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DEC 14, 2023 11:21 AM



Connie Taylor, Clerk of Superior Court  
Cobb County, Georgia

IN THE SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA

IN RE )  
SEXUAL ASSAULT PROTOCOL ) CIVIL ACTION FILE NO: 23-1-0005

**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 Committee and a Sexual Assault Protocol; and

WHEREAS, the undersigned re-established a Sexual Assault Protocol Committee (hereinafter referred to as "Committee") by Order pursuant to O.C.G.A § 15-24-2, filed separately and incorporated by reference thereto; and

WHEREAS, a revised written Sexual Assault Protocol for the Cobb County Judicial Circuit was adopted by the Committee and is attached hereto as Exhibit A; and

WHEREAS, pursuant to O.C.G.A. §15-24-2(d) the revised written sexual assault protocol was furnished to each agency in this circuit that handles cases of sexual assault.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Sexual Assault Protocol attached as Exhibit A is adopted by this Court to be used in responding to, investigating and prosecuting cases arising from an alleged sexual assault.

SO ORDERED, this 14<sup>th</sup> day of December, 2023.



A. Gregory Poole, Chief Judge  
Cobb County Judicial Circuit

# Cobb County

## Sexual Assault Response

### Protocol

2023 SART Protocol Committee Members:

Lynn Crosby, LiveSafe Resources

Kailey Austin, LiveSafe Resources

John Pursley, Cobb District Attorney's Office

Rachel Plevak, Cobb District Attorney's Office

Kimberly McCoy, Cobb District Attorney's Office

Rachel Gondek, Cobb County Sheriff's Office

Ken Kromer, Cobb Police Department - SVU

Shawn Murphy, Cobb Police Department - CAP

Megan Haas, Marietta Police Department

Stacy Fowler, Marietta Police Department

Evan Wallace, Acworth Police Department

Adam Hainline, Kennesaw Police Department

Meghan Komdat, Kennesaw State University Police Department

Judge Brendan Murphy, Magistrate Court

Bobbie Ingraham, Cobb County Citizen Designee

Carole Melton, Cobb County Citizen Designee

Dawn Krahwinkel, Cobb & Douglas Public Health Dept.

Exhibit A

## **I. Purpose of the Protocol**

The protocol is intended 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. It is also intended to standardize the collection of evidence in order to aid in the prosecution of cases. A further purpose is to develop a coordinated effort among health providers, law enforcement, prosecution, and victim advocates ensuring that victims receive efficient and comprehensive medical care, an evidentiary examination, emotional support, and referral information. Health care providers, care providers, including hospitals, all branches of law enforcement, including prosecution, and community-based programs which assist victims should use the protocol. Protocol shall be established pursuant to O.C.G.A. § 15-24-2 (2021).

## **II. Persons Covered**

This protocol is for those ages thirteen<sup>1</sup> and greater, regardless of the sex (male, female, intersex) that are victims of sexual assault. This includes victims who were assaulted within Cobb County or are present in Cobb County after an assault which took place elsewhere. A general definition used in this protocol is that sexual assault includes contact or intimacy performed upon one person by another without mutual consent, or with the inability of the victim to give consent due to age or mental or physical incapacity. In Georgia, there is no one law applicable to the crime of sexual assault. Rather, there are a number of laws that refer to rape; sodomy, aggravated sodomy, statutory rape, sexual battery, child molestation and aggravated child molestation.

Existing county or jurisdictional child abuse protocols should be followed when the victim is a minor and has been sexually abused.

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<sup>1</sup> Note: All Mandated Reporting procedures must be followed with any person under the age of eighteen. Mandatory Reporters include but are not limited to faculty/teachers, administrators, counselors, social workers, law enforcement professionals, healthcare providers and other persons who participate in providing care and treatment to minors.

### **III. Providing Care & Common Response**

Special Note on Language: A desired part of the recovery process for the individual is that others begin to view the individual as a survivor rather than a victim, however, in the acute phase following sexual assault, the individual is still considered a victim. Throughout the protocol, the term "Victim" is used to denote a person who has been sexually assaulted and is still within the acute phase. The goal of the affected agencies should be to assist a Victim to become a Survivor. Giving the victim control over decisions is an important part of the transition from victim to survivor. It is important to note the various disciplines involved in providing services or working with victims of sexual assault may use their own term (patient, client, victims, etc.) but throughout this protocol we will use the term victim since the protocol refers to the acute phase of victimization.

Providing care to the victim will require special sensitivity on the part of law enforcement, medical, and support personnel. The victim of sexual assault may suffer from physical as well as emotional or psychological trauma. Physical aggression has been used to humiliate, harm, or degrade the victim. The victim's sense of self may have been threatened by the hostility and the aggression involved. The victim may wonder what he or she could have done to deserve this assault. The potential of people learning about the attack and the threat of pregnancy or sexually transmitted disease may also cause distress. Some victims may fear being denied fair treatment. As the victim reports the incident, the individual may be worried, hurt, frightened, ashamed, isolated, embarrassed, or humiliated. It is important that the victim feel acceptance and support, regardless of the victim's emotional and/or cultural response. The victim may also be feeling fearful and anxious after the assault in dealing with the legal, medical, and social systems and will need assistance and understanding through these phases.

Anyone responding to a victim of sexual assault should make the same inquiries of all victims, and offer the same level of support, regardless of gender, race, religion, or sexual orientation.

**Victim confidentiality must 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 safe to disclose information to family, friends, employer, or news media about the assault or the victim's sexual preference. Any documentation should be undertaken with sensitivity to the potential for long-term negative consequences to a victim.

#### **IV. Financial Resources**

The 2011 Georgia Legislature passed a bill to pay the costs of collecting evidence in rape and aggravated sodomy cases. This law went into effect on July 1, 2011. O.C.G.A § 17-5-72 provides that a victim shall have the right to a forensic medical examination, regardless of whether the victim participates in the criminal justice system (or cooperates with law enforcement by pursuing prosecution of the crime). A victim is not 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 Georgia Crime Victims Compensation Program (Eligibility applies to sexual assaults occurring on or after July 1, 2011).

For such other medical costs associated with the assault, reimbursement can be claimed through the Crime Victim's Compensation Fund, and payment will be made directly to the hospital or other medical provider. However, if a victim is insured or on Medicaid, then those sources will be sought first before the Crime Victim's Compensation Fund is administered by the Criminal Justice Coordinating Council (CJCC). The Crime Victim's Compensation funds are available to any victim regardless of the age of the accused or age of the victim.

