

IN THE SUPERIOR COURTS OF THE PATAULA JUDICIAL CIRCUIT
(CLAY, EARLY, MILLER, QUITMAN, RANDOLPH, SEMINOLE AND TERRELL COUNTIES)
STATE OF GEORGIA

IN RE: SEXUAL ASSAULT PROTOCOL)
)
)

ORDER

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


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

WHEREAS, said Committee met on November 9, 2021, and elected Victim Witness Coordinator Sharin Gilbert as Chairperson; and

WHEREAS, at said meeting, said Committee discussed the Sexual Assault Protocol, which was approved by a majority vote and which is attached hereto, as the protocol for cases of sexual assault in the Pataula Judicial Circuit 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 spread upon the minutes and filed with the Clerk of the Superior Courts of Clay, Early, Miller, Quitman, Randolph, Seminole and Terrell Counties.

SO ORDERED, this 15th day of December, 2021.



T. Craig Earnest
Chief Judge of the Superior Courts
Pataula Judicial Circuit



Pataula Judicial Circuit Sexual Assault Response Team (SART) Protocol

*Multidisciplinary Investigation & Prosecution
of Adult Sexual Assault & Sexual Exploitation*

Adopted December 15, 2021

PATAULA JUDICIAL CIRCUIT SEXUAL ASSAULT RESPONSE TEAM PROTOCOL

This Pataula Judicial Circuit Sexual Assault Response Team 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 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 sexual assault victim by the legal and investigatory process. 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.

For purposes of this Protocol, the term "victim" shall refer to victims age 18 and older. Every sexual assault case involving victims under 18 shall refer to the Pataula Child Abuse Protocol in identifying appropriate services and resources. 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 Pataula Children's Advocacy Center. Every Sexual Assault Response Team ("SART") member should consider their 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.

Purpose of Protocol

The protocol is intended to:

- Facilitate the provision of consistent, comprehensive, sensitive, and non-judgmental treatment of victims of sexual assault as they progress through the medical, law enforcement, advocacy, and legal system;
- Standardize the collection of evidence in order to aid in the prosecution of cases; and,
- Develop a coordinated effort among health providers, law enforcement personnel, prosecutors, and victim advocates ensuring that victims receive efficient and comprehensive medical care, evidentiary examination, emotional support, and referral information.

Use of Protocol

This Protocol will be utilized in the Pataula Judicial Circuit which consist of Clay, Early, Miller, Quitman, Randolph, Seminole and Terrell Counties, by the Sheriff's Offices and Police Departments, County Health Departments, Pataula Child Advocacy Center, Lily Pad SANE Center Inc., Sexual Assault Nurse Examiners and their supervising physician.

Monitoring the Protocol

Some members of the Sexual Assault Response Team shall meet quarterly at a designated place to review current sexual assault investigations relative to the implementation and utility of the sexual assault protocol. Any team member involved in the investigation shall be invited to attend.

The sexual assault protocol committee shall meet annually to evaluate the effectiveness of the protocol and to recommend measures to improve compliance. (O.C.G.A. § 15-24-2)

Definition of Sexual Assault

Sexual assault is defined as sexual contact or intimacy initiated by one or more persons against another without their consent. This includes instances where victims are unable to give consent due to age or mental or physical incapacity. Sexual assault does not discriminate among race, sex, sexual orientation, socioeconomic class or age. Persons may be sexually assaulted by strangers, acquaintances, or members of their family. Pursuant to O.C.G.A. § 17-5-70(3), "Sexual assault" means rape, sodomy, aggravated sodomy, statutory rape, child molestation, aggravated child molestation, sexual assault against a person in custody, sexual assault against a person detained in a hospital or other institution, sexual assault by a practitioner of psychotherapy against a patient, incest, bestiality, sexual battery, and aggravated sexual battery.

Process of Case Management

Sensitivity to the Needs of Victims

Ensuring that sexual assault victims will be treated with sensitivity and compassion requires that victim services, law enforcement, medical, and prosecutorial personnel be aware of the special needs of these victims.

