

Bartow County Sexual Assault Response Team (SART) Protocol: 2023

Each county in Georgia is required to establish a Sexual Assault Response Protocol pursuant to Chapter 24 of Title 15 of the Official Code of Georgia. As outlined in O.C.G.A. Section 15-24" 2(e), "[t]he purpose of this Protocol is 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, preclude the admissibility of evidence, nor shall a failure by an agency to follow the protocol give rise to a civil cause of action."

More specifically, the Bartow County Sexual Assault Response Protocol (SART) has been drafted for the following reasons:

- A. To establish guidelines for an effective law enforcement response to reports of sexual assault within Bartow County.
- B. To enhance the response to sexual assault in Bartow County by:
 - 1. Protecting the victims of sexual assault.
 - 2. Investigating and building strong criminal cases against sexual assault suspects.
 - 3. Supporting and empowering victims of sexual assault through effective collaboration between law enforcement, courts, prosecutors, social services, victim advocates, medical personnel and victims themselves.
 - 4. Encouraging the cooperation and coordination of law enforcement agencies with the courts, prosecutors, social services, victim advocates and medical personnel.
- C. To facilitate the provision of consistent, comprehensive, sensitive, and non-judgmental treatment to victims of sexual assault as they progress through the health and criminal justice systems.
- D. To standardize the collection of evidence in order to aid in the prosecution of cases. Based on this, the undersigned agencies do hereby enter into this Memorandum of Understanding for the purpose of providing collaborative and comprehensive services in Bartow county for victims of sexual assault.

The Bartow County SART will adhere to protocols and policies detailed in HB-255, also known as the Sexual Assault Reform Act of 2021.

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. For reported cases, Sexual Assault Center 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.

In the event of an unexpected catastrophic event, pandemic, or natural disaster the protocol committee will follow all procedures set forth by the State and local government as well as the Center for Disease Control. The agencies that make up the Protocol committee will continue to provide services as outlined in the Protocol as closely as is possible. The committee will utilize Zoom or Web-ex to conduct meetings when it is unsafe to do so in person.

Part One: Law Enforcement & Judiciary

I. The Investigation

A. The Investigation (Initial Contact)

The first contact the victim has with law enforcement is a crucial point in maintaining the safety and mental well-being of the victim. The responding officer should always keep in mind that the victim has suffered from not only physical trauma but emotional and psychological trauma as well. Victims often suffer from embarrassment and humiliation at having to tell someone what has happened to them. The responding officer(s) should understand that victims do not always act the same and may exhibit behaviors one would not associate with a victim of such a personal crime (i.e. laughing, smiling, etc.). These behaviors should not lead an officer to treat a victim of sexual assault as if he or she does not believe the victim. Listed below are guidelines to be considered in the investigation:

- Follow agency guidelines and protocols on response to the scene, preservation of the scene and any evidence, and on securing possible suspects and making the scene secure. If initial response is to a medical facility, the responding officer should attempt to determine where the actual crime scene is located to ensure an officer can maintain that scene.
- If the victim is in need of emergency medical care, this should be addressed Immediately.

- Care should be taken to ensure the victim does not inadvertently compromise evidence by changing clothes (if the assault has just occurred or if the victim has not changed clothes since the assault), using the restroom, consuming any food or liquids, smoking, bathing, or combing hair.
- Follow agency guidelines and protocols in reference to having the appropriate law enforcement personnel on the scene to begin the investigation.
- If the victim is under eighteen (18) years of age, reference to the Bartow County Child Abuse Protocol may be appropriate.

B. The Investigation (The Victim)

The investigative process should be as thorough as possible. Every case is different and may require a different approach; however, the basic needs for the prosecution of a sexual assault case remain the same. In essence, the victim and the victim's body are crime scenes. The investigation will require processing of the victim as well as that of the incident location. Listed below are guidelines to be considered in the investigation:

