

# Macon Judicial Circuit



# Sexual Assault Response Protocol

# MACON JUDICIAL CIRCUIT SEXUAL ASSAULT RESPONSE PROTOCOL

## PURPOSE

The purpose of this protocol is to establish guidelines for achieving a “best practices” response to criminal allegations of sexual assault or abuse upon persons aged 17 and older in the Macon Judicial Circuit. (For persons under the age of 17, the separate and established Child Abuse Protocol for each county is to be referenced.) These guidelines are designed to ensure a cooperative and coordinated effort between trained personnel from city and county law enforcement agencies in Bibb, Crawford and Peach Counties, Crisis Line & Safe House of Central Georgia, Inc., Coliseum Medical Centers, Coliseum Northside, Atrium Health Navicent, Medical Center of Peach County, the District’s Attorney’s Office, and Robins Air Force Base, to achieve our shared mission.

Sexual assault for this protocol shall be defined as, but not limited to, Rape, Sodomy, Aggravated Sodomy, Sexual Battery, Aggravated Sexual Battery, Sexual Assault, Criminal Attempt to Commit Sexual Assault, or any other sexual assault.

## MISSION STATEMENT

A cooperative and coordinated Sexual Assault Response Team seeks to reduce the ongoing trauma experienced by victims of sexual assault and abuse. Our mission is to maintain the well-being of an individual victim while gathering evidence to bring the responsible person(s) to justice.

### Goals:

- Provide a sensitive and caring response to victims of sexual assault by all disciplines.
- Ensure that victims are aware of their right to have a victim advocate present at interviews and during medical forensic exams.
- Aim for culturally competent responses to all people.
- Provide quality services to all victims regardless of race, gender, sexual orientation, disability and age.
- Provide advocacy, forensic medical interviews, examinations, and counseling.
- Ensure that follow-up medical care is offered.
- Provide crisis intervention, support and follow-up counseling resources for primary and secondary victims.
- Ensure competent, coordinated and effective services by all disciplines, including initial and ongoing training of team members.
- Maintain quality control through timely case reviews.

## SEXUAL ASSAULT RESPONSE TEAM (SART)

### Structural Components

A Sexual Assault Response Team is composed of a select group of multidisciplinary representatives from community agencies and systems involved in protecting victims, identifying offenders and prosecuting crimes; specifically, law enforcement, forensic nurse examiners, advocates and the District Attorney's Office. A strong line of communication between team members is essential to the success of a SART, the welfare of the victim, and the successful prosecution of the offender(s).

### Membership

1. According to O.C.G.A. 15-24-2 the following agencies of the judicial circuit shall designate a representative to serve on the SART:
  - (A) The office of the sheriff of each sheriff's office in the judicial circuit;
  - (B) The office of the district attorney;
  - (C) The magistrate court;
  - (D) The office of the chief of police of a county of each county within the judicial circuit in counties which have a county police department;
  - (E) The office of the chief of police of the largest municipality in the county of each county within the judicial circuit; and
  - (F) The county board of health of each county within the judicial circuit;
  - (G) A local citizen of the judicial circuit;
  - (H) A representative of a sexual assault or rape crisis center serving the judicial circuit or, if no such center exists, then a local citizen; and
  - (I) A health care professional who performs sexual assault examinations within the judicial circuit or, if no such person exists, then a local citizen.
    - (A) The membership of the Macon Judicial Circuit SART satisfies the statutory requirements and will include ex officio members who will serve as needed. Ex officio members are any individuals, corporation, non-profit institution not included in Statute 15-24-2 and who have an established area of focus which is consistent with the goals of the SART. Ex officio members will serve as needed and may include representative(s) of the Crescent House and local educational institutions.
    - (B) The SART members will fulfill the primary functions of: specialized forensic interviews, forensic medical examinations with evidence collection, advocacy, investigations and case coordination. A strong line of communication between team members is essential to the success of a SART, the welfare of the victim and the successful prosecution of the offender(s.)



### **Confidentiality**

The meetings and proceedings of a committee or subcommittee of the Macon Judicial Circuit Sexual Assault Response Team in the exercise of its duties shall be closed to the public and shall not be subject to open meetings.

Members of the SART and attendees shall not disclose any victim information that is discussed at any meeting except as is required by law. A confidentiality form will be part of the sign in sheet and will be signed by each person present at every meeting.

When meetings are held electronically, case numbers will be used instead of victim names to maintain the confidentiality of the victim.

