



**IN THE SUPERIOR COURTS OF THE  
ATLANTIC JUDICIAL CIRCUIT  
STATE OF GEORGIA**

**RE: CIRCUITWIDE SEXUAL ASSAULT PROTOCOL**

**ORDER**

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

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

**WHEREAS**, the Committee has met on May 29, 2024, and discussed the Protocol, which was approved by a majority vote and which is attached hereto, as the Protocol for cases of sexual assault in the Atlantic Judicial Circuit, First District of the State of Georgia.

**NOW THEREFORE IT IS HEREBY ORDERED**, this document is accepted by the Court as the Protocol to be used in responding to, investigating and prosecuting cases arising from an alleged sexual assault and shall be spread upon the minutes and filed with the Clerks of the Superior Courts of the Atlantic Judicial Circuit.

**SO ORDERED**, this 29 day of May, 2024.

A handwritten signature in blue ink, appearing to read "Robert L. Russell, III".

**Robert L. Russell, III**  
Chief Judge, Superior Courts of Georgia  
Atlantic Judicial Circuit

## **SEXUAL ASSAULT PROTOCOL**

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

### **MISSION STATEMENT**

The mission of the Protocol is to provide a compassionate and comprehensive response to survivors of sexual assault by ensuring their safety, dignity, and access to support services. We are committed to fostering a culture of empowerment, respect, and accountability within our community. Through collaboration with law enforcement, healthcare professionals, advocacy groups, and other stakeholders, we strive to enhance prevention efforts, improve survivor-centered care, and promote justice for all those affected by sexual violence. Our goal is to create a supportive and survivor-centered environment that empowers individuals to heal, seek justice, and rebuild their lives.

### **REFERENCE TO VICTIM WITHIN PROTOCOL**

For purposes of this Protocol, the term *victim* shall refer to victims aged 18 and older. Every sexual assault case involving victims under 18 shall refer to the Georgia Model Child Abuse Protocol in identifying appropriate services and resources.

### **ADVOCACY**

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

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

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

victims are more likely to continue through the process. Advocates will operate under the guidelines established by the *Georgia Crime Victims' Bill of Rights*, as codified in O.C.G.A. § 17-17-1, and will adhere to best practices as outlined in the *Georgia Sexual Assault Response Team Guide* and the *Georgia Sexual Assault Certification Standards*.

Responsibilities of the sexual assault victim advocate include:

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

Victims may also work with systems-based victim advocates if the case progresses through the criminal justice system to the point of prosecution.

Responsibilities of the systems-based victim advocate include:

- Providing information and referral to counseling and area resources, such as the nearest Sexual Assault or Rape Crisis Center
- Providing crisis intervention, criminal justice information and support, courtroom assistance and court preparation and orientation, as appropriate
- Coordinating the above services for the victim, family members and friends
- Providing assistance in filing crime victims' compensation, facilitating the return of victim property used as evidence, obtaining restitution for economic loss and facilitating travel arrangements and/or reimbursement for out of town witnesses and victims, as appropriate
- Upon request of the victim, providing notification to friends, relatives and employers to prevent loss of pay or other benefits because of the crime, communicating with or participation in the criminal justice center, as well as providing notice of court dates and status of release of defendants from custody
- Assisting victims in filing victim impact statements, affording survivors the opportunity to tell the court, in writing, the impact of the crime
- Ensuring victims have reasonable notification of upcoming hearing and/or trial dates
- Ensuring victims meet with the Assistant District Attorney, as needed and prior to hearings and/or trial

## **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
- Maintenance of chain of custody
- Timely submitting sexual assault evidence collection 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 the guidelines established by the *Georgia Crime Victims' Bill of Rights*, as codified in O.C.G.A. § 17-17-1, and adhere to best practices as outlined in the *Georgia Sexual Assault Response Team Guide*.

## **REQUESTS FOR MEDICAL FORENSIC EXAMINATION**

With the consent of the patient, medical forensic examinations can be performed at the request of: (1) a law enforcement agency; (2) the District Attorney's Office; (3) the medical examiner or coroner's office; (4) a hospital; (5) pursuant to a court order; or (6) at the patient's request pursuant to O.C.G.A. § 17-5-72.