- An interview should be conducted as soon as possible to determine the jurisdiction of the incident, the extent of the crime, and the possibility of any evidence being present.
- The victim should not be questioned multiple times by different officers or individuals as this just places more pressure and trauma on the victim at having to retell the events multiple times of how he or she was violated.
- With the victim's consent, the investigator should coordinate with medical personnel to set up a time and place for a medical examination if it is necessary.
- Ensure the victim has transportation to and from the facility being utilized for the medical examination.
- If a medical examination is performed, agency guidelines and protocols should be followed in the preservation of any evidence obtained during the examination. If medical personnel do not have it on hand, present them with the Georgia Bureau of Investigation Rape Kit. If necessary, photographs should be taken of any injury to the victim that is discovered during the medical examination.
- The time frame between the assault and the involvement of law enforcement can determine what evidence is available to be collected from the victim at this time, such as clothing. If pertinent, the clothing being worn by the victim should be collected and preserved by following agency guidelines and protocols.
- If any external visible injuries are present, photographs should be taken.
- If it has been within five (5) days since the assault, immediately make a referral for a forensic exam.
- A referral should be made to an appropriate victim services provider.

C. The Investigation (The Scene)

The approach at the crime scene of the sexual assault is crucial to the investigative process. Agency guidelines and protocols should be followed in the preservation of the

scene. The scene should be protected and secure until it can be fully processed. All physical evidence should be secured. Physical evidence includes but is not limited to fingerprints, trace evidence, clothing, bedding, etc.

D. The Investigation (Collection of Evidence)

The SANE, physician, nurse practitioner or PA will collect biologic samples at the request of a patient, in accordance with currently accepted protocol (defined as the National Protocol for Sexual Assault Medical Forensic Examinations 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 biological 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.

Pursuant to SB 304/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.

II. Prosecution

A. District Attorney's Office

The mission of the Office of the District Attorney of the Cherokee Judicial Circuit is to strengthen public safety and welfare and to create a sense of security in our communities through the vigorous enforcement of the law in a just, efficient and ethical manner.

The primary concern of the District Attorney's Office in sexual assault cases is the prosecution of the alleged perpetrator and the rights of the victim throughout the criminal process.

The District Attorney's Office shall assign cases in a timely manner to the appropriate ADA to determine whether or not sufficient evidence exists to seek an indictment against the accused and proceed in the prosecution of the case.

The role of the District Attorney's office is to adhere to the Crime Victims' Bill of Rights while seeking to prosecute an alleged offender in a manner consistent with Rule 3.8 of the Georgia Rules of Professional Conduct. Prosecutors should work in a collaborative fashion with law enforcement, medical forensic and victim advocates.

Prosecutors will operate under the guidelines established by The Georgia Crime Victims' Bill of Rights (O.C.G.A. § 17-17-1 to 17-17-16) that state, for example, that victims have the right,

- To be treated fairly and with dignity by all criminal justice agencies involved in the case
- To proceedings free from unreasonable delay
- To reasonable, accurate and timely notice of a court proceeding where the release of the accused will be considered
- To reasonable, accurate and timely notice of 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 trial or plea of the accused (O.C.G.A. § 17-10-11)
- To refuse to submit to an interview by the accused, accused's attorney or agent of the accused.
- To a requirement by the court that defense counsel not disclose victim information to the accused (O.C.G.A. § 17-17-10) If a victim attends any court proceeding, a victim advocate from the Bartow County Victim Witness Assistance Program will accompany the victim.

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

The Victim Witness Assistance Program will offer services, support, and information for the victim throughout the criminal justice process. Those services include but are not limited to information and explanation regarding criminal proceedings, accompaniment to court, a safe and private area while waiting to testify, emotional support, referrals to counselors and other agencies. Assistance is also provided to the victim in applying for restitution.

B. Magistrate Court

The Magistrates of each county normally handle First Appearance, Bond, and Preliminary Hearings, as well as the signing of arrest and search warrants. With this in mind, Magistrates should consider the following guidelines:

- Verify that the victim has been notified of the date and time of the first appearance or bond hearing of the accused, and if the victim is present, that he or she is given the opportunity to speak at the hearing. However, consistent with the goal of reducing the number of examinations the victim is exposed to, testimony of the victim should be avoided at probable cause hearings, as long as it is consistent with legal and constitutional principles.
- Where appropriate, set a conditional bond preventing any and all contact with the victim by the accused as well as any other conditions to protect the safety of the victim.

Part Two: Forensic Medical Care

With the consent of the patient, medical forensic examinations can be performed at the request of (1) a law enforcement agency, (2) the District Attorney's Office, (3) the medical examiner or coroner's office, (4) a hospital, (5) pursuant to a court order, or at the patient's request pursuant to O.C.G.A. 17-572.