### **ISSUANCE AND DISTRIBUTION OF SART PROTOCOL**

1. The Sexual Assault Response Team shall have the responsibility of developing, approving, and implementing the Sexual Assault Response Team Protocol.
2. The Sexual Assault Response Team will review this protocol annually or at the request of any participating agency.
3. The protocol shall be made available to members of the Sexual Assault Response Team and all participating agencies.
4. To encourage active compliance with the protocol, participating agencies shall be charged with distributing the protocol to appropriate staff and training personnel.

### **THE SEXUAL ASSAULT RESPONSE TEAM PROTOCOL**

#### **Overview**

Sexual assault and sexual abuse cases may be complex and difficult to substantiate legally. Typically, there are few, if any, physical findings, and no eye-witnesses or other forms of corroborating evidence to substantiate the victim's report. To provide the best possible environment for forensic evidence collection, interagency coordination and planning is crucial. A cooperative team response is an effective way to prevent re-traumatization of victims. Utilizing the SART method will allow the highest likelihood of maintaining the well-being of victims and bringing perpetrators to justice. General referral criteria for initiating the SART process includes:

1. The report of sexual assault or abuse occurring within the Macon Judicial Circuit.
2. The report of sexual assault or abuse occurring outside of the Macon Judicial Circuit, or in an unknown jurisdiction, for which a courtesy report may be accommodated and for which collection of perishable evidence may be accomplished.

## **INITIAL CONTACT AND ASSESSMENT**

Contact with the SART may be initiated in a variety of ways. Law enforcement, Crisis Line & Safe House, and hospital personnel are the most likely points of contact for initiating the SART process. An ideal response includes:

1. A brief initial interview by the first responder.
2. A thorough forensic medical examination performed by a trained forensic examiner.
3. An in-depth interview to minimize the number of times a victim must recount the assault.
4. Ensuring the victim's questions and concerns are addressed.

## **TEAM MEMBER ROLES AND AREAS OF RESPONSIBILITY**

The participating agencies and their representatives have varying roles and responsibilities during the investigation and justice system involvement. Participating agencies work together to minimize ongoing trauma to the victim while ensuring the highest likelihood of achieving justice.

## **LAW ENFORCEMENT ROLE AND RESPONSIBILITIES**

Law enforcement's overall role in responding to a sexual assault complaint is to:

1. Conduct a comprehensive investigation relating to the complaint, gather evidence needed for a successful prosecution, and apprehend the suspected assailant.
2. Protect and support the victim by linking them to the appropriate community resources.

## **THE ROLE OF THE FIRST RESPONDING LAW ENFORCEMENT**

Law enforcement will be dispatched to the scene of a sexual assault complaint. Law enforcement will obtain the initial information about the assault and provide reasonable safety and aid to the victim. The first responding law enforcement officers will conduct a preliminary investigation to determine circumstances of the incident, suspect(s), location of evidence, and secure a reported crime scene. If the victim is not at the hospital, contact the Crisis Line & Safe House to determine if the victim is a candidate to go directly to the Sexual Assault Center, bypassing the emergency department. If the victim requires emergency medical care, ensure the victim is provided transport to the hospital of their choice for a physical examination and necessary medical treatment. A supervisor should also respond and evaluate the assault complaint.



The supervisor or designee will evaluate the complaint and determine if the investigation requires an immediate response by a detective/investigator or a crime scene investigator. If so, a detective/investigator will respond and assume responsibility for the investigation. If the investigation does not require an immediate response by a detective/investigator, the responding officer or another officer directed by a supervisor will take possession of any evidence collected by medical personnel and file the initial report. This evidence should be transported to the law enforcement agency having jurisdiction and secured as evidence. If a detective/investigator or crime scene investigator does not respond, the first responding law enforcement officer working with their supervisor should ensure that any identified crime scene is adequately processed for evidence.

To accomplish these tasks the first responding law enforcement officer(s) will adhere to the following guidelines:

1. Meet with the reported victim to provide support, and reasonable safety.
2. Assess the victim for medical needs and any other immediate needs.
3. Assess the victim for special needs – child, translator, disabled, etc.
4. Using sensitivity and non-judgmental questions, conduct a brief initial interview of the victim to gather information on the circumstances leading up to the crime, and actions during and after the crime. This determines if the elements of a sexual assault are met.
5. If a recording device is used, to include a body camera, the victim will be advised they are being recorded.
6. Provide the victim with options of pursuing legal action or not and describe the procedure of a criminal investigation.
7. Provide victim with contact information for the investigating agency and the assigned case number for the incident, and let the victim know when they will be contacted next.
8. Assess crime scene for need of back-up and/or detective call-out and/or crime scene unit call-out.
9. Secure any identified crime scene to preserve its integrity for evidence collection.
10. Determine identity and location of suspect(s).
11. Arrest suspect(s), if appropriate.
12. A suspect exam will need to be completed as soon as possible to obtain physical evidence from the suspect's body. Evidence collection may be conducted via consent by the suspect or by a search warrant.
13. Identify any available witnesses who have information in relation to the incident and conduct documented interview(s).
14. If the victim is not at the hospital, contact the Crisis Line & Safe House to determine if the victim is a candidate to go directly to the Sexual Assault Center, bypassing the emergency department. If the victim requires emergency medical care, ensure the victim is provided transport to the hospital of their choice for a physical examination and necessary medical treatment.