#### **VICTIM SUPPORT SERVICES**

Rape crisis centers, victim assistance programs, crisis centers, or other agencies can provide services to victims. These programs can be non-profit or governmental and are free to the victim. In Cobb County, the three victim support services are LiveSafe Resources Sexual Assault Program, SafePath Children's Advocacy Center and Cobb

County Victim-Witness Assistance Program.

(1) **LiveSafe Resources Sexual Assault Program** provides a 24-hour crisis line, forensic medical exams, psychological support to the victim, accompaniment to medical or legal appointments, support groups, advocacy for victims including support throughout the criminal justice system, and assistance with applying for financial compensation. This program can provide training to medical and law enforcement personnel on the psychological reactions and needs of sexual assault victims. Note: The LiveSafe Resources Sexual Assault Program does not extend its medical forensic exam services to child victims under the age of 13 years old (see SafePath Children's Advocacy Center, Inc. below).

(2) **SafePath Children's Advocacy Center Inc. (SafePath CAC)** has a mission to reduce the trauma of children and their families by offering a comprehensive, professional and child-friendly approach to allegations of abuse. The center provides a neutral, child-friendly environment where professionals and agencies utilize a multi-disciplinary team approach to alleged child abuse cases. Services are provided to children and adolescents age birth through 18 years of age and their non-offending family members, including but not limited to: crisis assessment, treatment, forensic interviews, forensic evaluations, medical evaluations, professional off-site referrals, advocacy services, expert testimony, and training and prevention services. All SafePath CAC services are provided free of charge. SafePath CAC, Inc. follows the Cobb County Child Abuse Protocol. All forensic interviews of children, birth to 18 years of age should be conducted at SafePath Children's Advocacy Center.

(3) **Cobb County Victim-Witness Programs** are located in the prosecuting attorney's offices. They provide information, support, and guidance for the victim through the criminal justice process; information regarding the status of the court case; information and explanation regarding criminal proceedings; accompanier to attend court with the victim; emotional support and referrals to counselors and other agencies. Assistance is also provided to the victim in applying for financial compensation. For felony charges the District Attorney's Victim Witness program

will work with the victim. Misdemeanor charges will be handled by the Solicitor General's Victim Witness Program.

Locating Additional Advocacy Centers across Georgia:

- Children's Advocacy Center of Georgia <https://www.cacga.org/centers/>
- Georgia Network to End Sexual Assault <https://www.gnesa.org/rcc-by-county>
- Georgia Coalition Against Domestic Violence <https://gcadv.org/domestic-violence-centers/>
- Criminal Justice Coordinating Council Directory for Victim Assistance Program <https://cjcc.georgia.gov/community-resources-directory-victim-assistance-programs>

Victim service organizations are involved at various points in sexual assault cases, but services should begin at the time the sexual assault victim reports their assault and should work with all affected agencies to form a continuum of care for victims. Unlike other agencies (i.e., law enforcement, medical, or prosecutor's offices), which service victims at certain specific junctures in the case, many victim services programs help victims from "start to finish." The following section includes a discussion of issues relating to victim service programs and their involvement and coordination with other agencies, which respond to sexual assault victims.

**I. Initial Report of Sexual Assault (Live Safe Resources Sexual Assault Program and/or SafePath CAC)**

A sexual assault can be reported multiple ways; via a law enforcement agency, hospital or other medical facility, or an emergency crisis line operated by a sexual assault crisis center or other crisis agency. Each of these agencies should have an immediate concern for the safety and physical and emotional wellbeing of the victim. Victim service programs often play dual roles:

- a) Providing Crisis Intervention
- b) Acting as a Liaison with Partner Agencies

*It is important to involve victim services programs as soon as possible regardless of which entity or agency receives the initial report of a sexual assault.*

## **II. Coordination of Services (LiveSafe Resources Sexual Assault Program and/or SafePath CAC and Victim-Witness Assistance Program)**

The initial point of the contact's primary concern should be for the safety and wellbeing of the victim. The role of the victim services provider is to:

1. Identify and address the immediate concerns of the victim (e.g., are they in a safe place, are there family members or friends who should be contacted, do they need emergency medical care, clothing to wear home from the hospital or the crisis center);
2. Provide emotional support and crisis intervention to victims and their families;
3. Be present during the medical exam.

For their own safety and to avoid interfering with the investigation, victim advocates do not go to the crime scene. Victim advocates are not investigators or attorneys and do not investigate cases or give legal advice. Many different agencies come into contact with the victim at various stages after reporting an assault. The victim service organization is often considered the core of this response as they provide consistent support and advocacy throughout the process. The role of the victim advocate should be explained to the victim, and the advocate should make sure the victim is comfortable with the advocate continuing to provide service.

There are two types of advocates that work with victims of sexual assault; community-based and systems-based advocates. While both support the victim at various stages in the process, they are unique in the services they provide. The victim service providers need to achieve an effective balance between advocating for victims and working within the parameters of the criminal justice system.



A Community-Based Advocate's role is to support the victim with a focus on health and welfare. They serve as confidential sources of support and are able to provide resources and referrals to agencies in the community regardless of involvement in the criminal justice process.

A Systems-Based Advocate's role is to support the victim and keep them engaged during the criminal justice process. They cannot offer confidential services and are generally associated with a government agency. Note that there is overlap between the two roles and it is best for the two to work in partnership to ensure victims' needs are met.

**System Based Advocates Role Includes:**

- Maintaining constant communication with victims regarding the status of the criminal court case proceedings; and to ensure that appropriate support services are available;
- Notifying victims of all available services such as support groups, counseling, education, etc.;
- Explaining the Victims' Bill of Rights (O.C.G.A. 17-17-1 et seq.), and how to request the various notifications (such as notices of bond hearing, release of defendant from incarceration, case status, etc.) and how to provide input during the case proceedings;
- Helping prevent additional trauma or injury to the victim;
- Encouraging and supporting victims to become active participants in the case;
- Protecting and ensuring the victims privacy;
- Helping victims in dealing with any problems they encounter during the aftermath of the crime;
- Helping victims' complete compensation applications to help with non-reimbursed expenses caused by the crime (such as medical, counseling, prescriptions, lost wages);
- Soliciting the victims continued support in the investigation;

- Work with the prosecutor's office to develop the case and to familiarize the victim with the kind of questions, which may be asked during the cross-examination.

**Community Based Advocates Role Includes:**

- Notifying victims of all available services (such as groups, counseling, education, safe shelter, etc.);
- Helping victims' complete compensation applications to help with non-reimbursed expenses caused by crime (such as medical, counseling, prescription, lost wages);
- Helping prevent additional trauma or injury to the victim;
- Encouraging and supporting victims to become active participants in the case;
- Protecting and ensuring the victims privacy;
- Helping victims in dealing with any problems they encounter during the aftermath of the crime.