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

If patient presents without law enforcement accompaniment:

- Call 911 for appropriate law enforcement jurisdictional response
- Law enforcement shall respond and notify the nearest available Sexual Assault or Rape Crisis Center (collectively referred to as “Center”) advocate as needed
- Center advocate shall notify a Sexual Assault Nurse Examiner (“SANE”) for exam as needed

If patient is brought by law enforcement:

- Be sure the nearest available Center has been contacted as needed
- The Center shall notify SANE to respond

If patient is seriously injured:

- Patient will be treated by ER physician immediately with care taken to preserve any evidence on the patient’s body and clothing

For patients not seriously injured:

- Patient should be taken to a private, quiet room, if possible
- Law enforcement will conduct an initial interview with the Center advocate present whenever possible
- A minimum of information will be taken for registration. Patient/victim must file the initial bill with insurance, if available, and then can seek victim compensation. The SANE may assist the patient/victim with filing for victim compensation but will not be responsible for such filing. The SANE will be responsible for submitting documentation regarding the actual forensic medical exam.
- If a SANE does not have privileges to conduct an examination in a hospital, the patient/victim will have to be medically cleared and brought to an available Center for the forensic medical examination
- SANE will have access to appropriate medications for STD and pregnancy prevention
- If patient clothing is unavailable, the Center advocate will provide appropriate clothing and arrange transportation as needed

If no SANE is available, and the patient cannot be medically cleared for discharge, the forensic medical exam may be conducted by a physician, nurse practitioner or physician’s assistant (“PA”) trained in performing such exams.

## **MEDICAL FORENSIC EXAMINATION PROCEDURES**

The role of medical forensic personnel is to provide a timely, high-quality medical forensic examination that can potentially validate and address sexual assault patients’ concerns, minimize the trauma they may experience, and promote their healing. At the same time, it can increase the

likelihood that evidence collected will aid in criminal case investigation, resulting in perpetrators being held accountable and further sexual violence prevented.

Medical forensic examinations shall be performed at a hospital located within the Circuit or at a Center such as: (1) Mary's Place Sexual Assault Center of the Coastal Empire located in Savannah, GA; (2) the Statesboro Regional Sexual Assault Center/The Teal House located in Statesboro, GA; (3) the Refuge Domestic Violence Shelter and Sexual Assault Center located in Vidalia, GA; or (4) the Safe Harbor Center located in Jesup and Brunswick, GA. Medical forensic exams should be made available if patient chooses to report, chooses not to report, or chooses to report anonymously.

Medical forensic examinations shall be performed by a SANE, physician, nurse practitioner or PA trained in performing such exams.

Medical forensic responsibilities include:

- Obtaining informed consent from the patient for the medical forensic examination, documentation, photography and evidence collection
- Gathering the medical forensic history
- Conducting a physical examination
- Coordinating treatment of injuries
- Documentation of biologic and physical findings
- Collection of evidence from the patient, including, but not limited to, biological samples as deemed necessary
- 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, including consultation with law enforcement and the District Attorney's Office for case preparation

## **BIOLOGIC EVIDENCE COLLECTION**

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

All biologic evidence will be collected up to a minimum of 120 hours after assault. In addition, cases should be evaluated on an individual basis as the medical forensic examination may be completed beyond 120 hours.

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

Pursuant to O.C.G.A. § 35-1-2, it shall be the duty of every law enforcement officer who takes possession of the evidence collected during a sexual assault forensic medical examination to ensure that such evidence is submitted to the division within 30 days of it being collected.

Urine collected for analysis can be collected up to 120 hours and may be submitted to the Georgia Bureau of Investigations Crime Lab, the Federal Bureau of Investigations Crime Lab or other private lab for toxicology drug screen.

All biologic evidence collected at the request of a patient who chooses not to initiate and participate in and/or cooperate with a law enforcement investigation shall be provided to the investigative agency for storage indefinitely according to such agency's standard operating procedure.

Pursuant to OCGA § 17-5-74, all law enforcement agencies, collection sites and other entities having custody of sexual assault kits shall register for and utilize the statewide Sexual Assault Kit Tracking System ("SAKTS") no later than July 1, 2022.

- Medical personnel conducting forensic medical exams shall access SAKTS to acknowledge receipt and collection of all reported and non-reported sexual assault kits. The agency or hospital that conducts the forensic medical exam shall provide to the victim a Survivor Access Card with the kit number, the tracking system website, and a PIN, prior to the victim leaving the facility. For reported cases, medical personnel shall use the tracking system to notify law enforcement that the kit is ready for pick-up. If the collection site/agency is a sexual assault center that has a memorandum of understanding ("MOU") with local law enforcement to hold non-reported kits, center personnel shall utilize SAKTS to indicate any non-reported case that is being held onsite at their agency.
- Law enforcement shall access SAKTS to acknowledge receipt of all sexual assault kits and to provide notification to the GBI crime lab in the tracking system of any reported case when their agency submits the physical kit for forensic analysis. Law enforcement shall also utilize SAKTS to indicate the receipt and retention of any non-reported case that is being held onsite at their agency, and to indicate receipt of reported cases they have received back from the crime lab after forensic analysis.

