

SEXUAL ASSAULT PROTOCOL

This Dublin Judicial Circuit Sexual Assault Protocol (“Protocol”) is adopted pursuant to O.C.G.A. § 15-24-2 for the purpose of outlining the procedures to be used in responding to, investigating and prosecuting cases of sexual assault.

The purpose of this Protocol shall be to ensure coordination and cooperation between all agencies involved in sexual assault cases so as to increase the efficiency of all agencies handling such cases and to minimize the stress created for the alleged sexual assault victim by the legal and investigatory process.¹

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 each county’s child abuse protocol in identifying appropriate services and resources. Per the state model child abuse protocol, those services and resources should include the sexual assault centers utilized in the four counties in the Dublin Judicial Circuit (Stepping Stone Child Advocacy and Sexual Assault Center, The Refuge Domestic Violence Shelter and Sexual Assault Center, Crisis Line & Safe House of Central Georgia, Inc. or any available advocacy center if none of the listed are available) in providing services to adolescents in acute cases. An agreement between the applicable sexual assault centers and children’s advocacy centers (Stepping Stone Child Advocacy and Sexual Assault Center, The Sunshine House Regional Children’s Advocacy Center and Atrium Heath Navicent Crescent House or any available advocacy center if none of the listed are available) 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 sexual assault victim advocate² is to provide services to the victims of sexual assault regardless of whether or not the victim chooses to participate in the criminal justice process. They play a very important role in providing a response that keeps the victim central in the process, allowing the investigation and prosecution to be offender focused. Advocacy also has a critical role in promoting the healing process for the victim. Sexual assault victim advocates provide crisis intervention, support, family advocacy, information and referral and other ancillary services to assist the victim through the criminal justice process. The support provided by the sexual assault victim advocate also benefits the criminal justice process, because supported, well-informed victims are more likely to continue through the process. Advocates will operate under the relevant Georgia laws for their agency and will consider the best practices as outlined in the Georgia Sexual Assault Response Team Guide, Version 2 and the Georgia Sexual Assault Certification Standards.

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.

² Defined as a trained sexual assault victim advocate working with a Georgia certified sexual assault center.

Responsibilities of the sexual assault victim advocate include:

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

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

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:

- Identification, apprehension and interrogation of suspect(s)
- Interview of victim with an offender focused and trauma informed approach, which includes allowing an advocate to be present
- Interview of witnesses
- Collection and preservation of evidence
- Maintenance of chain of custody
- Timely submission of 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 may 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 relevant Georgia laws for their agency and will consider the 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 may be performed at either a sexual assault center which provides the services of forensic examinations or a hospital (see attachment A for applicable entities). Medical forensic exams should be made available if patient chooses to report, chooses not to report, or chooses to report anonymously.

Medical forensic examinations **shall** be performed by a Sexual Assault Nurse Examiner ("SANE"), physician, nurse practitioner or physician's assistant ("PA") trained in performing such exams unless extraordinary circumstances are present. If such circumstances are present, an examiner should comply with all the protocols herein.

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

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

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

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.

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

All biologic evidence collected at the request of a patient who chooses not to initiate and participate in and/or cooperate with a law enforcement investigation shall be processed and stored according to O.C.G.A. § 17-5-71.

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 at the patient's request pursuant to O.C.G.A. 17-5-72.

Medical forensic examinations may be requested by contacting a sexual assault center or hospital which provides the services of a SANE, physician, nurse practitioner or PA trained in performing such exams.

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

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

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

Medical forensic examinations and biologic evidence collection shall be conducted in accordance with Georgia Bureau of Investigation (GBI) procedures using a GBI Sexual Assault Evidence Kit.

It is also recommended that medical forensic exams be conducted in accordance with the *National Protocol for Sexual Assault Medical Forensic Examinations*.

A trained victim advocate should 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 should adhere to best practices as outlined in the *Georgia Sexual Assault Response Team Guide*.

PROCEDURES FOR HOSPITALS RECEIVING WALK-IN REPORTS OF SEXUAL ASSAULTS

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

Hospital emergency department personnel shall timely notify the appropriate sexual assault center (Stepping Stone Child Advocacy and Sexual Assault Center, The Refuge Domestic Violence Shelter and Sexual Assault Center, and Crisis Line & Safe House of Central Georgia, Inc.) of the incident including which law enforcement agency is responding.

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 relevant Georgia laws including *The Georgia Crime Victim's Bill of Rights* (O.C.G.A. § 17-10-1 et seq.) that state, for example and as paraphrased, 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 Dublin Judicial Circuit Victim Assistance Program will accompany the victim when feasible and appropriate.

Prosecutors and prosecution-based advocates will adhere to all relevant Georgia laws and consider the best practices as outlined in the Georgia Sexual Assault Response Team Guide, Version 2.

LOCAL SART COORDINATED RESPONSE

To the extent a Sexual Assault Response Team applies, the members for each county will consider the best practices as outlined in the Georgia Sexual Assault Response Team Guide, Version 2 (*available on the Sexual Violence Resource of Georgia website*).

