, provided that such separate area is available and its use in such a manner practical. If such a separate area is not available or practical, the court, upon request of the victim made through the prosecuting attorney, shall attempt to minimize the victim's contact with the accused, the accused's relatives and friends, and witnesses for the accused during any such judicial proceeding.

17-17-10.

As a condition of permitting a response to an inquiry as to the victim's current address, telephone number, or place of employment, the court may require counsel or any other officer of the court, including but not limited to counsel for the defendant, not to transmit or permit transmission to the defendant of the victim's current address, telephone number, or place of employment by the counsel or officer of the court or any employee, agent, or other representative of the counsel or officer of the court.

17-17-11.

The prosecuting attorney shall offer the victim the opportunity to express the victim's opinion on the disposition of an accused's case, including the views of the victim regarding:

- (1) Plea or sentence negotiations; and

(2) Participation in pretrial or post-conviction diversion programs. This provision shall not limit any other right created pursuant to state law.

17-17-12.

(a) Upon the written request of the victim, the prosecuting attorney shall notify the victim of the following:

- (1) That the accused has filed a motion for new trial, an appeal of his or her conviction, or an extraordinary motion for new trial;
- (2) Whether the accused has been released on bail or other recognizance pending the disposition of the motion or appeal;
- (3) The time and place of any appellate court proceedings relating to the motion or appeal and any changes in the time or place of those proceedings; and
- (4) The result of the motion or appeal.

(b) Upon the written request of the victim as defined in paragraph (11) of Code Section 17-17-3, in cases in which the accused is convicted of a capital offense and receives the death penalty, it shall be the duty of the Attorney General to:

- (1) Notify the victim of the filing and disposition of all collateral attacks on such conviction which are being defended by the Attorney General including, but not limited to, petitions for a writ of habeas corpus, and the time and place of any such proceedings and any changes in the time or place of those proceedings; and
- (2) Provide the victim with a report on the status of all pending appeals, collateral attacks, and other litigation concerning such conviction which is being defended by the Attorney General at least every six months until the accused dies or the sentence or conviction is overturned or commuted or otherwise reduced to a sentence other than the death penalty.

(c) In the event the accused is granted a new trial or the conviction is reversed or remanded and the case is returned to the trial court for further proceedings, the victim shall be entitled to request the rights and privileges provided by this chapter.

17-17-13.

The State Board of Pardons and Paroles shall give 20 days' advance notification to a victim whenever it considers making a final decision to grant parole or any other manner of executive clemency action to release a defendant for a period exceeding 60 days; and the board shall provide the victim with an opportunity to file a written objection to such action. No notification need be given unless the victim has expressed objection to release or has expressed a desire for such notification and has provided the State Board of Pardons and Paroles with a current address and telephone number.

17-17-14.

(a) It is the right and responsibility of the victim who desires notification under this chapter or under any other notification statute to keep the following informed of the victim's current address and phone number:

- (1) The investigating law enforcement agency;
- (2) The prosecuting attorney, until final disposition or completion of the appellate and post-conviction process, whichever occurs later; and

(3) As directed by the prosecuting attorney, the sheriff if the accused is in the sheriff's custody for pretrial, trial, or post-conviction proceedings; the Department of Corrections if the accused is in the custody of the state; or any county correctional facility if the defendant is sentenced to serve time in a facility which is not a state facility; and

(4) The State Board of Pardons and Paroles.

(b) Current addresses and telephone numbers of victims and their names provided for the purposes of notification pursuant to this chapter or any other notification statute shall be confidential and used solely for the purposes of this chapter and shall not be subject to disclosure under Article 4 of Chapter 18 of Title 50, relating to inspection of public records.

17-17-15.

(a) Failure to provide or to timely provide any of the information or notifications required by this chapter shall not subject the person responsible for such notification or that person's employer to any liability for damages.

(b) Failure to provide a victim with any of the rights required by law shall not give an accused a basis for error in either an appellate action or a post-conviction writ of habeas corpus.

(c) This chapter does not confer upon a victim any standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

(d) The enumeration of these rights shall not be construed to deny or diminish other notification rights granted by state law.