Victims of violent crimes, not only must cope with the physical trauma perpetrated against them but they must also deal with the emotional and psychological repercussions of the crime. The emotional and psychological repercussions of a sexual assault can be devastating. The humiliation and degradation victims may feel often are compounded by feelings of guilt. Often society perpetuates the myth that sexual assault victims somehow are responsible for the crime committed against them. For this reason, victims of sexual assault often are reluctant to report the crime, and therefore, must receive immediate support from agency personnel if they choose to report.

While victims of sexual assault may feel guilty, frightened, ashamed, dirty, angry, anxious, embarrassed, or any number of other emotions, it is important to remember that there is no "typical" way for victims to feel, react, or look after a sexual assault. Some victims may appear to be calm while others may look visibly upset or enraged.

Victim confidentiality should be strictly protected. Professional staff should make direct inquiries of the victim regarding how to address the disclosure of confidential information. Assumptions should not be made concerning whether it is appropriate to disclose information to family, friends, employers, and/or educational providers about the assault or the victim's sexual preference.

First Report

In most cases, the victim usually makes the first report of a sexual assault to a dispatch or emergency communications center (911). Dispatch or communications center staffers are critical in aiding the victim to regain control and composure after an assault.

If the victim is the caller, the dispatcher should:

- Obtain the victim's name and location immediately.
- Determine if the victim is currently safe and whether or not the victim needs immediate medical attention.
- Dispatch the appropriate law enforcement units, and, if necessary, emergency medical help.
- Assure the victim that help is coming, and instruct the victim not to eat, drink, bathe, urinate, or douche.
- Ask victim if they are still wearing the same clothing they were wearing during the assault. If they are, tell the victim not to change and come as they are. If they are not wearing the same clothing, instruct the victim to leave the clothing as is and in its present location.
- Advise the victim not to move or touch anything at the assault location and not to disturb items used as weapons.

Once the victim decides he/she wants a sexual assault examination, and law enforcement determines that The Lily Pad SANE Center will be needed, law enforcement will inform the dispatcher to notify the on-call staff @ 229-435-0074.

Law Enforcement Agency Responses

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 will investigate sexual assault crimes. Investigative responsibilities include:

- Identification, apprehension and interrogation of suspect(s)
- Interview of victim with an offender focused and trauma informed approach, which includes allowing an advocate to be present
- Interview of witnesses
- Collection and preservation of evidence
 - In the event that drugs or alcohol may be involved
 - Be clear about the circumstances in which toxicology testing may be indicated. Routine toxicology testing is not recommended. However, in any of the following situations, the collection of a urine and/or blood sample may be indicated
 - If a patient's medical condition appears to warrant toxicology screening for optimal care (e.g., the patient presents with drowsiness, fatigue, light-headedness, dizziness, physiologic instability, memory loss, impaired motor skills, or severe intoxication).
 - If a patient or accompanying persons states the patient was or may have been drugged.
 - If a patient suspects drug involvement because of a lack of recollection of event(s).
- Maintenance of chain of custody
- Timely submitting sexual assault evidence collections kits to GBI crime laboratory regardless of whether a suspect has been identified; per GBI recommendations
- Review of GBI Crime Lab 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 guidelines established by *The Georgia Crime Victim's Bill of Rights* (O.C.G.A. § 15-17-1) and adhere to best practices as outlined in the *Georgia Sexual Assault Team Guide*.

The Law Enforcement officer is responsible for ensuring that The Lily Pad SANE nurse, The Rape Crisis Volunteer, and the detective (if necessary) are notified if law enforcement is involved in case. (Applies to 17 year old victims and older)

- The police official is responsible for the gathering of all **non medical evidence**. After exams, law enforcement is responsible for collecting SEXUAL ASSAULT KITS and other medical evidence, from the SANE nurse for processing/storage.
- In accordance with O.C.G.A. 17-5-72, a victim shall have the right to have a forensic medical exam regardless of whether the victim participates in criminal justice system or cooperates with law

enforcement in pursuing prosecution of the underlying crime. A victim shall not be required to pay directly or indirectly, for the cost of a forensic medical examination. The cost of the forensic medical exam shall be billed, processed, and paid through Crime Victims Services, effective July 1, 2011. (Assaults occurring prior to this date are billed to law enforcement)