Members of the each SART agree to meet bi-annually for case review, discussion and evaluation to assure the coordination and cooperation between all agencies responding to sexual assault cases in their respective county.

LOCAL RESOURCES

The sexual assault centers identified in Attachment A agree to work with law enforcement and other sexual assault centers to provide services to counties within their area. Law enforcement should consider utilizing the nearest sexual assault center for examination and interview when practicable.

Pursuant to O.C.G.A § 15-24-2, members of the Dublin Judicial Circuit Sexual Assault Protocol Committee agree to meet annually to review, update and evaluate this Sexual Assault Protocol and to submit the updated protocol electronically each year to svrga@cjcc.ga.gov.

The foregoing Dublin Judicial Circuit Sexual Assault Protocol for Johnson, Laurens, Treutlen, and Twiggs Counties is hereby adopted and replaces any previously adopted protocol and remains in effect until such time as said protocol is amended and adopted.

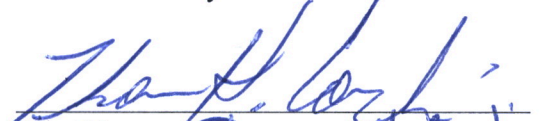
This 17 day of November, 2023.



Sammy Young, Chief Deputy
Johnson County Sheriff's Office



Print Name: Anthony Rowland
Laurens County Sheriff's Office



Print Name: Thomas H. Corbin
Treutlen County Sheriff's Office



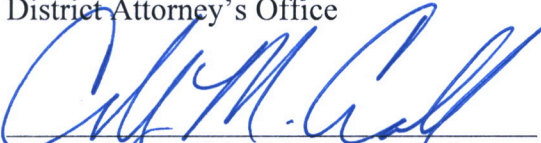
Chris White, Investigator
Twiggs County Sheriff's Office



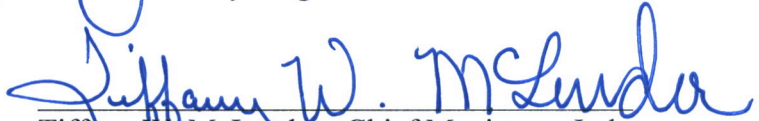
Chairperson Brandon Faircloth, ADA
District Attorney's Office



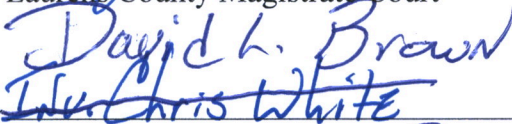
Jennifer Morris, Chief Magistrate Judge
Johnson County Magistrate Court



Colby Crabb, Chief Magistrate Judge
Laurens County Magistrate Court



Tiffany W. McLendon, Chief Magistrate Judge
Treutlen County Magistrate Court



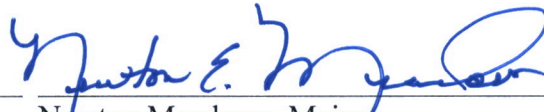
Print Name: David L. Brown
Twiggs County Magistrate Court



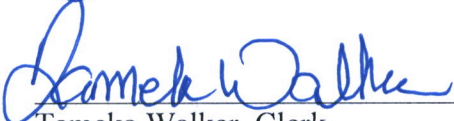
Stacey S. Sapp, Lieutenant
City of Dublin Police Department



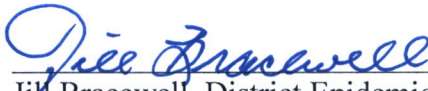
Print Name: Aaron Price
City of Wrightsville Police Department



Newton Meadows, Major
City of Soperton Police Department



Tameka Walker, Clerk
City of Jeffersonville Police Department



Jill Bracewell, District Epidemiologist
Board of Health, Laurens, Johnson, Treutlen, and
Twiggs Counties

[signatures continue on following page]

A Poulton RN

Anthea Poulton, RN, SANE Coordinator
Stepping Stone Child Advocacy and
Sexual Assault Center

Heather Mullis

Heather Mullis, Executive Director, WINGS
Local Citizen

Emily Brookshire

Emily Brookshire, Assistant Executive Director
Stepping Stone Child Advocacy and
Sexual Assault Center

ATTACHMENT A

SEXUAL ASSAULT CENTERS AND SHELTERS

Crisis Line & Safe House (Twiggs)
915 Hill Park Suite 100 C
Macon, GA 31201
(478) 745-9292 Crisis
(478) 275-9010 Admin
www-cl-sh-org

The Refuge Domestic Violence Shelter and Sexual Assault Center (Treutlen)
605 Jackson Street (physical address)
P.O. Box 853 (mailing address)
Vidalia, GA 30475
(912) 538-9935 Crisis
(912) 538-9936 Admin
www.therefugeshelter.org

Stepping Stone (Johnson, Laurens, Treutlen, Twiggs)
382 Woodland Trails Rd.
Dublin, GA 31021
(478) 595-8339
www.steppingstonegeorgia.com

W.I.N.G.S. (Johnson and Laurens)
P.O. Box 8277
Dublin, GA 31040
(478) 272-8000 Crisis
(478) 272-5880 Admin
www.wingsdublin.org