15. Meet with the forensic nurse examiner, if possible, prior to any physical examination of the victim and brief them on the details of the incident.
16. Meet with forensic nurse examiner after the forensic examination of the victim and receive any physical evidence relating to the examination and secure it as evidence.

## **THE ROLE OF THE RESPONDING DETECTIVE/INVESTIGATOR**

If the decision is made by the patrol supervisor to have the detective/investigator respond to the scene, the detective/investigator will respond to the appropriate location and begin a thorough investigation of the complaint. To accomplish this task, the responding detective/investigator should adhere to the following guidelines:

1. On arrival, meet with the supervisor/responding officer to be briefed.
2. Unless it is imperative to continue the investigation, or the victim requests an immediate interview, the victim should have the opportunity to rest after the sexual assault examination as opposed to having to come immediately to the law enforcement agency for an interview or to provide a written statement. If a recording device is used at any interview the detective/investigator will tell the victim that such a device is being used.
3. Provide the victim with contact information of the investigating agency and the investigating officer.
4. Inform the victim of the criminal investigation procedure.
5. Inform the victim of options related to participating with law enforcement in the criminal investigation, making sure the victim is aware evidence can be collected and held for a minimum of 12 months even if he/she chooses not to move forward with the investigative process. It is important to also explain to the victim, if he/she chooses to participate with law enforcement, of the need to collect physical evidence, arrange a prompt interview, and hand over relevant articles, objects, clothing, etc.
6. Demonstrating sensitivity and using non-judgmental language, inform the victim of the need to ask direct and detailed questions concerning the incident.
7. Determine if a crime has occurred.
8. Evaluate the evidence.
9. Interview any witnesses having information related to the incident and document their statements.
10. Complete a thorough crime scene investigation and collect evidence related to the incident.
11. Obtain search warrants, arrest warrants, and arrest the suspect when appropriate.
12. Interview the suspect, complete suspect exam, and document any statements, admissions or confessions.
13. Review victim information and conduct a follow-up interview of the victim, documenting their statement(s) related to the incident. The detective/investigator should inform the victim they have



a right to have an advocate present for any follow-up interviews and if they request an advocate, shall notify the appropriate agency to dispatch a representative to the site of the interview. The detective/investigator shall wait a reasonable amount of time, not to exceed one half hour, for the advocate to arrive before beginning the interview. The detective/investigator shall reserve the right to exclude an advocate from the interview in the event the victim becomes a suspect in a crime, the environment is not safe for the representative, or the victim requests an advocate no longer be present.

14. The follow-up interview(s) should be recorded with either an audio or digital device, and the victim should be made aware of the recording device prior to initiating the interview.
16. When the sexual assault examination begins, the detective/investigator should continue the investigation and not remain with the victim unless requested to do so by the medical personnel or the situation warrants their presence, such as after business hours. When the examination is completed, the forensic nurse examiner or other medical personnel will contact the responding agency and the law enforcement officer will return to collect any evidence and obtain a briefing from the forensic nurse examiner or other medical personnel concerning the results of the physical examination. If the detective/investigator is unavailable, a law enforcement officer will be dispatched to the Sexual Assault Center or hospital to secure the evidence and obtain the briefing within 45 minutes of request.
17. The detective/investigator should maintain contact with the victim and advocate throughout the investigation.
18. Assist and consult the Macon Judicial Circuit District Attorney's Office on filing charges and prosecuting the crime as needed.
19. If an investigation of a sexual assault reveals the identity of a suspect and the victim elects not to pursue an investigation or prosecution, or for some reason charges cannot be filed against the suspect, the case file and/or investigative report may be forwarded to the Macon Judicial Circuit District Attorney's Office for review.

## **LAW ENFORCEMENT ROLE IN COLLECTION OF EVIDENCE FROM A CRIME SCENE**

Investigating officers of a reported sexual assault should determine and locate the crime scene of the incident, if possible, and conduct a comprehensive and thorough crime scene investigation by using the following guidelines:

1. Crime scenes should be photographed before any evidence is removed. Attention should be paid to areas that appear to be disturbed or unusual.



