

SEXUAL ASSAULT PROTOCOL

IN THE SUPERIOR COURT OF GWINNETT COUNTY

STATE OF GEORGIA

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA

2023 SEP 13 PM 12:26

TIANA P. GARNER, CLERK

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, said Protocol was approved by Judge George Hutchinson on September 22nd 2022 and filed in on same, and

WHEREAS, the current Sexual Assault Protocol Committee has reviewed, approved and signed the September 22nd 2022 sexual assault protocol, making no changes.

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 Gwinnett County.

SO ORDERED, this 13 day of September, 2023

R. Timothy Hamil 090823

Honorable
Timothy Hamil
Chief Superior Court Judge
Gwinnett Judicial Circuit

GWINNETT SEXUAL ASSAULT PROTOCOLS

This sexual Assault Protocol is adopted pursuant to O.C.G.A. § 15-24-2 for the purpose of outlining the procedures to be used in investigating cases of alleged sexual assault including collecting evidence, paying for expenses related to evidence collection, and prosecuting such cases. The protocol shall not apply to child victims covered under the Child Abuse Protocols.

For the purpose of this protocol the term "Victim" refers to adult victims. Additionally, a victim under the age of 18 may be served by this protocol if the sexual assault is considered acute or requiring an immediate medical forensic examination for biologic evidence collection.

Every sexual assault case involving victims under 18 should be evaluated individually based on age, assault history, medical needs, and evidentiary factors and the best resources available to the victim and the investigation which shall include a referral to Mosaic Georgia and Child Advocacy Center. 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.

Medical Forensic Examination Procedures and Conduct

- a. Medical Forensic examinations shall be performed at the Mosaic Georgia. If Mosaic coverage is not available, the exam shall be performed at any licensed medical facility which has the ability to perform such exams. In cases where a victim requiring medical forensic examination and evidence collection has injuries requiring emergency department treatment, the exam shall be performed in the emergency department of a licensed medical facility.
- b. Examinations shall be performed by a Sexual Assault Nurse Examiner (SANE). In the event that a SANE is not available, the exam shall be performed by a licensed medical professional trained in performing such examinations.
- c. Medical forensic examinations and evidence collection will be completed as quickly as possible after a report is received.
- d. The SANE or licensed medical professional will complete appropriate consents relating to the examination.
- e. The SANE or licensed medical professional will photograph and document injuries and prepare a report.
- f. The SANE or licensed medical professional will maintain and document the chain of custody of any evidence collected during the examination and assessment.
- g. Forensic examinations and evidence collection shall be conducted in accordance with Georgia Bureau of Investigation (GBI) procedures using the GBI Sexual Assault Evidence Collection Kit.
- h. A victim advocate will be available to accompany the victim and offer emotional support during the examination. The advocate will at no time ask the victim questions related to details of the assault.

Biological Evidence Collection

- a. Anyone who performs a medical forensic exam will collect biological samples from victims at the request of law enforcement agencies, the District Attorney's Office, DFCS, or at request of a victim, in accordance with currently accepted protocol, to obtain timely biological reference samples for possible analysis at the GBI Crime Lab.
- b. Mosaic personnel may collect biological samples from a suspect at the request of a law enforcement agency or the District Attorney's Office. A staff member and a SANE will go with the investigator to the location of the suspect. Collection of biological samples from suspects is not done at the Mosaic facility, but at a location designated by a law enforcement agency or at a correctional facility.
- c. The Mosaic staff and the SANE will obtain a copy of any search warrant or consent form authorizing the collection of biological samples from a suspect and retain it for the file.
- d. When a medical forensic 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 and provide a summary of all rights guaranteed to the alleged victim pursuant to the Crime Victims' Bill of Rights established pursuant to Code Section 17-17-1, et seq., as provided by the Criminal Justice Coordinating Council. Law enforcement officials shall take possession of such evidence no later than 96 hours of being notified and shall submit the evidence to the GBI Crime Lab within 30 days of being collected, pursuant to O.C.G.A. § 35-1-2.
- e. All biological evidence collected at the request of a victim who chooses not to initiate, participate in, and/or cooperate with any law enforcement investigation shall be maintained by Mosaic in a secured location for no less than twelve (12) months or until such time as an investigation and/or prosecution is commenced. If an exam is conducted at a place other than Mosaic, the law enforcement agency in the jurisdiction where the assault occurred shall be responsible for collecting and transporting the kit to Mosaic, who will store the kit for no less than twelve (12) months or until such time as an investigation and/or prosecution is commenced.