**IV. Guidelines: Victim Services**

**Initial Report to (LiveSafe Resources and/or SafePath CAC) Crisis Center**

- Determine if the victim is in immediate danger;
- Ascertain if emergency medical assistance is needed;
- Help identify and address the immediate concerns of the victim;
- Ask if victim wants to report the crime to the police (if not already reported). If the victim chooses to report, the advocate should offer to assist with this process;
- Offer crisis support services;
- Caution the victim against destruction of evidence.

**Medical Examination (LiveSafe Resources and/or SafePath CAC)**

- Explain medical examination procedures to the victim;
- Provide victim with emotional support during examination if the victim wants this;

- With victim permission, discuss assault with family and provide support to secondary victims;
- Ensure victim has clothing to wear home after the medical examination is complete;
- Give victim written information about compensation and Victims' Bill of Rights, and counseling services available;
- Obtain consents for follow up care and make referrals to other agencies as appropriate.

#### **Post-Arrest (Victim-Witness)**

- Provide information to the victim about the possibility of the accused's pre-trial release from custody;
- Provide information about how to register with VINE (Victim Information and Notification Everyday) in the event the accused is released from custody;
- Accompany victim to police line-ups and other proceedings, when applicable.

#### **Pre-Trial (Victim-Witness)**

- Establish procedures for notifying victims of case status, using the Victim's Bill of Rights as a guideline;
- Provide the victim with a written, concise explanation of the criminal justice system;
- Assist the victim in preparing a Victim Impact Statement to inform the prosecutor of the physical, financial, and emotional impact of the crime;
- Provide guidance for facilitating victim/prosecutor communications concerning plea negotiations, which is a discussion about the possibility of the accused admitting his guilt without a trial in return for an agreed upon sentence;
- Accompany the victim to any pre-trial court hearing or notify the victim of results if the victim is not present;
- Provide notification about postponements or changes in court appearances.

### **Trial (Victim-Witness and LiveSafe Resources, if necessary)**

- Accompany the victim to court hearings;
- If there is not a separate waiting area for the victim, request that the judge keep contact between the victim and accused to a minimum;
- Prepare the victim for the possibility of media coverage and questions;
- Arrange special assistance or transportation for victims with special needs (medical, handicapped, etc.).

### **Sentencing (Victim-Witness)**

- Assist the victim with the preparation of a Victim Impact Statement, if not already prepared;
- Communicate with prosecutor about whether victim will be allowed to speak about the crime's impact during sentencing phase;
- Continue court accompaniment and support;
- Educate about possibilities about sentencing.

### **Post-sentencing (Victim-Witness)**

- Explain to the victim how to request notification from the Georgia Corrections and Parole Board Office of Victim Services of change of status of Custody (escape, death, transfer, etc.);
- Help the victim update or prepare Victim Impact Statement to be mailed to the Georgia Corrections and Parole Board Office of Victim Services and/or, if applicable, to the appropriate division of the Department of Corrections;
- Explain to the victim, procedures for being notified by the Georgia Corrections and Parole Board Office of Victim Services of the release of inmate from the state prison system;
- Explain procedure for the victim to appear in person at the Georgia Corrections and Parole Board Office of Victim Services;

- If applicable, explain restitution collection and procedures;
- Inform the victim of the importance of notifying the Georgia Corrections and Parole Board Office of Victim Services, Probation Division and the Probation Officer of any change of address or phone number;
- Explain to the victim how to claim any personal property held as evidence and assist as necessary;
- Provide guidelines for reporting harassment or violation of protection orders or bond orders, or probation restrictions by assailant;
- Explain procedures regarding those accused who are put on probation or given split sentences, i.e., sentenced to prison followed by a period of parole and/or probation;
- Provide referrals to the victim for other community services.

#### **Ongoing Victim Services (LiveSafe Resources and/or SafePath CAC)**

- Provide referrals to the victim for other community services and assist in accessing these services;
- Provide continuing support or counseling as long as the victim requests it;
- Offer a 24-hour crisis line number for victims and their families;
- Offer follow-up medical exams as appropriate as well as referrals to the Health Department for follow-up STI screening and medical exams. SafePath will provide medical follow-up on minors under the age of 18 years of age

### **LAW ENFORCEMENT RESPONSE**

#### **I. Responding to Victims – The Role of Law Enforcement**

Sexual assault victims are typically traumatized and often embarrassed to report the offense to the police. The fear of investigative and prosecutorial procedures may add to a victim's reluctance to report. Police officers and criminal investigators play a significant role in the victim's willingness to cooperate in the investigation. The victim's ability to cope with after-effects of the crime plays a part in how well the investigation proceeds. It is critical that law

enforcement agencies treat victims of sexual assault with compassion and consideration and provide the necessary information and assistance to make their interaction with the criminal justice system easier.

In particular, investigators need to be sensitive to the following areas that may impact a victim's comfort level with reporting an assault; cultural context, social status, economic status, age, physical abilities, biological sex as well as sexual identity. Special training is recommended so that law enforcement can have a better understanding of the issue of sexual assault and its potential impact on a victim. It is important to note that a sexual assault has a greater potential for creating a lasting impact upon the victim, family members and friends than many other crimes.

## **II. Complaint Reporting Procedures**

In most cases, the initial report of the sexual assault by the victim to a law enforcement agency comes through the dispatch or communications center. In these cases, upon receipt of the initial call the dispatch or communications center operator should:

- Determine the victim's name, where they are calling from, where the attack occurred, when it occurred, name and/or description of assailant, direction, and means the assailant used in leaving;
- Advise the victim not to change clothing, shower, or touch anything in the immediate area where the assault occurred;
- Dispatch the appropriate responding personnel, law enforcement and medical if needed. If a victim does not want to report to law enforcement, dispatch should connect the victim with LiveSafe Resources for further assistance by providing the crisis hotline number 770-427-3390. Note: SANE exams are available regardless of a victim's desire to report to law enforcement at the present moment;
- Maintain an open line with the victim until responding law enforcement personnel has arrived at the victim's location.
- Maintain a copy of the 911 calls.

The dispatcher or emergency communications personnel are critical in aiding the victim to regain control and composure after the assault. Personnel should remain calm and understanding and avoid being judgmental.

In other cases, the initial complaint may be received directly after the assault from family members, friends, neighbors, or witnesses. Or the complaint may be received from clergy, medical personnel, or others sometime after the assault has taken place. In these instances, similar information still needs to be obtained and appropriate personnel dispatched as necessary.

### **III. Initial Law Enforcement Response**

This pertains to the arrival of a uniformed patrol officer to the reporting victim. It should be emphasized again that a thorough collection of evidence and the establishment of a cooperative relationship with the victim are essential to the identification of the accused and the subsequent prosecution.