2. Any physical evidence that may implicate the suspect should be seized. Such items of evidence include, but are not limited to, fingerprints, objects, and materials that potentially contain body fluids such as used condoms, bedding and towels, victim's clothing, suspect's clothing and fluids.
3. Note any evidence of alcohol and/or drug consumption whenever drug facilitated sexual assault is suspected.
4. In the event a suspect is identified, a suspect exam will need to be completed as soon as possible to obtain physical evidence from the suspect's body. Evidence collection may be conducted via consent by the suspect or by a search warrant.

## **PRESERVATION OF EVIDENCE**

When a forensic medical examination is performed, evidence is collected, and the victim wishes to proceed with a criminal justice response by reporting the sexual assault to law enforcement, the evidence shall be submitted to the Division of Forensic Sciences of the Georgia Bureau of Investigation pursuant to O.C.G.A. 35-1-2 within 30 days of being collected.

Pursuant to O.C.G.A. 17-5-71, in cases in which the victim reports an alleged sexual assault to law enforcement, the state or local investigating law enforcement agency shall maintain any physical evidence collected as a result of a reported sexual assault that contains biological material, including, but not limited to, stains, fluids, or hair samples that relate to the identity of the perpetrator of a reported sexual assault, for 30 years from the date of arrest, or seven years from completion of sentence, whichever occurs last, and if no arrests, then for 50 years.

If the victim chooses to not cooperate with law enforcement in the investigation or prosecution of a reported sexual assault, the investigating law enforcement agency shall maintain any physical evidence collected as a result of such reported sexual assault that contains biological material, including, but not limited to, stains, fluids, or hair samples that relate to the identity of the perpetrator of the reported sexual assault, for not less than 12 months from the date any such physical evidence is collected and five years for Office of Special Investigation (OSI).

Departmental policy may require evidence be held for a longer period than required by Georgia law.

## **MUTUAL AID**

In the event a victim presents to Crisis Line & Safe House and/or a local hospital and evidence is collected, and for unforeseen reasons the agency with jurisdiction is unable to retrieve the evidence in a reasonable amount of time, the local law enforcement agency will accept the evidence into custody and hold it until arrangements can be made to transfer it to the agency with jurisdiction. It is the responsibility of the agency with jurisdiction to contact the local agency to arrange pickup. This is only to be used in rare instances when the jurisdiction is unable to respond in an appropriate time due to distance or unavailability of staff.

## **COSTS FOR MEDICAL EXAMINATION AND RETRIEVAL OF PHYSICAL EVIDENCE**

Pursuant to O.C.G.A 17-5-72, a 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. A victim shall not be required to pay, directly or indirectly, for the cost of a forensic medical examination. The cost of a forensic medical examination shall be paid by the Georgia Crime Victims Emergency Fund, as provided for in Chapter 15 of this title.

## **LAW ENFORCEMENT'S ROLE WITH RELUCTANT VICTIMS**

A victim may want to make law enforcement aware of the assault, but not participate with an investigation. In the event a victim declines to participate with an investigation, or requests that no report be filed or investigation take place, law enforcement personnel should refer the victim to Crisis Line & Safe House (478-745-9292) or the Robins Air Force Base Sexual Assault Response Coordinator (RAFB SARC, 478-327-7272) to discuss their options. Crisis Line & Safe House and/or RAFB SARC will offer support, information, and other services, including local, state and national referrals.

If a report is made and the victim declines participation with law enforcement, and injuries are present, the victim should be encouraged to seek medical attention at a health care facility. If injuries are not present, law enforcement should contact the Crisis Line & Safe House Sexual Assault Center to arrange for the victim to receive services, if the victim so desires. The officer should explain that there might be a need for prophylactic treatment for sexually transmitted infections or for the prevention of pregnancy. The victim should also be informed that evidence can be collected and held for a minimum of one year by civilian law enforcement, or five years if being maintained by OSI, even though the victim declines to participate with law enforcement.



## **DEPARTMENT OF DEFENSE (DoD)**

### **SEXUAL ASSAULT REPORTING OPTIONS**

The Department of Defense has directed the implementation of confidentiality in the form of a restricted reporting option that enables Active-Duty Military, Guard and Reserve in Title 10 status, and military dependents 18 years of age and older, to report allegations of sexual assault to specified personnel, without triggering an investigation. This reporting option gives the individual access to medical care, counseling and a victim advocate but does not initiate the investigative process. The Department of Defense and the Air Force are committed to ensuring that victims of sexual assault are protected, treated with dignity and respect, and provided support. The Department of Defense has recognized there are significant barriers that may deter some victims from reporting sexual assaults. The most common barriers are listed below:

- Lack of privacy/confidentiality
- Stigma, shame, fear
- Fear of being reduced in the eyes of one's commander or colleagues
- Fear of disciplinary action due to a victim's own misconduct
- Fear of re-victimization
- Fear of operational impacts on training, security clearances, and overseas deployment
- Fear of adverse impacts on the individual's unit or mission accomplishment
- While the military makes every effort to treat victims with respect and dignity, and to respect their privacy to the maximum extent of the law, requiring individuals to report sexual assault allegations to command and law enforcement in order to obtain victim care services may cause some individuals to elect not to report and consequently decline assistance and care.

