

SEXUAL ASSAULT PROTOCOL
IN THE SUPERIOR COURT OF COLQUITT COUNTY
STATE OF GEORGIA

ORDER

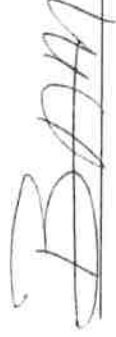
WHEREAS the Legislature of the State of Georgia enacted O.C.G.A. Section 15-24-2 requiring the establishment of a Sexual Assault Protocol; and

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

WHEREAS, the Committee has met on October 27 2023 and discussed the Protocol, which was approved by a majority vote and which is attached hereto, as the protocol for cases of sexual assault in the Southern Circuit, Colquitt Co. District of the State of Georgia.

NOW THEREFORE IT IS HEREBY ORDERED, this document is accepted by the Court as the protocol to be used in responding to, investigating and prosecuting cases arising from an alleged sexual assault and shall be spread upon the minutes and filed with the Clerk of the Superior Court of Colquitt County.

SO ORDERED, this 27 day of October, 2023



COLQUITT COUNTY SEXUAL ASSAULT PROTOCOL

This Colquitt County Sexual Assault Protocol (“Protocol”) is adopted pursuant to O.C.G.A § 15-24-2 for the purpose of outlining the procedures to be used in responding to, investigating and prosecuting cases of sexual assault. The purpose of this Protocol shall be to ensure coordination and cooperation between all agencies involved in sexual assault cases so as to increase the efficiency of all agencies handling such cases and to minimize the stress created for the alleged sexual assault victim by the legal and investigatory process¹.

For purposes of this Protocol, the term *victim* shall refer to victims age 18 and older. Every sexual assault case involving victims under 18 shall refer to the Colquitt County Child Abuse Protocol in identifying appropriate services and resources. An agreement between the June Cottage and the Hero House, Colquitt County’s Child Advocacy Center shall define access to and sharing of client records. In providing services to anyone under the age of 18, DFACS and/or law enforcement shall be notified pursuant to O.C.G.A § 19-7-5.

ADVOCACY

The role of the community-based victim advocate is to provide services to the victims of sexual assault regardless of whether or not the victim chooses to participate in the criminal justice process. They play a very important role in providing a response that keeps the victim central in the process, allowing the investigation and prosecution to be offender focused. Advocacy also has a critical role in promoting the healing process for the victim. Community based 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 community-based advocate also benefits the criminal justice process, because supported, well-informed victims are more likely to continue through the process. Advocates will operate under the guidelines established by *The Georgia Crime Victim’s 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*.

Responsibilities of the community-based advocate include:

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

¹ O.C.G.A. § 15-24-2; 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.

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

LAW ENFORCEMENT

The role of the investigating officer is to ensure the safety of the victim and the community and to ascertain if the report of sexual assault meets the elements of a crime under Georgia law. Within their jurisdictions, law enforcement will investigate sexual assault crimes. Investigative responsibilities may include but not limited to:

- Identification, apprehension, and interrogation of suspect(s)
- Interview of victim including an advocate when possible.
- Interview of witnesses
- Collection and preservation of evidence
- Maintenance of chain of custody
- Timely submitting sexual assault evidence collection kits to GBI crime laboratory regardless of whether a suspect has been identified; per GBI recommendations
- Review of GBI Crime Lab reports as soon as possible after they are released to investigating agency; per GBI recommendations
- Determination of probable cause and arrest
- Preparation of case reports with investigative summaries
- Assistance to District Attorney's office in prosecution of case
- Testimony and presentation of evidence in court

Investigating officers will work with victim advocates to ensure a victim centered response to the investigation and proper notification of case updates to victims. Additionally, law enforcement officers will operate under the guidelines established by *The Georgia Crime Victim's Bill of Rights* (O.C.G.A. § 15-17-1) and adhere to best practices as outlined in the *Georgia Sexual Assault Team Guide*.