The officer should first respond to the victim's physical or medical needs. This may include the application of immediate first aid while waiting for the appropriate emergency medical response unit to arrive and give more complete and thorough medical attention prior to transporting the victim to the appropriate medical facility. It is necessary for the responding officer(s) to address these needs by keeping the victim calm, by remaining empathetic, and advising the victim of all procedures so that the victim can make informed decisions.

Law enforcement officers should make every effort to increase the victim's comfort level prior to transporting the victim to LiveSafe Resources for a SANE exam. In the case where the victim requires immediate medical attention, take or have transported via ambulance to the nearest emergency room. If the victim needs and requests the support of a family member or friend, the officer should arrange contact as quickly as possible. If a victim decides that they are **not interested in engaging in the criminal justice process** at that time, an officer should conduct a "non-criminal report" while ensuring that the content of the report is just as detailed as a criminal report. These details could provide support for investigation and prosecution down the road should the victim chose to report at a later point in time. It is normal for a victim to initially have hesitation in reporting to law enforcement and later want

to go forward in the process. Regardless of the victim’s choice to report, they are eligible to receive all services from LiveSafe Resources which includes a free SANE exam and should be encourage to obtain a forensic medical exam. LiveSafe Resources crisis hotline number should be provided and victim should be encouraged to call and obtain a forensic medical exam (770.427.3390). **NOTE: LiveSafe Resources does not provide STI testing.**

**Primary responsibilities of Law Enforcement Officers:**

<b>Responding Officer (Uniform Patrol)</b>	<b>Investigative Bodies (CAP or SVU)</b>
Ensure the immediate safety and security of the victim;	Ensure the immediate safety and security of the victim
Determine jurisdiction of sexual assault when possible;	
While limiting investigative questioning to those matters necessary to identify the victim and to describe and locate the suspect, obtain preliminary information necessary to complete an original incident report, including preliminary interviews of all witnesses, the victim, and the initial reporter of the crime. The initial incident report should also include all the elements of the crime;	
Contact appropriate investigative agencies for possible activation of SANE Nurse;	
	When possible, conduct questioning in a private interview space and one on one;
	Determine possibility of drug facilitated sexual assault;
Protect the crime scene by securing physical evidence. This may include fingerprints, trace evidence, victim’s clothing, or additional evidence that may be collected from the victim. This initial	Collect and gather evidence from the crime scene which may include fingerprints, trace evidence, victim’s clothing, or additional evidence that may be collected from the



<p>protection should prevent the unnecessary loss of physical evidence until appropriate evidence collection personnel can respond to process the crime scene. However, at this stage it is unnecessary to ask questions beyond the point of securing the scene to continue the investigation;</p>	<p>victim or any additional evidence from the scene;</p>
<p>Inform the victim of the Victim’s Bill of Rights;</p>	<p>Inform the victim of the Victim’s Bill of Rights;</p>
<p>Inform the victim of medical and support services available and of the importance of seeking an immediate medical examination as injuries or an infection may be unnoticed initially. This is regardless of participation in the criminal justice process;</p>	<p>Inform the victim of medical and support services available and of the importance of seeking an immediate medical examination as injuries or an infection may be unnoticed initially. This is regardless of participation in the criminal justice process;</p>
	<p>Determine if victim will consent to a sexual assault examination;</p>
<p>Inform the victim of the need to refrain from washing, showering, brushing teeth, using a mouthwash, smoking, eating, drinking, douching, urinating, or defecating to prevent the loss of valuable physical evidence. Stress the evidentiary importance of preserving personal clothing and articles from the crime scene. However, if the victim has bathed or douched, proceed with collection of evidence;</p>	<p>Inform the victim of the need to refrain from washing, showering, brushing teeth, using a mouthwash, smoking, eating, drinking, douching, urinating, or defecating to prevent the loss of valuable physical evidence. Stress the evidentiary importance of preserving personal clothing and articles from the crime scene. However, if the victim has bathed or douched, proceed with collection of evidence;</p>
	<p>Transport the victim to the appropriate medical facility, either to LiveSafe Resources, SafePath CAC or to the nearest emergency room if the victim is unstable. Medical stability is always a priority prior to completing a SANE exam;</p>
	<p>In order to protect the identity of the victim, when possible, a non-uniformed officer should transport the victim to the medical facility in an unmarked police vehicle;</p>
	<p>Inform SANE of any information about the assault, which may be useful in the medical examination and evidence collection</p>

	<p>procedures. Advise medical personnel/SANE whether or not the victim's clothing is needed to be sent to the Crime Lab. When necessary, present medical personnel with the Georgia Bureau of Investigation Sexual Assault Kit;</p>
	<p>Remain on site at either the hospital or exam site for safety and security of the victim and to assist with return transportation. In the event law enforcement must leave the premises, the LEO and SANE will discuss safety and chain of custody;</p>
<p>Prepare and forward initial incident report copy to investigations for follow-up. While keeping in mind that investigative bodies will be following up with the victim and asking details at a later point.</p>	
	<p>Compile the basic investigative information contained in the initial interview, criminal complaint, and evidentiary examination;</p>
	<p>Determine the victim's emotional and physical ability to participate in an in-depth follow-up interview and schedule the interview as soon as possible after the incident;</p>
	<p>During this interview, the investigator should find a comfortable and private setting and explain the need for obtaining detailed information concerning the crime and including details of the sexual act.</p> <p>These details may include; the suspect's modus operandi, clothing, means of restraining the victim, the use or threat of weapons, words or instructions given to the victim, marks, scars, tattoos, deformities or other unusual physical features or body odors of the suspect, and any witnesses, participants, or accomplices that may be described or identified by the victim.</p>

**Responding Officers Initial Incident Report:**

- Details concerning the type of offense committed including the elements of the crime or crimes;
- When and where the assault occurred;
- The extent of injuries to the victim or if immediate medical care was needed;
- Whether a weapon was involved;
- The identity and description of the assailant(s) if known and relationship to the victim, including any known address or work location of the assailant;
- Any statements the victim made to the responding officer;
- If responder had contact with perpetrator, any statements the perpetrator made;
- Possibility of date rape drugs;
- Names, addresses and phone numbers of any witnesses or other persons who may reach the victim;
- Victim's personal information including phone numbers and addresses for home, work, and a contact person's address and phone number;
- Forward a copy of the report to the assigned investigator or supervisor.

In accordance with O.C.G.A. 35-1-2, when a forensic medical examination is performed, evidence is collected, and the alleged victim has requested that law enforcement officials be notified, the individual performing such exam, or his or her designee, shall notify the appropriate law enforcement agency of the collection of such evidence. Law enforcement officials shall take possession of such evidence no later than 96 hours of being notified. It shall be the duty of every law enforcement officer who takes possession of the evidence to ensure that such evidence is submitted to the Georgia Bureau of Investigations within 30 days of it being collected, in accordance with the procedures established by the division.