#### **ELIGIBILITY OF MILITARY MEMBERS REPORTING**

Restricted reporting is available only to military personnel of the Armed Forces and the Coast Guard, and their dependents 18 years of age and older. Military personnel include members on active duty and members of the Reserve Component (Reserve and National Guard), providing they are performing Federal duty (active-duty training or inactive duty training and members of the National Guard in Federal Title 10 status.) Members of the Reserve Component not performing federal duty are not eligible. Retired members of any component are not eligible.

#### **On Base Assault - Restricted Report**

In the event a victim presents at a civilian health facility and reports a sexual assault that occurred on Robins Air Force Base (RAFB) and requests a restricted report, the responding forensic nurse examiner or health care professional will, with the victim's permission, notify the on-call Robins Air Force Base SARC representative. The RAFB SARC representative will assist the responding forensic nurse examiner or health care professional concerning the victim. The victim will be given access to medical treatment, a



sexual assault examination, medications, a victim advocate and counseling without triggering an investigation. If the victim consents to a sexual assault examination and collection of physical evidence occurs, the victim's name will not be placed on any collected evidence. A RAFB OSI Agent will take possession of such evidence and secure it for a period of 20 years at a RAFB OSI evidence storage facility. RAFB OSI will not contact the reporting victim. The RAFB SARC will then follow the established Department of the Air Force Policies and Procedures for the Prevention of and Response to Sexual Assault.

#### **Off Base Assault – Restricted**

In the event the sexual assault took place off of Robins Air Force Base in Bibb County, Peach County or Crawford County Georgia, and the victim requests a restricted report, the forensic nurse examiner or health care professional aiding the victim should notify, on or before the next business day, the law enforcement agency having jurisdiction; inform them that a qualifying military member or their dependent has filed such a report; provide the law enforcement agency with basic details such as a general location, date and time of incident, and note that no prosecution or investigation is desired. The responding law enforcement personnel should note in the report or investigative report the reason(s) why the victim elected not to cooperate with the investigation, and no identifying information concerning the victim will be recorded in the report. If the victim consents to or requests that a sexual assault examination be completed and physical evidence is collected, a law enforcement officer of the law enforcement agency having jurisdiction will take possession of such evidence and secure it for a period of one year until it can be fully determined that no prosecution or investigative process is desired by the victim. No law enforcement agency will release the obtained information pursuant to Georgia law.

#### **Unrestricted Reporting**

A military member of the above description who reports a sexual assault also has the option of filing an unrestricted report where they may seek treatment and give consent for an investigation, collection of evidence and the prosecution of a suspect to proceed. In the event of an unrestricted report that occurred in Bibb, Peach or Crawford Counties, law enforcement, RAFB OSI, forensic nurse examiner and health care professionals shall proceed following the guidelines of the established Macon Judicial Circuit Sexual Assault Response Protocol. In the event the sexual assault occurred on base, RAFB SARC may be notified with the victim's permission to provide resources and care, and OSI representatives will conduct the investigation pursuant to existing policy and procedures.

## **CRISIS LINE & SAFE HOUSE (CL&SH) SEXUAL ASSAULT CENTER (SAC)**

The Crisis Line & Safe House Sexual Assault Center will be the designated place for sexual assault patients to receive an assessment of injury, evidence collection and prophylactic treatments with advocacy accompaniment. All forensic nurses who are employed at Crisis Line & Safe House have completed a 40-hour Sexual Assault Nurse Examiner (SANE) Adult/Adolescent didactic training and completed clinical hours to reach proficiency in the care of adult/adolescent sexual assault patients. In the event the victim presents to the emergency department or contacts law enforcement, the Crisis Line & Safe House will be notified prior to sending the victim to the Sexual Assault Center by calling 478-745-9292. The forensic nurse will make the determination if the patient is medically stable and can be sent to the Sexual Assault Center. In the event the victim is not medically stable, and the forensic nurse is credentialed at the requesting hospital, a forensic nurse will report to the hospital where the victim is located and complete the medical assessment and collection of evidence at the hospital.

### **Roles and Responsibilities:**

The role of the forensic nurse is to conduct quality forensic medical sexual assault examinations and, with the consent of the victim, provide exam findings to the law enforcement agency with jurisdiction.