- In 2016, the Georgia legislature passed Senate Bill 304 (Compassionate Care for Victims of Sexual Assault Act) which amended Chapter 1 of Title 35 of the Official Code of Georgia Annotated, regulating the submission of sexual assault kits to the Georgia Bureau of Investigation's Department of Forensic Sciences (GBI Crime Lab). This law mandates that law enforcement take possession of Sexual Assault Kits (SAKs) within 96 hours of a medical forensic exam for a reported sexual assault. Additionally, the SAK must be submitted to the GBI Crime Lab within 30 days of collection, when the sexual assault has been reported to law enforcement.
- Sexual assault kits associated with sexual assaults that have not been reported to law enforcement should not be submitted to the GBI Crime Lab. The DNA profiles created by analysis of these kits are not eligible for upload in the Combined DNA Index System (CODIS). Only DNA profiles that are associated with a reported crime are eligible for upload into CODIS, per National DNA Index System Operational Procedures. Pursuant to O.C.G.A. § 17-5-71, SAKs associated with non-reported sexual assaults should be maintained for a minimum period of 12 months. When a non-reported or non-investigative SAK is converted to a reported or investigative SAK because the victim reported the sexual assault to law enforcement, the SAK should be submitted to the GBI Crime Lab, as any profile developed could be considered eligible for upload into CODIS.

Requests for medical forensic examination:

With the consent of the patient, forensic medical 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 by contacting the Crisis Hotline 24 hours a day 7 days a week at 229-435-0074.

Costs of the medical forensic examinations:

The cost of examinations shall be paid pursuant to O.C.G.A. § 16-6-1(c), O.C.G.A. § 17-5-72. Patients shall not be responsible for the payment of medical forensic examination costs.

Procedures for hospitals receiving walk in reports of sexual assault:

- 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 The Lily Pad SANE Center of the incident including which law enforcement agency is responding.

Non- Reporting Victim Sexual Assault Protocol

Statements:

This protocol is in effect as of December 15, 2021. This protocol will be updated as needed based on changes in statutes and best practices.

This protocol is implementing several Georgia State Statutes. The Official Code of Georgia (O.C.G.A. 17-5-72) states that “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.”

This law provides a medical forensic examiner to a victim(s) (patient) of sexual assault without reporting to law enforcement.

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.

Procedure:

1. Sexual assault victim/patient, family, or friend contacts the sexual assault center, hospital, or law enforcement to report a sexual assault.
2. Victim/patient is provided a sexual assault victim advocate from the local sexual assault center for support.
3. Victim/patient does not want to report sexual assault to law enforcement but desires to have a sexual assault forensic medical examination completed.
4. Sexual assault center or hospital contacts the sexual assault forensic examiner or other appropriate medical staff (physician, Physician’s Assistant, Nurse Practitioner) to conduct the sexual assault forensic medical exam. It is highly recommended and best practice that the medical staff performing the sexual assault forensic medical exam is a trained as a SANE in doing these specific exams.
5. The National guideline from the International Association of Forensic Nurses (IAFN) recommends collection of forensic evidence within 120 hours/5 days. This time frame may be longer depending on the circumstances of the crime.
6. The sexual assault forensic examiner will conduct an exam to include the completion of a Sexual Assault Medical Evidence Collection Kit (Rape Kit), photographic documentation of any physical findings, and completion of a forensic medical record. (The victim/patient can refuse at any point prior to or during the exam, any portion of the exam.
7. A victim/patient “shall not be required to pay, directly or indirectly, for the cost of a forensic medical examination. The cost of a forensic medical examination shall be paid for by the Criminal Justice Coordinating Council, Crime Victims’ Compensation program.” (O.C.G.A. 17-5-72) <https://cjcc.georgia.gov/victims-compensation>
8. The Sexual Assault Forensic Examiner shall maintain chain of custody of all forensic evidence until all evidence is turned over to the receiving law enforcement agency (unless other arrangements are made based on a community’s protocols or procedures).
9. Law enforcement is responsible for the retrieval and storage of forensic evidence, for not less than 12 months from the date of the forensic medical examination (unless other arrangements are made based on a community’s protocols or procedures).