## **COSTS OF THE MEDICAL FORENSIC EXAMINATIONS**

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

## **CONDUCT OF THE MEDICAL FORENSIC EXAMINATION**

A SANE, physician, nurse practitioner or PA will perform the examination and assessment. Medical forensic examinations and biologic evidence collection should be completed as quickly as possible after a report is received.

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

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

The SANE, physician, nurse practitioner or PA will: (1) complete appropriate authorizations relating to the examination; (2) photograph and document injuries and prepare a report; (3) maintain and document the chain of custody of any evidence collected during the examination and assessment; and (4) adhere to best practices as outlined in the *Georgia Sexual Assault Response Team Guide*.

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

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

## **PROSECUTION**

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



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

If a victim attends any court proceeding, a victim advocate from the District Attorney's Office will accompany the victim.

Prosecutors and prosecution-based advocates will adhere to best practices as outlined in the current version of the *Georgia Sexual Assault Response Team Guide*.


## **CONCLUSION**

The Atlantic Judicial Circuit Sexual Assault Protocol Committee shall continue in existence and shall meet at least annually for the purpose of evaluating the effectiveness of the Protocol to determine whether any modification or update is needed. Further, the Atlantic Judicial Circuit Sexual Assault Protocol Committee shall submit a certification of annual compliance to the Criminal Justice Coordinating Council by December 31<sup>st</sup> of each year and shall submit the updated protocol electronically each year to [svrga@cjcc.ga.gov](mailto:svrga@cjcc.ga.gov).

The foregoing Protocol is hereby adopted and replaces any previously adopted protocol and shall remain in effect until such time as said Protocol is thereafter amended and adopted by the Atlantic Judicial Circuit Sexual Assault Protocol Committee.

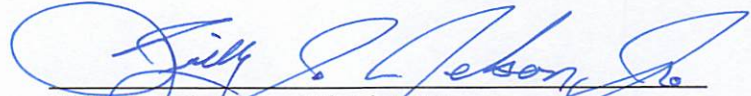
This 29th day of May, 2024.

**APPROVED BY (CIRCUITWIDE STATUTORY MEMBERS):**



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Doris Williams  
Chairperson, AJC Sexual Assault Committee  
Rape Crisis Center Representative  
Pursuant to O.C.G.A. § 15-24-2(c)(2)(B)



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Billy J. Nelson, Jr., District Attorney  
District Attorney's Office, Atlantic Judicial Circuit  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(B)



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Samantha Ashdown  
Local Citizen, Atlantic Judicial Circuit  
Pursuant to O.C.G.A. § 15-24-2(c)(2)(A)

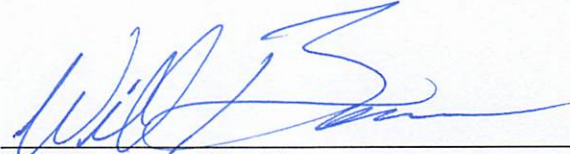


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Kathy Wilkerson  
Sexual Assault Nurse Examiner  
Pursuant to O.C.G.A. § 15-24-2(c)(2)(C)

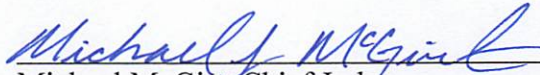
This 29th day of May, 2024.

**APPROVED BY (LIBERTY COUNTY STATUTORY MEMBERS):**



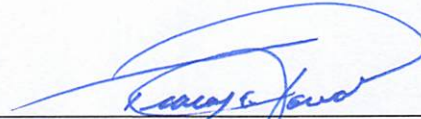
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Will Bowman, Sheriff  
Liberty County Sheriff's Office  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(A)



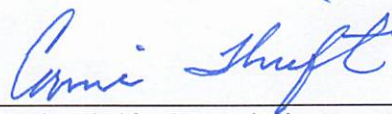
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Michael McGirt, Chief Judge  
Liberty County Magistrate Court  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(C)



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Tracey Howard, Chief  
Hinesville Police Department  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(E)

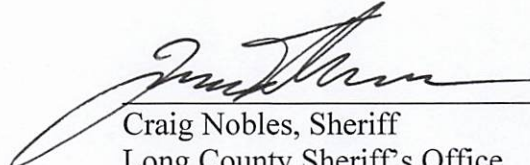


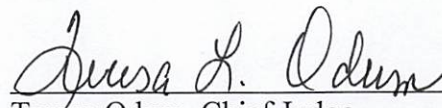
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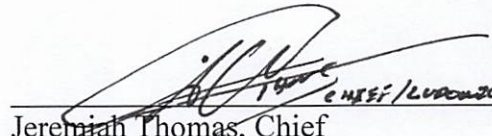
Connie Thrift, Commissioner  
Liberty County Board of Health  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(F)


This 29th day of May, 2024.