### **Patient Consent:**

Consent for medical treatment is not the same as consent for evidence collection. O.C.G.A. 31-9-2 specifies who can consent for medical treatment. Evidence collection and releasing evidence to law enforcement can only be consented to by the patient or, if a minor, the minor's legal guardian. A guardian for an adult person is someone who is appointed by the court to make decisions on behalf of someone else.

### **Declining the Collection of Evidence:**

All victims, regardless of age, have the right to have evidence collected and to decline all or part of an examination for evidence collection. Consent for evidence collection, once given, can be withdrawn at any time during the examination. Patients have the right to decline the collection of reference specimens, such as pubic and head hair, blood and/or saliva for typing, and blood or urine for toxicology.

### **Patients Lacking the Capacity to Consent:**

If the patient lacks decision making capacity to give informed consent and has no legal guardian, evidence that may be destroyed due to medical care or time may be collected and held by medical personnel. Chain of custody will be maintained while the victim gains the capacity to consent, a guardian is appointed, or a court order is obtained by law enforcement to release the evidence. Evidence will not be turned over to law enforcement without the permission of the patient, the patient's legal guardian, or a court order.



If the patient is a minor, under the age of 18, the informed consent to perform a sexual assault examination shall be obtained from a parent or legal guardian. In the event a parent or legal guardian is unavailable and is not expected to be available in a reasonable amount of time, dependent on type of assault, a court order will be required to release evidence to law enforcement. With patient's assent and understanding of procedures, evidence can be collected and held by medical personnel maintaining chain of custody, while a parent or guardian is reached and consent is given, or until a court order is obtained.

## **FORENSIC MEDICAL EXAMINATION PROCEDURE**

The Forensic Nurse Examiner (FNE) will:

1. Meet the victim at the Sexual Assault Center or the emergency department.
2. Verify that the advocate has been notified.
3. Obtain patient consent for the forensic medical exam.
4. Obtain patient's account of occurrence. This may be done through a joint or coordinated interview with the law enforcement officer and advocate. Explain audio/video-taping procedure to the victim if used.
5. Conduct physical assessment.
6. Collect evidence as warranted.
7. Offer and provide medications for prophylactic treatment of certain sexually transmitted infections.
8. Offer and provide medication for prevention of pregnancy.
9. If the victim is seen in the emergency department, evaluate for continued care and treatment, including reporting to the physician and victim's nurse any findings from the exam.
10. Photographs taken by FNEs will be maintained at the Sexual Assault Center with the original chart. Law enforcement will take possession of the sexual assault kit and any other evidence (e.g. clothing, shoes etc.).

## **DEPARTMENT OF PUBLIC HEALTH**

### **Role of the County Health Department:**

The primary role of the County Health Department is to serve as a referral source following a forensic medical examination and as a service provider for victims of sexual assault.

A victim of sexual assault who presents to a County Health Department will be provided information and support. Crisis Line & Safe House Sexual Assault Center (478-745-9292) may be contacted for direction related to the initial care of the sexual assault patient. The law enforcement agency with jurisdiction will be notified if the victim does not request restricted reporting in accordance with the guidelines set forth by the DOD. See DEPARTMENT OF DEFENSE (DoD) SEXUAL ASSAULT REPORTING OPTIONS section of this Protocol for guidance. Department of Family and Children Services (DFACS) will be notified when appropriate for minors.



If a victim is referred to the County Health Department for follow-up after receiving a forensic exam or, after evaluation at a health care facility, the Health Department Registered Nurse (RN) or Advanced Practice Registered Nurse (APRN) will perform a needs assessment. This will include providing information and education, as well as services such as emergency contraception, testing and/or treatment of sexually transmitted infections, and counseling for appropriate follow-up testing if recommended. Referrals may be made at that time to other health care providers as deemed necessary. Patients will be informed of all services and resources available.

## **VICTIM ADVOCATE/VOLUNTEER ADVOCATE ROLE AND RESPONSIBILITIES**

### **Role of Victim Advocate (the advocate):**

The advocate's primary role is to provide information, support, accompaniment, advocacy and follow up support services to ensure continuity of care to direct and indirect victims of sexual assault and abuse, from the first contact to case closure. These services are provided 24/7/365.

The advocate's responsibilities include assuring the victim's legal right to have an advocate present at the Sexual Assault Center/hospital for any medical evidentiary or physical examination and have an advocate present at any interview.

When a victim is uncertain whether to report a crime, the advocate's role is to provide accurate, relevant, and requested information likely to aid in restoring the victim's sense of control and personal dignity.