(O.C.G.A. 17-5-71) Preservation of evidence (a) Except as otherwise provided in subsection of this Code section or Code section 17-5-55 or 17-5-56, on or after May 12, 2008, (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 assault that contains biological material, including, but not limited to stains, fluids, or hair samples that relate to the

identity of the perpetrator of the alleged sexual assault, for not less than 12 months from the date any such physical evidence is collected.

10. A Non-Reporting Consent form must be signed by the victim/patient stating that the forensic medical records, clothing, and forensic evidence will be turned over to the appropriate law enforcement and held for 12 months. (unless other arrangements were made)

11. The sexual assault forensic examiner provides the following information to the non-reporting victim/patient that includes:

- A. "The person performing a forensic medical examination, or her or his 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, O.C.G.A 17-17-1-17-17-16
- 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/facility where the medical forensic examination was conducted

12. The victim/patient is made aware at the time of the exam that the evidence will remain in the storage until either the victim/patient wants to proceed with the case, or 12 months has expired and the evidence may be destroyed. The evidence /kit shall not be sent to the state crime lab without the victim's consent and their prior approval.

13. If a victim/patient decides that she/he would like to report the crime to law enforcement and have their kit sent to the state crime lab, the victim/patient must notify the sexual assault center or law enforcement agency that is storing the kit that she/he would like to report the crime to the law enforcement and have their evidence including the sexual assault forensic evidence collection kit sent to the state crime lab.

It is recommended that the victim/patient be contacted every two to three months regarding the time frame remaining to file a report.

Initial response

The safety and well-being of the victim should be the first concern of the victim service provider. The role of the victim service provider is to:

- With the consent of the victim, help identify and address the immediate concerns of the victims, (e.g., are they in a safe place, are there family and friends whom the victim wishes to be contacted, are medical care or transportation to the hospital needed, is clothing needed to wear home from the hospital);
- Instruct the victim to not destroy evidence by eating, drinking, bathing, urinating, douching , or washing clothes;
- Provide emotional support and crisis intervention to victim and their families;
- Be present during medical forensic examination (at the request of the SANE and/or victim); and
- Help arrange transportation to and from the hospital or medical facility;

For their own safety, and to avoid interfering with the investigation, victim advocates shall not go to the crime scene unless accompanied by law enforcement. Victim advocates are not investigators or attorneys and do not investigate cases or give legal advice. The advocate at no time will ask the victim questions related to the details of the assault. The role of the victim advocate should be explained to the victim. The advocate should determine whether the victim wishes to receive victim services.

Sexual offenders may be predatory and/or serial offenders. As such, any notification of a sexual assault to the advocate should be reported to the appropriate law enforcement agency. While the victim may decide not to pursue a criminal complaint of the incident, it may be important to other ongoing investigations that law enforcement is made aware of the assault.

Basic Services

Rape Crisis Advocates need to achieve an effective balance between advocating for victims and working within the parameters of the criminal justice system. Basic services provided by the Rape Crisis Center to victims, their families and friends may include:

- On-site examination room for use by Sexual Assault Nurse Examiners for collection of evidence;
- A twenty-four hour crisis line;
- Accompanying a victim to a medical facility and providing support throughout the medical examination;
- Provide clothing and hygiene items;
- If a survivor wishes the assistance, an advocate will accompany the survivor for any follow-up medical visits;
- Throughout and after the medical visit, advocates help survivors deal with symptoms of anxiety, fear, depression, loss of control, and decreased assertiveness;
- Advocates may accompany victim during initial police contact at medical facility;
- Victims will be referred to a counseling service.
- Victims will be offered the choice to participate in support groups provided free of charge by the Lily Pad SANE Center
- Advocates provide victims with assistance in understanding reporting options, victims' rights, filing for crime victims' compensation, support throughout the prosecution of the case and accompaniment to court;
- Information and referral to community resources; and
- Staff or volunteers will interact with agencies and individuals on behalf of sexual assault victims in order to achieve a particular goal or results.

The advocate needs the cooperation of many other agencies to provide information and support. Networking and maintaining effective lines of communication with law enforcement, medical, prosecutorial, criminal justice, and other social service organizations are essential.

Sexual Assault Nurse Examiner Response

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 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 finding
- Collection of evidence from 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.