In 2019, Article 4 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating the investigation of sexual assault was revised to state that "In cases in which the victim reports an alleged sexual assault to law enforcement, the investigating law enforcement agency shall maintain any physical evidence collected as a result of an alleged sexual assault that contains biological material, including, but not limited to, stains, fluids, or hair samples that related to the identity of the perpetrator of an alleged sexual assault, 30 years from the date of arrest, or seven years from the completion of sentence, whichever occurs last, and if no arrests, then for 50 years.

#### IV. Activation of SANE Nurse

The SANE Program operates in conjunction with LiveSafe Resources to serve female, male and intersex victims of sexual assault ages thirteen years and older. The SANE Program exists to meet the needs of the patient and law enforcement providing services for acute cases. Acute cases are as follow: vaginal assault within 120 hours; anal assault 72 hours; oral assault 24 hours and saliva on skin within 96 hours of the reported sexual assault. Any case that presents outside the time frame of 120 hours requires a medical consultation with LiveSafe Resources SANE Program Manager to determine the next appropriate steps which may still involve evidence collection through a SANE Exam. There have been times where DNA evidence has been collected from a victim of vaginal assault up to 10 days post assault.

*Note: If patient is being seen at SafePath Children's Advocacy Center for forensic medical services, follow the procedures of the center.*

- The SANE Nurse is activated by Law Enforcement (Detective/Investigator) with jurisdiction in Cobb County or by LiveSafe Resources Advocate in non-law enforcement reported cases when evidence collection is required. An investigator/detective or supervisor of the investigative unit activates the SANE Nurse, not dispatch;
- The SANE Nurse will activate a Sexual Assault Advocate to respond for the examination;
- The SANE Suite is located at LiveSafe Resources, 48 Henderson Street, Marietta, GA 30064;
- Access to the SANE Suite is gained by entering through the SANE Suite Door at the rear of the building. Law enforcement, SANE Nurses, and LiveSafe Resources Advocate may park in the designated spaces near the SANE exam suite;
- Law enforcement will wait until the SANE Nurse or LiveSafe Resources Advocate arrives to gain access to the SANE Suite;
- Any sexual assault victim with injuries requiring immediate medical attention (i.e. fractures, lacerations, strangulation, etc. requiring treatment by physician or impaired by alcohol/drugs) will need to be transported to the nearest Emergency

Room for treatment. If the sexual assault victim is transported to the Emergency Room, the SANE can be activated once the victim is discharged from the hospital. In cases where collection timeframes are expiring the SANE may be able to obtain emergency credentialing or guide a physician through evidence collection and the chain of custody process;

- Law enforcement should refer to local EMS protocols when determining whether a patient is stable enough to be transported to the exam site at LiveSafe Resources (not by ambulance) or whether the victim's condition dictates the closest medical facility;
- Sexual Assault victims cannot be received at LiveSafe Resources if transported by EMS (per state law);
- If present, law enforcement must remain at the exam site until such time as the exam is complete;
- Investigative bodies must take possession of the evidence at the conclusion of the SANE Exam.

#### **V. Role During Medical Examination**

Law Enforcement personnel should not be present inside the exam room during the medical examination of the victim, with the exception of cases in which the victim is in police custody. During exams with victims that are in custody, law enforcement personnel may become privy to private communications. Some of these communications are protected by HIPAA and it is important for law enforcement in the room to note that protection and the victim's right to privacy of their medical history. The law enforcement officer inside the exam room should not be the same person investigating the case and should not disclose any information heard or observed inside the exam room.

#### **VI. Interviewing Procedures**

The investigative officer should be trauma-informed, non-judgmental, and professional. It is not necessary that the interviewer be of the same sex as the victim. However, every effort should be made to accommodate a request from the victim for a same sex interviewer.

Privacy for the interview is very important. When possible, the interviewer should select a location that allows both visual and sound privacy as well as freedom from unnecessary interruptions.

While it is generally preferred that the interview be conducted in a setting where only the interviewer and the victim are present there are occasions when additional persons may need to be present. In some cases, it may be necessary for an interpreter to be present. However, consideration should be given to any request from the victim or the victim advocate for the advocate to be present.

The investigator or interviewer's role in connection with the investigation should be explained to the victim. Also, the investigator should inform the victim of the reason for asking certain sensitive questions and why the victim will be asked to provide explicit details of the assault. The interviewer also should upon completion of the interview inform the victim of additional steps needed in the investigation: composites, photographic, or live lineups, and means of obtaining updates on the investigation or judicial process.

It is important to keep in mind the sensitive nature of communications between the victim and investigative body. The trauma of a sexual assault can be both physical and psychological. The feelings experienced after an assault by a victim may be similar to the feelings experienced by a law enforcement officer after a critical incident on the job. It is vital to keep this in mind when interviewing the victim as they may be experiencing shock and a variety of other psychological impacts. Establishing rapport with the victim can lead to a more successful interview and long-term cooperation in the criminal justice process.

Privacy during the interview is extremely important as the victim's reluctance to reveal certain details may be greatly magnified. The investigator should use language that is readily understood by the victim. For example, if the victim uses slang terms for the parts of the body it may be because of a lack of knowledge of the proper terms. If the interviewer must use slang terms, it should be done so unhesitatingly and without embarrassment. Keep in mind there are some questions that are inappropriate and do not aid in the investigation.

*The skilled interviewer should be familiar with the needs of the victim to be interviewed.*

## **Follow Up Interview**

An investigating officer will immediately be assigned to the case. The officer's responsibilities are to:

- Compile the basic investigative information contained in the initial interview, criminal complaint and evidentiary examination;
- Determine the victim's emotional and physical ability to participate in an in-depth follow-up interview and schedule the interview as soon as possible after the incident;
- During this interview, the investigator should find a comfortable and private setting and explain the need for obtaining detailed information concerning the crime, including; details of the sexual act, the suspect's modus operandi, clothing, means of restraining the victim, the use or threat of weapons; words or instructions given to the victim; marks, scars, tattoos, deformities or other unusual physical features or body odors of the suspect, and any witnesses, participants or accomplices that may be described or identified by the victim;
- Document the victim's actions in response to the attack to include the type and degree of any resistance offered, the nature of any acquaintance with the suspect, and the state of mind of the victim during the attack;
- Determine the degree to which the victim has received support from family, friends and victim advocacy programs and encourage or facilitate these interactions.