Recognizing the profound effects of sexual assault and abuse traumas, a core role of the advocate is to provide referrals for counseling and support services to those who report crimes as well as those who decide not to report. Crisis Line & Safe House and RAFB SARC provides crisis intervention and follow-up services after the event, as well as, referral information for other community resources to support the recovery and well-being of survivors.

### **Role of the Advocate when at the Sexual Assault Center/Hospital:**

1. Responds, when notified, to the Sexual Assault Center/medical facility.
2. Explains victim's rights, responsibilities and relevant laws that may be pertinent to them/their concerns.
3. Accompany the victim during medical/forensic exams and law enforcement interviews unless declined by the victim.

4. A victim may choose to have one advocate with him/her in one or all law enforcement interviews, legal interviews or medical exams. At the request of the victim, the advocate may be at the site primarily for support of family, friends or other support persons. If the victim declines to have an advocate present, the advocate offers information about available services, including referrals to other pertinent resources, and remains on site until the victim is discharged. The detective/investigator shall reserve the right to exclude an advocate from the interview in the event a victim becomes a suspect in a crime, the environment is not safe for the advocate, or the victim requests that an advocate no longer be present.

**Role of the Advocate in Law Enforcement Interview:**

1. Respond to the interview location within 30 minutes of notification (Law enforcement should call the Crisis Line & Safe House (478-745-9292) when an advocate is needed.
2. Provide advocacy and support during the interview process.
3. When/if the investigator feels the need to shift the interview to suspect status, the investigator will inform the advocate in private. The advocate will then leave the interview.

## **SUSPECT EXAM**

The examination and evidence collection from the suspect are both important parts of making sure evidence in sexual assault cases is comprehensive and complete. Any evidence that could be transferred from the suspect to the victim may also be transferred from the victim to the suspect. In the event a suspect is identified, a suspect exam will need to be completed as soon as possible to obtain physical evidence from the suspect's body. Evidence collection may be conducted with consent by the suspect or with a search warrant. At a minimum, the person collecting evidence should be prepared to collect buccal swabs, 25 pulled head hairs, vaginal swabs, penile swabs, scrotal swabs, combed pubic hair, matted hair cuttings, 25 pulled pubic hairs and fingernail scrapings and/or fingertip swabbing. Law enforcement will determine if the clothing or other material on the suspect needs to be collected. All collected evidence will be turned over to the law enforcement officer and secured as evidence.

Any cost incurred related to a suspect exam and evidence collection will be the responsibility of the requesting agency. All evidence collection performed on active-duty members will be funded by the line installation commander.

## **DISTRICT ATTORNEY ROLE AND RESPONSIBILITIES**

### **Role of the District Attorney/Assistant District Attorney:**

It is the role of the District Attorney's Office to prosecute criminal violations of the law in the courts of the Macon Judicial Circuit. Cases are referred by the law enforcement agency in the jurisdiction where the crime occurred. The prosecutor reviews the report and decides whether to file criminal charges. If criminal charges are filed, it is the role of the District Attorney's Office to prosecute the case in conformance with Georgia Law and policy and procedures of the District Attorney's Office, and to attempt to secure an outcome which is equitable and just for the defendant, the victim and the community, in light of the circumstances of the offense and the defendant's criminal background. Additionally, the prosecutor will argue against bail or seek appropriate bond conditions to keep the victim and community protected, and ensures the defendant's appearance in court.

### **Responsibilities of the District Attorney/Assistant District Attorney:**

The District Attorney's Office will utilize "vertical prosecution" in the handling of sexual assault offenses, whereby attorneys who are specially trained in the prosecution of these cases will attempt to keep the case from inception to completion to reduce trauma to the victim.

### **Victim Contact:**

The District Attorney's Office will make every reasonable effort to protect the privacy of the victim when requested. The victim's address will only be divulged to the defense attorney for legitimate discovery purposes. Also, whenever pursuant to discovery, photos of the victim's intimate body parts are disclosed, the assistant district attorney will seek a court order limiting the copying and dissemination beyond that required for preparation of the defense.

### **Victim's Rights:**

The assistant district attorney will be knowledgeable of, and advise the sexual assault victim of his/her rights, including but not limited to:

- The right to have the suspect tested for the HIV virus.
- The right to confer with the prosecutor about the case disposition.
- The right to be heard at sentencing.
- The right to receive restitution as provided by law.
- The right to have a victim advocate present for any interview.



**Familiarity with Victim:**

In order to assess the strength of a case, the prosecutor can interview the victim early in the process, and before the filing of charges whenever possible. The assistant district attorney will ascertain the victim's concerns and wishes and consider them throughout the process. The prosecutor's office must stay in frequent contact with the victim and keep them advised of the progress of the case. Additionally, should dismissal of charges be required at any point, the prosecutor shall advise the victim of that necessity prior to the dismissal of the charges.