Prosecution Response

A crime is an illegal act or omission for which someone can be punished by the government. A felony crime is a prohibited act, which carries possible punishment of one year or more in the State Penitentiary. Under Georgia law, all felonies are in the jurisdiction of Superior Court and are prosecuted by the District Attorney's Office for the Circuit in which the crime was committed. The District Attorney's Office for the Pataula Judicial Circuit prosecutes cases in the seven counties of Clay, Early, Miller, Quitman, Randolph, Seminole and Terrell.

Most crime victims regard a criminal case as their case and expect the prosecutor to pursue the case according to their wishes. Victims of sexual assault, which can include some of the most violent and traumatic cases handled by prosecutors, are no exception to this general rule. This sometimes results in conflict between the victim and prosecutor as to the appropriate resolution of the criminal case. While the victim is primarily concerned only with their individual case and feelings regarding the case, the prosecutor has taken an oath to uphold the Constitution and laws of the United States and the State of Georgia. The prosecutor represents the interests of the people of the State of Georgia (i.e., society as a whole) not merely the interests of the individual victim.

It is the ultimate legal responsibility of the prosecutor to determine the disposition of any case, including sexual assault crimes. It is the policy of the Pataula District Attorney's Office of the Pataula Judicial Circuit to make such a determination after careful consideration of the feelings and position of the victim, victim's family members and the law enforcement investigator who has had primary responsibility for the investigation. While the majority of cases prosecuted by the District's Attorney's Office for the Pataula Judicial Circuit are resolved with the agreement of the victim, such cannot always be the case. In any event, it is the policy of the District Attorney's Office to explain the reasons for disposition of cases to victims. This is especially important when the disposition is contrary to the victim's wishes. If, after hearing the reasons, a victim is not in agreement with the disposition of the criminal case, he or she always has the option of filing a civil suit against the perpetrator in which the victim will be named party and can direct his or her private attorney as to how to proceed in that action.

Victim Services — Office of District Attorney

In 1995, the Georgia Legislature adopted the Crime Victims' Bill of Rights (O.C.G.A. § 17-17-1). These rights include:

- (1) The right to reasonable, accurate, and timely notice of any scheduled court proceedings or any changes to such proceedings;
- (2) The right to reasonable, accurate, and timely notice of the arrest, release, or escape of the accused;
- (3) The right not to be excluded from any scheduled court proceedings, except as provided in this chapter or as otherwise required by law;
- (4) The right to be heard at any scheduled court proceedings involving the release, plea, or sentencing of the accused;
- (5) The right to file a written objection in any parole proceedings involving the accused;
- (6) The right to confer with the prosecuting attorney in any criminal prosecution related to the victim;
- (7) The right to restitution as provided by law;
- (8) The right to proceedings free from unreasonable delay; and

- (9) The right to be treated fairly and with dignity by all criminal justice agencies involved in the case.

The first requirement for a victim to exercise his or her rights is to be made aware of those rights. The District Attorney's Office of the Pataula Judicial Circuit provides local law enforcement agencies an outline of those rights for distribution to crime victims. This outline is given to the victim by the responding officer and includes the phone number of the District Attorney for further information.

If a member of the District Attorney's Office is not called to the scene, an attempt to contact the victim of a sexual assault will be made within 24 to 48 hours. Incident reports from investigating law enforcement agencies are examined on a daily basis to insure victim notification. Pataula District Attorney's Victim Advocates are on call 24 hours a day, they can be reached @ 229-321-0591.

Upon initial contact, one of the District Attorney's Victim Advocates will attempt to coordinate an immediate face-to-face interview and will advise the victim of his or her rights under O.C.G.A. § 17-17-1 et. seq. If the responding officer did not provide the victim rights outline to the victim, the District Attorney's Victim Advocate will provide that outline, as well as a copy of a brochure explaining the criminal justice process in basic terms.

The District Attorney's Victim Advocate will also explain the availability of victim compensation and will offer assistance with completing the application, as well as contacting the Governor's Criminal Justice Coordinating Council Division of Victim Compensation if needed. The District Attorney's Office appeals adverse decisions of Victim Compensation if the office believes that the denial was made in error. At the initial meeting, as well as subsequent meetings, the District Attorney's Victim Advocate will make reference to support services appropriate to the needs of the victim.