## **Ongoing Involvement in the Case**

During the investigation of the sexual assault and after the arrest of a suspected assailant, the investigating officer continues to have a responsibility to interact with the victim by:

- Soliciting the victim's continued support in the investigation;
- Work with the prosecutor's officer to develop the case and to familiarize the victim with the kind of questions, which may be asked during the cross examination;
- Maintain continued contact with the victim to ensure that appropriate support services are available.

## **VII. Guidelines: Law Enforcement and Dispatcher**

### **Dispatch**

- Determine if assailant is present;
- Obtain victim's name, location, where and when attack occurred, name or description of assailant, means assailant used in leaving;
- Determine if emergency medical care is needed and dispatch accordingly;
- Dispatch patrol officer(s) according to departmental policy;
- Advise victim not to change clothing, shower, or touch anything in the immediate area where the assault occurred;
- Make every attempt to keep sexual assault victim on-line until patrol officer(s) arrive;
- Keep copy of 911 calls.

### **First Responder**

- Ensure immediate safety and security of victim;
- Respond to victim's physical and emotional needs;
- Determine need for emergency medical care;
- Ask sexual assault victim if the suspected assailant is at the crime scene;
- Ask victim for description and/or identification of assailant and broadcast be-on-the lookout message for the suspect;
- Advise victim of evidence preservation steps at the crime scene which may include the victim, immediate possessions of the victim of evidentiary value, and the scene itself;
- Preserve the crime scene (if sexual assault was recent). Contact supervisor/investigations division for possible activation of SANE nurse;
- Ask victim if the assistance of a family member or friend is needed and make appropriate contact;
- Arrange transportation for the victim to and from LiveSafe Resources, unless emergency medical care is needed;



- Complete incident report by obtaining preliminary information; interview with the witnesses, victim, and initial reporter of the crime;
- Inform the victim a sexual assault advocate will be meeting them at the location.

### **Medical Examination**

*If emergency medical attention is required, the victim will be taken to a hospital; otherwise the victim should be taken to LiveSafe Resources for free care and services through the SANE Program. The following guidelines are for a victim requiring emergency medical care.*

- Inform Emergency Room Physician, Mid-level Provider or Registered Nurse of any information about the assault, which might be useful in preserving evidence in order for a forensic medical exam to be performed by a Physician, Mid-Level Provider or if available a trained SANE;
- If law enforcement has reason to believe that date rape drugs might have been used, request necessary samples for proper testing;
- Present Emergency Room Physician or Mid-level Provider with the GBI standardized sexual assault kit if necessary;
- Maintain and secure all evidence.

### **Investigators**

- Arrange transportation for victim to and from hospital or SANE examination site;
- Keep sexual assault victim informed about the state of the case;
- Address victim's concerns for safety and the possibility that the assailant will return;
- Accommodate victim's needs during investigator processes, which require victim participation, e.g., interviews, hearings, and line-ups;
- Notify sexual assault victim when suspect is taken into custody;
- When warrant is issued, request **No Contact** provision for bond;
- When warrant is issued, provide VINE information to victim;
- Permit victim advocate or LiveSafe Resources Sexual Assault advocate, to be available on premises during line-ups to provide emotional support for the victim;
- Request copy of the 911 call.

- Determine the needs of law enforcement and prosecution prior to interviewing the victim in order to minimize necessity of repetitious interviews;
- Provide appropriate steps to make sexual assault victim comfortable with the interview, i.e., ask victim about gender preference for interview or allow victim to have a LiveSafe Resources sexual assault advocate or friend present during the interview;
- Provide interpreter services, if needed, including language translation for the non-English speaking and signing for the hard of hearing and deaf sexual assault victims;
- If you have probable cause, proceed with the case;
- If there is a stated policy about the use of video and/or audio taping of the interview, inform the victim of this process and how the tape will be used in later proceedings.

### **MEDICAL ACCOMPANIMENT AND ADVOCACY**

*From: Division of Public Health Standards/Guidelines for Georgia Sexual Assault/Sexual Offense Programs*

*The Sexual Assault Response Team works to secure written agreements with the local law enforcement agencies so that the law enforcement personnel will call the SANE nurse when they receive a sexual assault related call and the SANE nurse will call LiveSafe Resources victim advocate.*

In the event of reaching the 120-hour mark paired with the absence of a SANE, law enforcement will accompany victim to hospital facility for the forensic medical exam to be performed according to hospital policy and activate a LiveSafe Resources Advocate through the 24-hour crisis hotline. Otherwise, the best method for sexual assault kit collection for preservation of evidence and trauma-informed processes is with a specialty trained SANE Nurse at LiveSafe Resources.

The medical facility must obtain informed consent from the patient explaining all tests and procedures, which will be given.

The medical facility should perform the following for all patients of sexual assault: Physical exam by an Emergency Room Physician/Mid-level Provider/SANE, treatment for any injuries, collection of evidence for the Georgia Bureau of Investigation, pregnancy test, and prophylactic medications for such sexually transmitted infections as chlamydia, gonorrhea and syphilis. Post coital hormonal prophylaxis will be offered to prevent pregnancy and referral for baseline serologic tests for hepatitis virus and screening for any appropriate sexually transmitted diseases, and HIV.

LiveSafe Resources SANE Nurses will offer and provide prophylactic STI medications, a urine pregnancy test and pregnancy prevention medications to all victims that seek services at LiveSafe Resources.

***It is important to note that LiveSafe Resources does not perform STI testing, HIV testing or provide HIV post exposure prophylaxis.***

LiveSafe Resources will work with the medical staff so that the facility will allow, with the victim's permission, the staff or sexual assault advocate to be present in the exam room as they will assist the victim at the Emergency Room and throughout the exam.

The LiveSafe Resources Advocate explains to the victim their rights and options. The SANE will explain the nature of the evidence collection and the physical exam, tests and lab work which should be provided, prophylactic pregnancy prevention medication and other prophylactic medications to prevent sexually transmitted diseases, options regarding testing for HIV and hepatitis B. The LiveSafe Resources Advocate and SANE will discuss follow-up options with the victim/patient.

The LiveSafe Resources Advocate provides information regarding the emotional and physical reactions which the victim may experience, and the assistance available to the victim, including where to obtain counseling, name of detective, and information about applying for victim compensation funds.

The LiveSafe Resources Advocate provides the victim and those persons accompanying the victim with handouts explaining services available through LiveSafe Resources Sexual Assault

Program and how the center will contact the victim after they return home to assist them. The LiveSafe Resources SANE Program will maintain internal protocol on performing medical forensic examinations in accordance with current evidence-based recommendations of practice.

The LiveSafe Resources Sexual Assault Program will provide education to the emergency department and other medical staff on how to respond to and to treat the emotional needs of the patient, and symptoms of the Rape Trauma Syndrome.