MEDICAL FORENSIC EXAMINATION PROCEDURES

The role of the medical forensic personnel is to provide a timely, high-quality medical forensic examination that can potentially validate and address sexual assault patients' concerns, minimize the trauma they may experience, and promote their healing. At the same time, it can increase the likelihood that evidence collected will aid in criminal case investigation, resulting in perpetrators being held accountable and further sexual violence prevented.

Medical forensic examinations shall be performed at the June Cottage. Medical forensic exams should be made available if patient chooses to report, chooses not to report, or chooses to report anonymously if Colquitt County.

Medical forensic examinations shall be performed by a Sexual Assault Nurse Examiner ("SANE"), physician, nurse practitioner or physician's assistant ("PA") trained in performing such exams.

Medical forensic responsibilities include:

- Obtaining informed consent from the patient for the medical forensic examination, documentation, and evidence collection
- Gathering the medical forensic history
- Conducting a physical examination
- Coordinating treatment of injuries
- Documentation of biologic and physical findings
- Collection of evidence from the patient
- Documentation of findings
- Providing information, treatment, and testing and referrals for STIs
- Perform a pregnancy test and refer out to the Hope House for any follow-up necessary
- Follow-up as needed for additional treatment and/or collection of evidence.
- Providing testimony at trial

BIOLOGIC EVIDENCE COLLECTION

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 Lab. At the conclusion of the sexual assault medical forensic examination, any evidence collected will be packaged and protected in a manner to ensure the integrity of specimens and the appropriate chain of custody of the evidence.

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

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

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

REQUESTS FOR MEDICAL FORENSIC EXAMINATION

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

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

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

Any child enrolled in school and over 18. School will notify SRO who will notify investigations.

If the victim is the caller, the dispatcher should:

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

Once the victim decides he/she wants a sexual assault examination, and law enforcement determines that a SANE will be needed, law enforcement will inform the dispatcher to notify Hero House staff or contact them themselves.

"JANE DOE" REPORTING

A sexual assault victim shall have the right to have a forensic medical examination regardless of whether the victim participates in the criminal justice system or cooperates with law enforcement in pursuing prosecution of the underlying crime. (O.C.G.A. 17-5-72)

If a sexual assault victim calls 911 requesting a forensic medical examination for sexual assault but does not wish to make a report to law enforcement, dispatch is to contact the appropriate law enforcement agency. Hero House will also be contacted. The victim will be directed to the June Cottage. Evidence will be collected and a GBI Sexual Assault Evidence Collection Kit will be completed. The evidence collection kit and all evidence will be labeled by the SANE with the victim's information, minus his/her name, and released to the responding law enforcement officer. The law enforcement officer will also be provided with an information sheet regarding the sexual assault victim. Along with the incident date, said information sheet shall include the victim's sex, date of birth, and race. Said information sheet shall not include the victim's name. The GBI Sexual Assault Evidence Collection Kit will be forwarded by law enforcement to the GBI Crime Laboratory.

If a sexual assault victim goes to the hospital requesting a forensic medical examination for sexual assault but does not want to make a report to law enforcement, the hospital shall contact the appropriate law enforcement agency and Hero House will then contact a SANE. The victim will be directed to the June Cottage. Evidence will be collected and a GBI Sexual Assault Evidence Collection Kit will be completed. The evidence collection kit and all evidence will be labeled by the SANE with the victim's information, minus his/her name, and released to the responding law enforcement officer. The law enforcement officer will also be provided with an information sheet regarding the sexual assault

victim. Along with the incident date, said information sheet shall include the victim's sex, date of birth, and race. Said information sheet shall not include the victim's name. The GBI Sexual Assault Evidence Collection Kit will be forwarded by law enforcement to the GBI Crime Laboratory.