Whenever possible, the District Attorney's Office notifies the victim of any proceeding in which the release of the accused will be considered and offers the victim the opportunity to express his or her opinion on the release of the accused pending judicial disposition. If any accused is released on a pre-trial bond, a bond after conviction, or given a probated sentence, the District Attorney's Office requests of the Court to make "no contact with the victim, directly or indirectly," a condition of the release. The District Attorney's Office further notifies the victim of his or her right to notify the office if the accused violates the condition of release or if anyone else subjects them to threats or intimidation. Upon a victim's written complaint of such and/or other evidence produced, the District Attorney's Office can take action to petition the Court to revoke bond or probation and/or bring criminal charges against such individual.

During any hearing or trial, the District Attorney's Victim Advocate makes all reasonable attempts, consistent with Court facilities, to ensure that the victim waits in an area separate from the accused, his friends, and family.

Prior to disposition of the accuser's case, the prosecutor offers the victim the opportunity to express the victim's opinion on the disposition of the case, including plea or sentence negotiations and participation in pre-trial or post-trial diversion programs. The opportunity is given for both oral opinion and also in the form of a written Victim Impact Statement from the victim.

The District Attorney's Office notifies the victim of all hearing/court dates/post adjudication proceedings, which can affect the custodial status or disposition of the case. This is accomplished by both telephone contact and with written notice when possible. Victims are also notified of appellate/parole decisions and where possible, the prosecutor assists the victim in communicating with both the Department of Corrections (prison system) and Parole Board. The prosecutor's office also assists the victim with enrolling in the 24 hour automated notification system operated by the Department of Corrections to notify the victim of any escapes from custody by the perpetrator.

General Procedures

After a suspect is arrested, the Magistrate Judge forwards a copy of the warrant to the District Attorney. Cases are assigned to a specific prosecutor when the warrant is received. The District Attorney's Office for the Pataula Judicial Circuit primarily utilizes a vertical prosecution case-assignment system. Therefore, the prosecutor initially assigned the case will follow it through until its conclusion in the office. The ultimate assignment of prosecutors to a case is the responsibility of the elected District Attorney who has that legal obligation as part of his official duties.

In every case which appears to be able to be resolved only by trial, as opposed to some other disposition, the prosecutor and advocates make all reasonable efforts to visit the courtroom with the victim when there is no court action taking place in order to acclimate the victim to the courtroom and explain trial procedures in an attempt to raise the comfort level for the victim under admittedly unpleasant circumstances.

Each sexual assault victim is provided the name and phone number of the prosecutor and victim advocates assigned to his or her case, and the staff of the District Attorney's Office is always available to advise and consult with victims, from the date of the incident, until literally decades later when parole issues arise.

Financial Resources

There are a number of costs associated with a sexual assault, in particular the costs of collecting evidence; hospital or health provider fees including fees for the physical examination; lab expenses including the collection of specimens, tests for pregnancy and tests to detect the presence of HIV antibodies; medications to prevent sexually transmitted diseases; follow-up; and treatment for any injuries. In addition there may be costs to the victim of lost wages, and for a family, funeral expenses.

Payment for Forensic Exams

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 Georgia Crime Victims Emergency Fund, as provided for in Chapter 15 of Title 17, shall be responsible for the cost of the medical examination to the extent that expense is incurred for the limited purpose of collecting evidence. (OCGA 16-6-1)

When evidence relating to an allegation of aggravated sodomy is collected in the course of a medical examination of the person who is the victim of the alleged crime, the Georgia Crime Victims Emergency Fund, as provided for in Chapter 15 of Title 17, shall be financially responsible for the cost of the medical examination to the extent that expense is incurred for the limited purpose of collecting evidence (O.C.G.A. § 16-6-2)

Victims' Compensation Fund

For other medical costs associated with the assault such as the pregnancy test, test for HIV, emergency contraception, and treatment for any injuries, reimbursement can be claimed through the Victims' Compensation Fund, and if an application is made and approved payment will be made directly to the hospital or other medical provider, including a Sexual Assault Nurse Examiner. However if a victim is insured or on Medicaid, then those sources should be sought before the Victims' Compensation Fund is used.