**Defense Access to Victim:**

The assistant district attorney shall advise the victim that they are not required to talk with anyone about the case, including the defense attorney and the private investigator. They should also be advised that should they wish to speak to someone about the case, the prosecutor or investigating officer will be present if the victim so requests.


**Victim's Attendance in Court:**

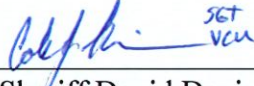
A victim's required presence in court should be scheduled to limit unnecessary waiting. Arrangements should be made to avoid contact between the victim and the defendant or any defense witnesses. Additionally, the victim should be advised of their right to have support persons accompany them.

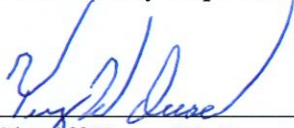



By our signatures, we pledge our commitment to these established guidelines for achieving a “best practices” response to criminal allegations of sexual assault or abuse upon persons aged 17 and older in Bibb County, Crawford County and Peach County and our commitment to abide by the terms of this protocol.


This 30th day of April 2024.


  
\_\_\_\_\_  
Chief Judge Philip T. Raymond III  
Bibb County Superior Court

 SGT  
VCU For BCSO  
\_\_\_\_\_  
Sheriff David Davis  
Bibb County Sheriff's Office

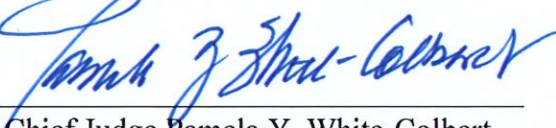
  
\_\_\_\_\_  
Sheriff Terry W. Deese  
Peach County Sheriff's Office

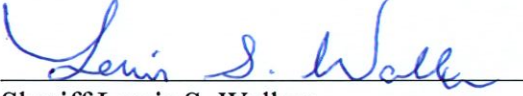
  
\_\_\_\_\_  
Chief Judge Cary Hays III  
Crawford County Magistrate Court

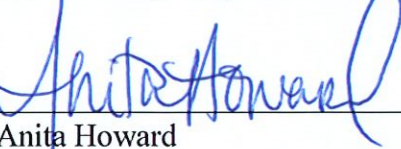
  
\_\_\_\_\_  
Chief Wesley H. Cannon  
Byron Police Department

  
\_\_\_\_\_  
Chief Judge Laurens C. Lee  
Peach County Magistrate Court


  
\_\_\_\_\_  
Chief Anson Evans  
Fort Valley Police Department

  
\_\_\_\_\_  
Chief Judge Pamela Y. White-Colbert  
Bibb County Magistrate Court

  
\_\_\_\_\_  
Sheriff Lewis S. Walker  
Crawford County Sheriff's Office

  
\_\_\_\_\_  
Anita Howard  
District Attorney, Macon Judicial Circuit

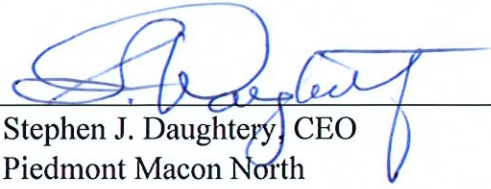
  
\_\_\_\_\_  
Chief Ty Matthews  
Roberta Police Department

  
\_\_\_\_\_  
DeAlvah H. Simms, Executive Director  
Crisis Line & Safe House of Central GA





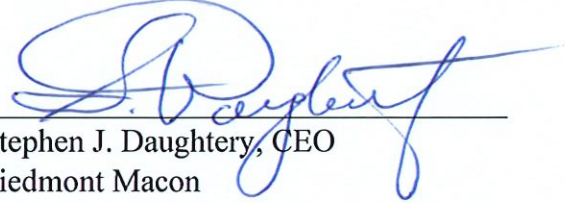
SA Antwane Thomas  
OSI Detachment 105



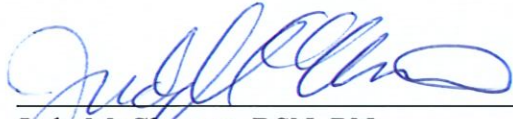
Stephen J. Daughtery, CEO  
Piedmont Macon North



Grace Martin  
Citizen



Stephen J. Daughtery, CEO  
Piedmont Macon



Judy McChargue, BSN, RN  
North Central Health District  
Georgia Department of Public Health



Denise Atkinson BSN, RN, SANE-A  
Crisis Line & Safe House of Central GA



Laura Gentry, MBA, BSN, RN  
CEO Atrium Health Navicent Peach  
Atrium Health Navicent