### **Non-Reporting Victims**

Per 42 U.S.C. § 3796gg-4(d), victims of sexual assault have the right to decide whether or not to report to law enforcement. The following steps should be followed if a victim 18 years of age or older chooses not to report to law enforcement but chooses to have a forensic-medical exam done:

- An advocate will speak with a victim to explain their rights, discuss their concerns, and discuss the pros and cons of an exam and reporting to law enforcement;
- The SANE will explain the procedure if the victim chooses to report;
- The SANE will store the evidence indefinitely in a locked location within the LiveSafe Resources' SANE exam suite;
- Only SANE RNs and the LiveSafe Resources Director of Sexual Assault Programs will have the keypad code to the storage unit in which the exam kits are stored;
- An advocate will attempt to contact victims for follow-up and to discuss options should a victim choose to report later;
- The Director of Sexual Assault Programs, SANE Program Coordinator, or SANE Program Manager will maintain chain of custody and keep detailed record of the date of evidence collection and storage as well as the date and details of any release of evidence.

### **Special Note to all entities handling Sexual Assault Kits**

In support of Georgia State House Bill 255, also known as The Sexual Assault Reform Act of 2021, a sexual assault kit tracking system (SAKTS) has been developed for the state through a

partnership between the Criminal Justice Coordinating Council (CJCC) and the Georgia Bureau of Investigation (GBI). The reform act requires all medical facilities, state, county and city agencies, and persons that handle, process or store sexual assault kits (SAKs) to be registered users of the system by June 30, 2022. All community partners that possess SAKs are required to enter the SAKs into the tracking system.

## **Prosecution**

### **I. Victim Expectation and the Role of the Prosecutor**

The following guidelines are listed as suggestions for determining feasibility of prosecution and progression of any potential criminal case. However, final decisions to prosecute and/or the disposition of the case are within the discretion of the prosecutor assigned and based upon law and evidence. Sexual assault victims have been subjected to one of the most traumatic experiences possible. The following recommendations are made in an attempt to address the issues in the prosecution of the case.

### **II. Recommendations for Prosecutors in Working with Sexual Assault Victims**

The Prosecuting Attorney should assume ultimate responsibility for informing victims of the status of a case in accordance with the Crime Victim's Bill of Rights (OCGA 17-17-1 et seq). This responsibility includes the following specific statutory requirements:

- Whenever possible, the prosecuting attorney shall notify the victim prior to any proceeding in which the release of the accused will be considered. (O.C.G.A. 17-17-7(c));
- Whenever possible, the prosecuting attorney shall offer the victim the opportunity to express the victim's opinion on the release of the accused pending judicial proceedings (O.C.G.A. 17-17-7(d));
- Upon initial contact with a victim, a prosecuting attorney shall give prompt notification to the victim of the following:

- The procedural steps in processing a criminal case;
- The rights and procedures of victims under the Victim's Bill of Rights;
- Suggested procedures if the victim is subjected to threats or intimidation;
- The names and telephone numbers of contact persons at both the office of the custodial authority and in the prosecuting attorney's office (17-17-8(a)).
- If requested in writing by the victim and to the extent possible, the prosecuting attorney shall give prompt advance notification of any scheduled court proceedings and notice of any changes to that schedule. Court proceedings shall include any changes to that schedule. Court proceedings shall include, but not be limited to pretrial commitment hearings, arraignment, motion hearings, trial, sentencing, appellate review, and post-conviction relief. The prosecuting attorney shall notify all victims of the requirement to make such request in writing (17-17-8(b));
- The prosecuting attorney shall offer the victim the opportunity to express the victim's opinion on the disposition of an accused's case, including the views of the victim regarding plea or sentence negotiations and the perpetrator's participation in pretrial or post-conviction diversion programs (17-17-11);
- Upon written request of the victim, the prosecuting attorney shall notify the victim of the following:
  - That the accused has filed a motion for a new trial or an appeal of his or her conviction;
  - Whether the accused has been released on bail or other recognizance pending the disposition of the motion or appeal;
  - The time and place of any appellate court proceedings relating to the motion or appeal and any changes in the time or place of those proceedings;
  - The result of the motion or appeal (17-17-12(a)).
- In the event the accused is granted a new trial or the conviction is reversed or remanded and the case is returned to the trial court for further proceedings, the victim shall be entitled to request the rights and privileges provided by the Victim's Bill of Rights (17-17-12(c));
- Each prosecutor to ensure that the above statutory requirements are satisfied should establish procedures compatible with a particular jurisdiction;

- If feasible, prosecutors should charge and pursue to the fullest extent of the law defendants who harass, threaten, injure, or otherwise attempt to intimidate or retaliate against victims or witnesses;
- Prosecutors should discourage case continuances once the State has completed its trial preparation. When such delays are necessary, every effort should be made to accommodate victims and witnesses in determining when to reschedule the court proceeding. The new court date, as well as the reason for the continuance, should be explained to the victim;
- Prosecutor's offices should establish and maintain direct liaison with victims and with victim service agencies.

### **III. Suggested Criteria in Deciding Whether or Not to Prosecute**

Although there is no set number or type of factors, which must be present before a case involving sexual assault is deemed prosecutable, there are variables, which should be considered in making the decision. These include, but are not limited to the following:

- The availability and extent of cooperation from the victim;
- Whether or not there is independent evidence of the assault, such as eyewitnesses, photographs of injuries, forensic evidence, admissions of defendant, etc.;
- What impact testifying would have on the victim;
- The existence of a history of assaults, whether charged or uncharged, by the defendant.

### **IV. General Procedures for Handling Sexual Assault Cases**

#### **Assignment of Cases**

Once identified, sexual assault cases should be assigned, whenever possible to an attorney who has been designated to deal specifically with these types of cases. From the time of assignment, reasonable attempts should be made to employ "vertical prosecution," i.e. if an

attorney is initially assigned a particular case, then that attorney should handle the case until its final disposition.

### **Initial Screening**

After assignment, the prosecutor should initially review sexual assault cases as soon as possible; the purpose of this initial screening is to determine what additional investigation needs to be done in preparing the case for disposition. In conducting this initial screening, the prosecutor should consider the facts of the case and the following variables:

- The extent or seriousness of the injuries;
- Whether or not the assault involved a gun or other weapon;
- Defendant's prior criminal history;
- Status of defendant's arrest;
- Victim cooperation;
- Presence and amount of information and evidence of the assault.