Pursuant to (O.C.G.A. § 15-24-2), members of the Pataula Judicial Circuit Sexual Assault Protocol Committee agree to meet annually to review, update and evaluate the Sexual Assault Protocol. The foregoing Pataula Judicial Circuit Sexual Assault Protocol Committee is hereby adopted and remains in effect until such time as said protocol is amended and adopted.

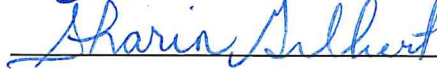
Pataula Judicial Circuit

SIGNATURE

District Attorney, Ronald Victor McNease, Jr.



Victim Witness Coordinator, Sharin Gilbert, Chairman



Lily Pad, Executive Director, Mary Martinez-Allen



Pataula Center for Children, Director, Ginger Weathersby



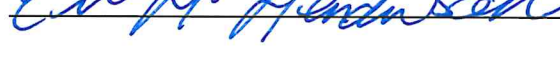
Mental Health/ASPIRE, CEO, Dana Glass



Seminole County Magistrate, Michael Rogerson



Erica Henderson, Local Citizen




CLAY COUNTY

SIGNATURE

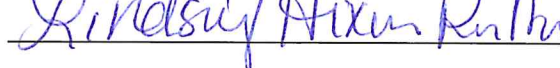
Clay County, Sheriff, Locke Shivers



Fort Gaines Police, Chief, Sam Starling



Clay County Health Department, Lindsey Hixon



EARLY COUNTY

SIGNATURE

Early County, Sheriff, W.C. Price



Blakely Police, Chief, Will Caudill



Early County Health Department, Victoria Bowen





MILLER COUNTY

SIGNATURE

Miller County, Sheriff, Richard Morgan



Colquitt Police, Chief, Tyrone Burns



Miller County Health Department, Renae Hester



QUITMAN COUNTY

Quitman County, Sheriff, Charles Davis

Quitman County Health Department, Lindsey Hixon

SIGNATURE

Charles Davis
Lindsey Hixon

RANDOLPH COUNTY

Randolph County, Sheriff, Eddie Fairbanks

Assist Anthony L. Scott
Cuthbert Police, Chief, ~~Kevin Flowers~~

Randolph County Health Department, Lindsey Hixon

SIGNATURE

Eddie Fairbanks
Anthony L. Scott
Lindsey Hixon

SEMINOLE COUNTY

Seminole County, Sheriff, Heath Elliott

Donalsonville Police, Chief, Woodrow W. Blue, Jr.

Seminole County, Health Department, Penny Horne

SIGNATURE

Heath Elliott
Woodrow W. Blue, Jr.
Penny Horne RN

TERRELL COUNTY

Terrell County, Sheriff, John Bowen

Dawson Police, Chief, Willie F. Thornton

Terrell County Health Department, Sue Ewings

SIGNATURE

John W. Bowen
Willie F. Thornton
Sue Ewings

Pursuant to (O.C.G.A. § 15-24-2), members of the Pataula Judicial Circuit Sexual Assault Protocol Committee agree to meet annually to review, update and evaluate the Sexual Assault Protocol. The foregoing Pataula Judicial Circuit Sexual Assault Protocol Committee is hereby adopted and remains in effect until such time as said protocol is amended and adopted.

Pataula Judicial Circuit

SIGNATURE

District Attorney, Ronald Victor McNease, Jr.

Victim Witness Coordinator, Sharin Gilbert, Chairman

Lily Pad, Executive Director, Mary Martinez

Pataula Center for Children, Director, Ginger Weathersby

Mental Health/ASPIRE, CEO, Dana Glass

Seminole County Magistrate, Michael Rogerson

Erica Henderson, Local Citizen

Mary Martinez

Dana P. Glass

CLAY COUNTY

SIGNATURE

Clay County, Sheriff, Locke Shivers

Fort Gaines Police, Chief, Sam Starling

Clay County Health Department, Lindsey Hixon

EARLY COUNTY

SIGNATURE

Early County, Sheriff, W.C. Price

Blakely Police, Chief, Will Caudill

Early County Health Department, Victoria Bowen

MILLER COUNTY

SIGNATURE

Miller County, Sheriff, Richard Morgan

Colquitt Police, Chief, Tyrone Burns

Miller County Health Department, Renae Hester