Requests for Medical Forensic Examination

- a. Medical Forensic examinations are performed at the request of a law enforcement agency, the District Attorney's Office, DFCS, the Medical Examiner's Office, hospital, pursuant to a court order, or at a victim's request pursuant to O.C.G.A § 17-5-72
- b. Examination may be requested on a 24-hour basis via the Mosaic Georgia crisis line at 866-900-6019

Costs of Medical Forensic Examinations

- a. The cost of examinations shall be paid as provided by O.C.G.A § 16-6-1(c), O.C.G.A § 17-5-72

Healthcare Facilities and Providers Receiving Walk-In Reports of Sexual Assaults

- a. Healthcare facilities and providers receiving victims 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.
 1. Adult victims will retain the right not to initiate, participate in, and/or cooperate with any law enforcement investigation of such assault.
- b. Medical personnel shall then notify Mosaic Georgia of the incident including which law enforcement agency is responding.
- c. Mosaic Georgia will coordinate the performance of any Medical Forensic examination that may be needed.
- d. Medical personnel who are not specially trained in Medical Forensic exams should avoid genitalia examination and assessment unless acute injury warrants immediate medical intervention.
- e. The Mosaic team will either respond to the hospital for completion of the examination or perform the examination at the Mosaic facility if practicable.

Sexual Assaults occurring at the Gwinnett County Jail or Gwinnett County Correctional Complex

- a. Any time that an incident or allegation of sexual abuse is discovered or reported within 12 hours of the incident, law enforcement will transport the victim of sexual abuse to Northside Gwinnett for a Medical Forensic examination by a Mosaic SANE, a hospital-provided SANE, or a specially trained medical professional.

The Gwinnett County Jail shall provide inmates/residents with access to outside victim advocates for emotional support services related to Sexual abuse by providing toll-free hotline numbers where available, for local, State, or national victim advocacy or rape crisis organizations. The facility will also provide inmates/residents with the PO Box mailing address for Mosaic Georgia upon request and distribute Mosaic Georgia informational brochures and/or informational packets to those inmates/residents in need of Mosaic Georgia services. The facility shall enable reasonable communications between inmates/residents and these organizations in as confidential manner as possible.

- b. Gwinnett County shall also inform inmates/residents prior to giving them access, the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities.
- c. The report of sexual abuse shall be timely referred to and investigated by a certified law enforcement officer.

Sexual Assaults Occurring at Georgia Gwinnett College

The goal of Georgia Gwinnett College (GGC) is to ensure that all members of the college community are treated with respect while balancing the needs of the victim/survivor with law enforcement requirements.

Patrol Officer Response:

- a. Attempt to calm and reassure the victim that they are safe and make sure that they are as comfortable as possible
- b. Determine if the victim needs immediate medical assistance.
- c. Check for the existence of physical evidence. If found, secure the scene and/or bed linens, as well as explaining the importance of waiting to shower or change clothes.
- d. Explain to the victim the general process of what is going to happen and the need to ask questions of a sensitive nature. Let the victim know that an investigator will be following up or enroute to complete the investigation. Provide the victim with a case number and investigator's name.
- e. Broadcast suspect information to other patrol units and law enforcement agencies, if necessary. If a suspect is apprehended, transport the suspect to headquarters so an investigator can conduct an interview.

Investigator Protocol:

- a. Once notified, the investigator assigned to the case should make contact with the victim as soon as possible for a follow-up interview or be enroute to the scene, depending on the circumstances.
- b. The victim may choose to have an advocate present during any interviews. An interpreter shall be provided to the victim, if necessary.
- c. Explain to the victim that the interview is for clarification purposes and some questions may be repeated in order to gather more evidence for the prosecutor. Inform the victim of the process and the need to ask questions that may be sensitive and uncomfortable.
- d. A medical forensic exam should be performed if the assault occurred within the last 120 hours. Examinations for physical evidence may also be recommended if other circumstances exist, i.e., if the victim was held at the crime scene for an extended period of time. If an exam is necessary, the victim should be taken to Mosaic Georgia or the most logical medical facility (if medically necessary). GGC will provide transportation if needed.
- e. The investigator shall ensure the integrity of the SA kit and obtain SANE reports.
- f. The investigator shall obtain court orders and search warrants when necessary. If a suspect has been identified and apprehended, biological samples shall be obtained from them.
- g. The investigator shall also obtain the following evidence, if available: 911 calls, surveillance camera footage of the crime scene and surrounding area, and other physical or corroborating evidence.