I. Hospital

- 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.
- Should the victim initially report to the Emergency Department (ER), staff will report to 911 and SACNWGA upon arrival.
- Victim will then be screened by a Sexual Assault Victim Advocate prior to triage and, if applicable, the Sexual Assault Nurse Examiner (SANE) being notified.
- If SANE is not available, a Forensic Medical Exam (FME) may be performed by a Physician, PA or FNP or schedule an exam with a SANE at the earliest time possible.
- If SANE is available, a stable victim will be discharged from ER and sent to Sexual Assault Center (SAC) for a FME if assault occurred in five (5) days or less. If the assault occurred more than five (5) days prior to disclosure, a FME will be scheduled based on the preference of the victim.
- If the victim has been admitted as inpatient, the SANE and advocate will be requested to come to the hospital to conduct FME.
- If the victim is intoxicated, under the influence of altering substances, mentally/emotionally unstable, or potentially violent, the FME will be scheduled at a later time when the victim is stable/stabilized and able to legally consent to an examination.
- All victims, regardless if cooperating with law enforcement, should be referred for free services at the Sexual Assault Center which include forensic medical services, STD prophylactic treatment, advocacy and support, counseling, and crisis services.

II. Sexual Assault Center (SAC)

- Should the victim initially report to the SAC, the SAC staff will report to law enforcement and other investigative agencies as needed and/or requested by law.
- Advocacy services are available 24/7.
- SAC provides a private and comfortable service environment.
- SAC provides services to victims regardless of gender or age.
- All services are provided to the victim free of charge.
- Forensic Medical Exams (FME) will be provided by a sexual assault nurse examiner (SANE). A SANE is a registered nurse specially trained to provide the forensic/medical examination and evaluation of sexual trauma while maximizing the collection of biological, trace, and physical evidence and minimizing the patient's emotional trauma.
- The Sexual Assault exam includes forensic evidence collection, medical assessment, STD evaluation and preventative care, pregnancy risk evaluation and prevention, crisis intervention and care of injuries.
- Medical services provided by SAC include FME using GBI approved kit, drug facilitated kits, collection of evidence such as clothing, urinalysis, pregnancy testing, emergency contraception prevention, STD prophylaxis.
- The SAC will provide a victim advocate for medical accompaniment as well as offer on-going victim advocacy services to the victim.
- Referrals will be made for follow up care including STD testing, counseling, mental health services and any other community services.
- SANE will provide written and photographic documentation of the exam.
- Referral for emergency medical services, if needed, for unstable vital signs, altered consciousness, vaginal bleeding or history of strangulation.
- SANE and SAC staff agree to maintain chain of custody for all evidence.
- MD medical director available for consultation or orders 24/7.
- If an assault occurred less than five (5) days prior to disclosure, and the survivor would like an exam, the FME should be conducted as soon as possible. The SAC advocate must discuss options, assess clients' ability and desire to consent to a FME before dispatching the SANE. SANE will respond within 60 minutes after being contacted by the SAC advocate.
- If an assault occurred more than five (5) days from the time of disclosure, FME will be scheduled based on the availability/schedule of the victim and SANE.
- If patient is in the hospital and unable to be discharged, the advocate and SANE will go to the hospital to conduct FME.
- The evidence of victims not reporting at time of FME will be kept secured at SAC for the length of one year.
- At the end of one year evidence will be disposed of at victim's approval.
- SAC services are free of charge and available to victims of sexual assault, regardless of law enforcement involvement.
- SANE will provide expert testimony as requested for legal proceedings.

Part Three: Crisis Intervention & Advocacy

A. Advocacy

The role of the sexual assault victim advocate is to provide services to the victims of sexual assault regardless of whether 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 victims are more likely to continue through the process.

Advocates are uniquely positioned to accompany victims through the health care, social service, and criminal justice systems in ways that are culturally and linguistically appropriate. Advocates support victims through this process by listening, believing, empowering, serving as a buffer, interrupting victim-blaming, and honoring the choices that victims make.

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 affecting the victim's participation in the criminal justice process

Victim advocates play a critical and unique role in the response to sexual assaults.

- They listen and empathize with the victim's feelings
- Reduce the isolation of the experience
- Inform, explain and support
- Ensure that the victim's needs are met to the fullest extent possible
- Explain the roles of the members of the SART
- Empower the victim with accurate knowledge about the criminal justice system
- Prepare the victim for what they might expect; and • provide referrals for immediate and ongoing services.