**APPROVED BY (LONG COUNTY STATUTORY MEMBERS):**

  
\_\_\_\_\_ *With Express W/ permission*  
Craig Nobles, Sheriff  
Long County Sheriff's Office  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(A)

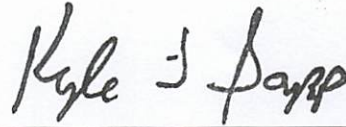
  
\_\_\_\_\_ *Teresa Odum*  
Teresa Odum, Chief Judge  
Long County Magistrate Court  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(C)

  
\_\_\_\_\_ *Jeremiah Thomas*  
Jeremiah Thomas, Chief  
Ludowici Police Department  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(E)

  
\_\_\_\_\_ *Robert Parker*  
Robert Parker, Commissioner  
Long County Board of Health  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(F)

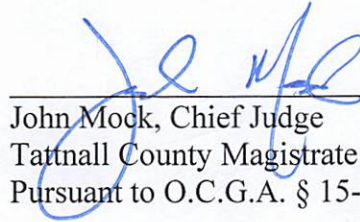
This 29th day of May, 2024.

**APPROVED BY (TATTNALL COUNTY STATUTORY MEMBERS):**



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Kyle Sapp, Sheriff  
Tattnall County Sheriff's Office  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(A)



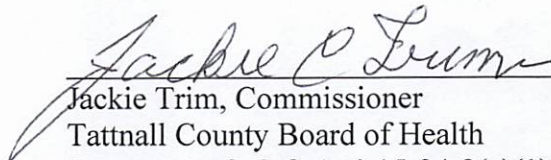
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John Mock, Chief Judge  
Tattnall County Magistrate Court  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(C)



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Wes Kicklighter, Chief  
Glennville Police Department  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(E)

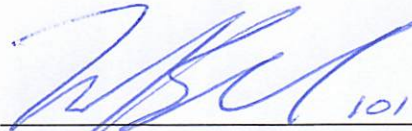


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Jackie Trim, Commissioner  
Tattnall County Board of Health  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(F)

This 29th day of May, 2024.

**APPROVED BY (EVANS COUNTY STATUTORY MEMBERS):**



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Mac Edwards, Sheriff  
Evans County Sheriff's Office  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(A)



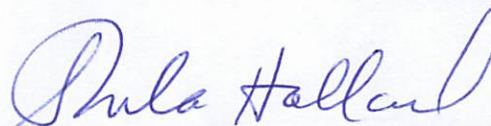
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Genie Miller, Chief Judge  
Evans County Magistrate Court  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(C)



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Dale Kirkland, Chief  
Claxton Police Department  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(E)



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Sheila Holland, Commissioner  
Evans County Board of Health  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(F)

This 29th day of May, 2024.

**APPROVED BY (BRYAN COUNTY STATUTORY MEMBERS):**

*w/express post*  
Mark Crowe, Sheriff

Mark Crowe, Sheriff  
Bryan County Sheriff's Office  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(A)

Carolyn Shervette - Metzger

Carolyn Shervette, Chief Judge  
Bryan County Magistrate Court  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(C)

Mitch Shores

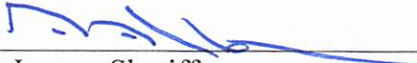
Mitch Shores, Chief  
Richmond Hill Police Department  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(E)


Carter Infinger

Carter Infinger, Commissioner  
Bryan County Board of Health  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(F)

This 29th day of May, 2024.

**APPROVED BY (MCINTOSH COUNTY STATUTORY MEMBERS):**

  
\_\_\_\_\_  
Steve Jessup, Sheriff  
McIntosh County Sheriff's Office  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(A)

  
\_\_\_\_\_  
Harold Webster, Chief Judge  
McIntosh County Magistrate Court  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(C)

  
\_\_\_\_\_  
Kate Karwacki, Commissioner  
McIntosh County Board of Health  
Pursuant to O.C.G.A. § 15-24-2(c)(1)(F)