If the victim does not cooperate with law enforcement in the investigation or prosecution of a sexual assault, the investigating law enforcement agency shall maintain any physical evidence collected as a result of such sexual assault that contains biological material, including, but not limited to , stains, fluids, or hair samples that relate to the identify of the perpetrator of the sexual assault, for not less than 12 months from the date any such physical evidence is collected. (O.C.G.A. 17-5-72(b))

No prosecuting attorney, investigating law enforcement agency, or government official shall ask or require any victim of a sexual assault to submit to a polygraph examination or any other truth-telling device as a condition precedent to investigating a sexual assault. The refusal of a victim to submit to a polygraph examination or any other truth-telling device shall not prevent an investigation or prosecution of any sexual assault. (O.C.G.A. 17-5-73)

COSTS OF THE MEDICAL FORENSIC EXAMINATIONS

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

CONDUCT OF THE MEDICAL FORENSIC EXAMINATION

The SANE, physician, nurse practitioner or PA will perform the examination and assessment.

The SANE will provide victim with sexual assault tracking system number.

Medical forensic examinations and biologic evidence collection should be completed as quickly as possible after a report is received.

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

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

The SANE, physician, nurse practitioner or PA will complete appropriate authorizations relating to the examination.

The SANE, physician, nurse practitioner or PA will photograph and document injuries and prepare a report.

The SANE, physician, nurse practitioner or PA will maintain and document the chain of custody of any evidence collected during the examination and assessment.

The SANE, physician, nurse practitioner or PA will adhere to best practices as outlined in the *Georgia Sexual Assault Response Team Guide*.

The SANE will notify Jane Doe victims the rape kit will only be held for 12 months.

PROCEDURES for HOSPITALS RECEIVING WALK-IN REPORTS OF SEXUAL ASSAULTS

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

Hospital emergency department personnel shall timely notify June Cottage of the incident including which law enforcement agency is responding.

1. The ER physician or physician extender will provide a medical screening examination.
2. If no treatment is indicated in the Emergency Department the patient will be escorted to the June Cottage by the responding law enforcement agency for examination and evidence collection as requested by the victim.
3. If the patient has obvious injuries or requires medical treatment in the Emergency Department, the responding law enforcement agency will contact the June Cottage and the examination will be performed at the hospital.

If the victim is a **CHILD**, refer to the Colquitt County Child Abuse Protocol.

PROSECUTION

The role of the District Attorney's office is to protect the rights of the victim while holding the offender accountable. Prosecutors should work in a collaborative fashion with law enforcement, medical forensic and victim advocates. Prosecutors will operate under the guidelines established by *The Georgia Crime Victim's Bill of Rights* (O.C.G.A. § 15-17-1) 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 a court proceedings or any changes to such proceedings, including restitution hearings
- To reasonable, accurate and timely notice of the accused 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, which 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 District Attorney's Office will accompany the victim.

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

LOCAL SART COORDINATED RESPONSE

All members of the Colquitt County Sexual Assault Response Team will adhere to best practices as outlined in the *Georgia Sexual Assault Response Team Guide (available summer 2017)*.

Members of the Colquitt County SART agree to meet monthly for case review, discussion, and evaluation to assure the coordination and cooperation between all agencies responding to sexual assault cases in the Southern Judicial District/Colquitt County.

Pursuant to O.C.G.A § 15-24-2, members of the Colquitt County Sexual Assault Protocol Committee agree to meet annually to review, update and evaluate this Sexual Assault Protocol.

The foregoing Colquitt County Sexual Assault Protocol is hereby adopted and replaces any previously adopted protocol and remains in effect until such time as said protocol is amended and adopted.

This 27th day of October, 2023.



Colquitt County Sheriff's Office



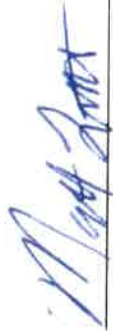
Moultrie Police Department



Southern Judicial Circuit DA's Office



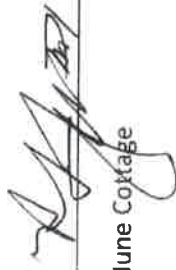
Colquitt Regional Medical Center



Magistrate Court



Colquitt County Health Department



June Coxage



Hero House



Sexual Assault Nurse Examiner



Serenity House