B. Crisis Intervention

The undersigned crisis intervention agencies agree to provide the following services in the course of providing advocacy and crisis care to victims of sexual violence:

- In instances of a victim of sexual violence reporting initially to a crisis intervention agency; when appropriate, that agency will refer to a law enforcement agency and/or medical facility.
- In instances of mandated reporting, direct and timely reports shall be filed with the appropriate agency (e.g.: child sexual assault to law enforcement or Division of Family and Children Services, suicidal or homicidal threats to local law enforcement and/or emergency personnel):
- When a victim of sexual assault comes in contact with an advocate, the advocate shall ensure that the victim is routed to the appropriate services within 24 hours.
- The responding agency should make every effort to obtain a release of info from the victim which would help ensure collaboration with all agencies.
- Agencies shall make appropriate referrals for counseling and/or mental health services including immediate mental health evaluation when deemed suitable and provide information and referrals to community resources,
- Advocates will operate under the guidelines established by The Georgia Crime Victims' Bill of Rights (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.

C. LOCAL SART COORDINATED RESPONSE

All members of the Bartow County Sexual Assault Response Team will adhere to best practices as outlined in the Georgia Sexual Assault Response Team Guide. Members of the Bartow County SART agree to meet quarterly for case review, discussion and evaluation to assure the coordination and cooperation between all agencies responding to sexual assault cases in the Bartow County Judicial Circuit.

D. TRAUMA-INFORMED RESPONSE

Sexual assault is a traumatic crime that can cause harm to a victim's emotional, spiritual, physical, and psychological well-being. Victims of a sexual assault often experience re-traumatization because of the sometimes insensitive and inadequate responses given by those who work on their behalf. As a victim advocate, it is important to recognize and understand the impact of trauma on victims of sexual assault. This understanding begins with the way a victim is greeted on the telephone, and includes the comprehensiveness of care provided, the safety and comfort of offices and meeting spaces, and the attitudes of advocates toward victims.

A trauma-informed response to advocacy emphasizes creating Victim Witness Assistance Program (VWAP) Advocates who provide court notification services to victims and court accompaniment as well as an array of additional services and assistance as pertains to the criminal justice system. The goal is to create services

and programs that are sensitive and directly responsive to the trauma that many victims experience after a violent crime.

The goal of this approach is to support the healing of victims while avoiding triggers that lead to additional stress. It is designed to reduce trauma and to support resiliency in a way that incorporates culturally specific experiences of trauma and provides culturally relevant services. These services are not specifically designed to treat symptoms or certain syndromes related to sexual violence, but instead provide safe spaces for healing based on the principles of respect, dignity, empowerment, and hope.

[Signatures on following pages]



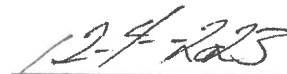
Samir Patel, District Attorney
Bartow County District Attorney's Office

12/4/2023

Date



Frank McCann, Chief
Cartersville Police Department



Date



Chief Jody Matthews

Jody Matthews, Chief
Euharlee Police Department

10/11/2023
Date



Clark Millsap, Sheriff
Bartow County Sheriff's Office



Date

Amanda Tant

Amanda Tant, Vice President
Bartow Advocates for Children

12/07/23

Date

Kyle Teems

Kyle Teems, Chief
Emerson Police Department

10/17/2023

Date

Chief Mike Jones
Chief Mike Jones (Dec 7, 2023 12:00 EST)

Mike Jones, Chief
Adairsville Police Department

12/05/2023

Date



Jason Smith, Chief
White Police Department

12-4-23

Date

DUPLICATE TO PAGE 12

Frank McCann, Chief
Cartersville Police Department

Date

T.J. Sosebee

TJ Sosebee, Chief
Kingston Police Department

October 12, 2023

Date

Lauren Evans
Lauren Evans (Dec 18, 2023 10:36 EST)

Lauren Evans, Director
Bartow County Victim Witness Assistance Program

18/12/2023

Date

Teresa Millsaps

Teresa Millsaps, Executive Director
Tranquility House

12/8/2023

Date

Cynthia Carter

Cyndi Carter

Bartow County Department of Public Health

12/4/2023

Date



Kimberly King, Executive Director
The Sexual Assault Center of Northwest Georgia, Inc.

12/04/2023

Date