As part of the initial screening, the prosecutor should make a diligent effort to contact the victim as quickly as possible upon receipt of a case. During this initial contact, the following information should be reviewed with the victim:

- It is the State, not the victim, which must determine what disposition is to be made of the case. This is particularly important in cases in which the victim's attacker is a family member or close friend;
- The victim will testify in trial;
- The parties in the action are the State of Georgia and the defendant;
- Whether the victim knows the attacker, determine if the defendant has talked to the victim after the incident and what was said;
- Convey that the victim is not responsible for the defendant's behavior; the defendant bears that responsibility;
- Encourage the victim and tell them that they are not alone;
- Determine whether the victim has received the statutory required notices and information, and refer to those agencies, which may be in operation in the community to assist sexual assault victims.



In the event the victim is hostile or is otherwise unwilling or unable to cooperate with the attorney in the prosecution of the case, then it will be necessary for the prosecutor to determine if there exists sufficient independent evidence to prove the elements of the assault. Such independent evidence may include but is not limited to the following:

- Availability of the victim;
- Injuries observed by someone other than the victim;
- Medical reports/evidence of the assault;
- Eyewitnesses to the crime or independent evidence of assault;
- A 911 call or other recording of a prior statement of the victim concerning the assault;
- The presence/availability of physical evidence indicating the crime occurred, i.e., semen, blood, etc.;
- Admissions by the defendant;
- All photographic evidence gathered at the scene or subsequently;
- History of assaults, whether charged or uncharged, by the defendant.

If a victim is unwilling or unable to cooperate in the prosecution of the case but sufficient independent evidence exists, then the prosecutor may pursue the case. If such independent evidence does not exist, then the prosecutor may dismiss all charges and immediately notify the victim of this action.

### **Pre-Trial Motions & Guidelines**

Prosecutors will make every effort to engage in aggressive pre-trial motions practice to protect and advocate for victims of sexual assault by limiting unlawful inquiry into the victim's character or sexual history. Prosecutors should also consider whether or not each victim requires special accommodations for purposes of testifying in court.

When it has been determined to proceed with a case, the following preparations, when appropriate, should be made before the case is presented to the Grand Jury:

- Any corroborating witnesses should be interviewed;
- Name, addresses and phone numbers of all witnesses are included in the case

File;

- A complete criminal history of the defendant is in the file;
- Where applicable, photographs of the victim's injuries have been received and reviewed;
- Contact has been made with the victim-witness assistant and service agencies, which have been working with the victim;
- All police reports have been received and reviewed;
- Results of all reports surrounding the case.

### Trial

General Considerations: In sexual assault cases there are several factors which, if not unique to these offenses, are more likely to have an impact on the trial of the case. For this reason, the prosecutor should be sensitive to the presence and influence of these factors in preparing for and in conducting the trial:

- One such factor is the extreme embarrassment or humiliation a victim may suffer in having to testify in open court as to the assault. Efforts should be made to prepare the victim for these emotions and to "shield" the victim as much as possible during his/her testimony;
- Another factor to assess in the trial of these crimes is the prejudice and preconceived notions people often have when someone has been sexually assaulted. More so than in other cases, people will scrutinize the dress and conduct of a victim and the choices he/she made prior to the assault in judging the case;
- Similarly, jurors are likely to pay closer attention to the dress and conduct of the victim in court than they would with a burglary charge. The prosecutor should be sensitive to this in presenting the case to the jury;
- Depending on the type of assault, there may be other factors that will have a special impact on the case because it is a sexual assault crime. Attempts should be made to identify and deal with these factors during the presentation of the State's case;
- Consideration should be given to using expert testimony on victim and offender dynamics in appropriate cases. Ways to use the hearsay exceptions should also be explored when confronted with an uncooperative victim.

### **Recommended Guidelines: Prosecution Working with Victims**

- Notify sexual assault victim of all hearings and changes in schedules;
- Consider the needs of the sexual assault victim when scheduling case-related activities, e.g., religious holidays, health requirements, family activities and occupational requirements;
- Facilitate victim participation in all activities at which the assailant has a right to be Present;
- Establish communication methods to avoid unnecessary trips to the courthouse, e.g., on-call system for victims or voice mail system for victims to call in and receive current case status information;
- Object to requests for continuances that are dilatory and do not benefit the State or victim.

### **Preliminary Hearings, Arraignment and Bail Hearings**

- Make every effort to discuss desired conditions of release with sexual assault victim prior to bail hearing;
- Request that any release on bond include protection orders for the victim;
- Keep sexual assault victim informed about the detention status of the suspected assailant and/or make sure that the victim has the name and telephone number of a contact person at the detention facility that will inform the victim as to detention status;
- When possible, allow the victim to express concerns about the danger posed by the suspected assailant.

### **Plea Negotiations**

- Inform sexual assault victim of reasons to consider a negotiated plea, when appropriate;
- Describe optional courses of action other than a negotiated plea;
- In determining appropriate case disposition, take into consideration the desires/concerns of the victim;

- Consider the needs of the victim in accepting a plea, e.g., restitution, protection, emotional security;
- Provide sexual assault victim some method for making concerns, feelings, needs, etc. known to the court at or before sentencing on a plea.

### **Trial**

- Provide separate areas for victims and defense witnesses;
- Provide court accompaniment for sexual assault victim;
- Keep victim informed about court schedules: dates, times and places;
- If requested by victim, provide information and explanation for the victim's absence to employers/teachers as to the victim's presence at court proceedings.

### **Sentencing**

- Ensure opportunity for a victim impact statement as a part of sentencing considerations;
- Provide sexual assault victims some method for making their concerns, feelings, needs, etc., known to the court at or before the sentencing hearing;
- Include victim needs as part of sentence, e.g., restitution, protection, emotional security.

### **Post Sentencing**

- Inform victim of the name and telephone number of the appropriate contact person at the Georgia Corrections and Parole Board Office of Victim Services for such information as changes in offender status, dates of scheduled parole hearings, method for updating victim impact statement, etc.;
- Whenever possible, accompany victim to any face-to-face parole intervention;
- Provide priority prosecution for violations of release conditions;

The signing of this Protocol signifies the continued support and involvement of each agency listed for supporting the continued project functioning of the Cherokee County Protocol for Responding to Victims of Sexual Assault

DocuSigned by:  
Judge Greg Poole 12/5/2023  
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Chief Judge Greg Poole Date Signed  
Representing: Cobb County Superior Court

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District Attorney Flynn D. Brody, Jr. 12/5/2023  
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District Attorney Flynn D. Brody, Jr. Date Signed  
Representing: Cobb County District Attorney's Office

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Judge Brendan F. Murphy 12/5/2023  
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Chief Magistrate Judge Brendan F. Murphy Date Signed  
Representing: Cobb County Magistrate Court

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Sheriff Craig Owens Date Signed  
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Representing: Cobb County Police Department

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