- h. The investigator shall also follow up on testing, collect lab reports, and analyze the results. Further, the investigator shall utilize other law enforcement agencies and support services that may be necessary (i.e. FBI, expert witnesses, IT services). If the evidence warrants, the investigator should secure an arrest warrant for the suspect and make all efforts to serve it.
- i. The investigator should inform the victim of the process and provide the investigator's contact information to them. The victim should be encouraged to contact the investigator with any new information or with any questions that may arise. The victim should be notified when and if an arrest has been made in the case or when the case has been forwarded to the DA's Office. The victim should also be given the contact information for the DA's Office SVU. Additionally, the victim should also be aware of services available to them as listed in the Mosaic Georgia brochure or by GGC. The investigator should also inform the victim that the College is required to be notified of the assault pursuant to Title IX and that they may be contacted by someone from the Title IX Compliance Office to speak with them about the assault. They should be informed that the Title IX investigation does not affect the criminal investigation in any way. However, there should be some mutual cooperation between GGCPD and the Title IX Compliance Office to reduce the amount of trauma to the victim.
- j. The investigator shall remain available to the DA's Office for follow-up investigation and trial.

Law Enforcement/Gwinnett County Public Schools Protocol for an Outcry made during school hours of abuse by a School Employee Against a Student

- a. When an outcry of abuse by a school employee against a student is received at a Gwinnett County Schools (GCPS) location the notified school employee should immediately notify the school resource officer (SRO).
 - 1. Upon notification by the school employee, the SRO will determine jurisdictional issues and notify the appropriate law enforcement agency(ies).
 - 2. A forensically trained SRO or investigator should conduct a forensic interview with the victim-student within one hour.
 - 3. The school may contact the DA's office (Special Victims Unit duty ADA or Deputy Chief) if an agency is not expediting the interview of the student victim.
- b. Gwinnett County Public Schools shall allow the appropriate police agency to arrange for a forensic interview of the student victim at the school BEFORE the suspect teacher is interviewed, so as to ensure that all evidentiary avenues are kept intact.
- c. During the forensic interview of the student victim, the forensic interviewer shall obtain information about all possible corroborating details and determine if other

witnesses exist and who those witnesses are. The interview shall include, but is not to be limited to, the following topics:

1. Was there electronic communication between the suspect teacher and the student victim?
 - a. Cellphones, phone numbers, email addresses, apps, handle, etc. used in the communication (for possible subsequent search warrant)?
 2. Where did the sexual abuse happen?
 - a. Hotel? School classrooms? Suspect teacher's residence? Obtain as much detail as possible so that the police agency can find the location and corroborate the student victim's statements.
 3. Did the details of the outcry include any tools, props, specific pieces of furniture, etcetera?
 - a. Where are these items located?
 4. Was the abuse acute (within the last 120 hours)? If so, the victim should be taken to a certified Sexual Assault Nurse Examiner (SANE) for a forensic medical exam.
- d. After the forensic interview is completed and corroborating information is obtained, the police agency shall notify GCPS Human Resources so that they may set up an interview with the suspect employee as required by Title 9 and school HR policy.,
1. The school shall notify the police agency of the time and place of the interview with as much advance notice as possible to allow the police agency an opportunity to secure search warrants for all corroborating information before the start of the interview.
 2. The school shall allow the police agency to be present at the conclusion of the interview BEFORE THE SUSPECT TEACHER LEAVES THE LOCATION OF THE INTERVIEW) so that the police agency can serve search warrants (on the defendant, his residence, his electronics, etc.) as necessary to preserve evidence and prevent the destruction of evidence needed for the prosecution of the case.
- e. Mosaic shall maintain cooperation with all involved police agency (ies) throughout the course of both the administrative and criminal investigations and provide updated information to each other as it is obtained.
1. The school shall allow the police agency (ies) access to witnesses and information within the school as allowed by school policy so that the police agency(ies) can corroborate the outcry through witness testimony if possible.
 2. If follow-up is required for the Title 9 investigation, Mosaic shall coordinate the acquisition of that information with the appropriate law enforcement agency.

Judicial Proceedings

- a. The District Attorney's Office should meet with the victim prior to making any charging decisions on the case. At this meeting, a victim advocate, the prosecutor assigned to the case, and the investigator assigned to the case should be present. The purpose of this meeting is to clarify any issues with the victim so that the case can be charged correctly, if it is going to go forward. The meeting is also to explain the criminal justice process to the victim and to inform the victim that they will be kept informed on the status of the case. If the case is not going to be prosecuted, the DA's Office should inform the victim and state the reason(s) for such.
- b. The DA's Office will inform victims of any scheduled court proceedings.
- c. If a victim attends any court proceeding, a victim advocate from the District Attorney's Victim-Witness Program will accompany the victim.
- d. The District Attorney's Office will send any necessary subpoenas for Mosaic staff to the Mosaic facility. The prosecutor assigned to the case will coordinate court attendance with the staff member and the staff member will appear for court as directed by the prosecutor trying the case.

The foregoing 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.