(e) The victim may waive any of the information or notification or other rights provided for by this chapter.

17-17-16.

(a) As used in this Code section, the term:

(1) 'Course of conduct' spans a series of acts over a period of time, however short, indicating a continuity of purpose.

(2) 'Harassment' means a course of conduct directed at a specific person that causes substantial emotional distress in such person.

(b) (1) A superior court, upon application of a prosecuting attorney, shall issue a temporary restraining order prohibiting harassment of a victim or witness in a criminal case if the court finds from specific facts shown by affidavit or by verified complaint that there are reasonable grounds to believe that harassment of an identified victim or witness in a criminal case exists or that such order is necessary to prevent and restrain an offense under Code Section 16-10-32 or 16-10-93.

(2) (A) A temporary restraining order may be issued under this Code section without written or oral notice to the adverse party or such party's attorney in a civil action under this Code section if the court finds, upon written certification of facts by the prosecuting attorney, that such notice should not be required and that there is a reasonable probability that the state will prevail on the merits.

(B) A temporary restraining order issued without notice under this Code section shall be endorsed with the date and hour of issuance and be filed forthwith in the office of the clerk of the court issuing the order.

(C) A temporary restraining order issued under this Code section shall expire at such time, not to exceed ten days from issuance, as the court directs. The court, for good cause shown before expiration of such order, may extend the expiration date of the order for up to ten days or for such longer period agreed to by the adverse party.

(D) When a temporary restraining order is issued without notice, the motion for a protective order shall be set down for hearing at the earliest possible time and takes precedence over all matters except older matters of the same character; and at the hearing, if the prosecuting attorney does not proceed with the application for a protective order, the court shall dissolve the temporary restraining order.

(E) If on two days' notice to the prosecuting attorney or on such shorter notice as the court may prescribe, the adverse party appears and moves to dissolve or modify the temporary restraining order, the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

(F) A temporary restraining order shall set forth the reasons for the issuance of such order, be specific in terms, and describe in reasonable detail and not by reference to the complaint or other document the act or acts being restrained.

(c) (1) A superior court, upon motion of the prosecuting attorney, shall issue a protective order prohibiting harassment of a victim or witness in a criminal case if the court, after a hearing, finds by a preponderance of the evidence that harassment of an identified victim or witness in a criminal case exists or that such order is necessary to prevent and restrain an offense under Code Section 16-10-32 or 16-10-93.

(2) At the hearing referred to in paragraph (1) of this subsection, any adverse party named in the complaint shall have the right to present evidence and cross-examine witnesses.

(3) A protective order shall set forth the reasons for the issuance of such order, be specific in terms, and describe in reasonable detail and not by reference to the complaint or other document the act or acts being restrained.

(4) The court shall set the duration of effect of the protective order for such period as the court determines necessary to prevent harassment of the victim or witness but in no case for a period in excess of three years from the date of such order's issuance. The prosecuting attorney may, at any time within 90 days before the expiration of such order, apply for a new protective order under this Code section.

(d) Article 5 of Chapter 11 of Title 9, relating to depositions and discovery, shall not apply to actions brought pursuant to this Code section.

17-18-1.

When any employee of the Department of Human Resources, a law enforcement agency, or a court has reason to believe that he or 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 aggravated sodomy, such employee shall offer

or provide such adult a written statement of information for victims of rape or aggravated sodomy. Such written statement shall, at a minimum, include the information set out in Code Section 17-18-2 and may include additional information regarding resources available to victims of sexual assault. Information for victims of rape or aggravated sodomy may be provided in any language.

17-18-2.

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:

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 a 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 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 douche before the examination. The law requires that the police department or law enforcement agency investigating the crime pay for the medical examination to the extent of the cost for the collection of evidence of the crime.

5. Conclusion

Service providers within the Toombs Judicial Circuit will respond to victim/survivors of sexual violence, in a committed and collaborative effort. Past individual interventions have proven to be a less than desirable approach to this crime. This Protocol is an effort to fulfill the commitment with the involved agencies in our community.