IX. Signatures

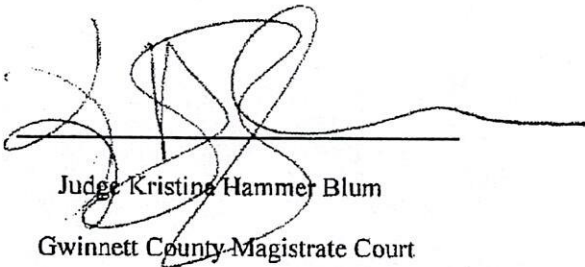
The Foregoing protocol is hereby amended, approved and accepted this 13th Day of September 2023



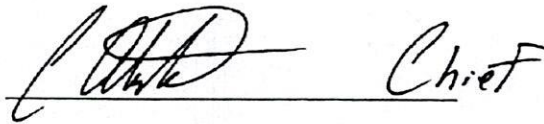
Patsy Austin-Gatson, District Attorney
Gwinnett County Judicial Circuit

R. Timothy Hamil 090823

Judge Timothy Hamil, Chief Superior Court
Gwinnett County Judicial Circuit



Judge Kristina Hammer Blum
Gwinnett County Magistrate Court



Sheriff Keybo Taylor
Gwinnett County Sheriff's Office

Travis Moses

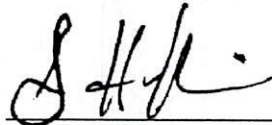
Travis Moses, Director
Gwinnett County Department of
Family and Children Services

J. D. McClure 530

Chief J.D. McClure
Gwinnett County Police Department




Dr. Calvin Watts, Superintendent
Gwinnett County School System



Interim Chief Glenn Kalish
Lilburn Police Department



Chief Judge Robert Waller
Gwinnett County Juvenile Court



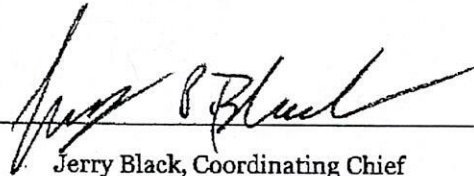
Chief Jacquelyn Carruth
Duluth Police Department



Maureen Kornowa, Executive Director
Gwinnett County Children's Shelter



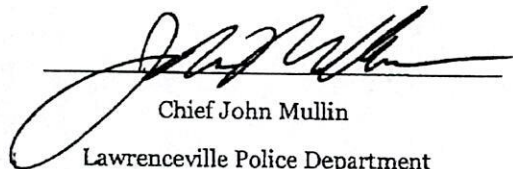
Chief Bill Grogan
Norcross Police Department



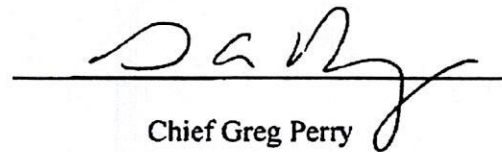
Jerry Black, Coordinating Chief
Gwinnett County Department of
Community Supervision



Chief Cass Mooney
Suwanee Police Department



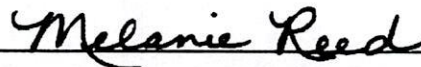
Chief John Mullin
Lawrenceville Police Department



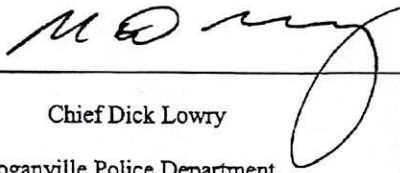
Chief Greg Perry
Snellville Police Department



Marina Peed, Executive Director, CEO
MOSAIC Georgia



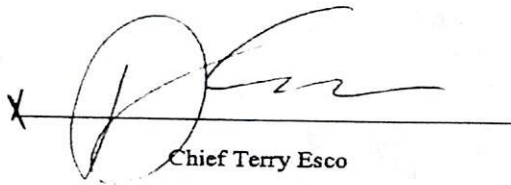
Melanie Reed, Superintendent
Buford City Schools



Chief Dick Lowry
Loganville Police Department



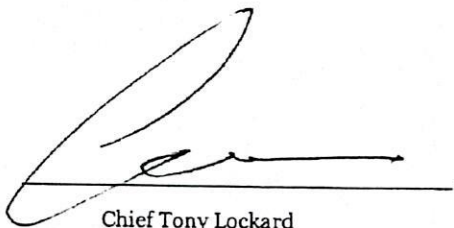
Dave Spence, Clinical Education Coord.
Northside Gwinnett Hospital



Chief Terry Esco
Braselton Police Department



Chief Christopher J. Hodge
Auburn Police Department



Chief Tony Lockard
Gwinnett County Public Schools



Chief Terrance Schneider
Georgia Gwinnett College