

SEXUAL ASSAULT RESPONSE TEAM PROTOCOL
IN THE SUPERIOR COURT OF NORTHERN JUDICIAL CIRCUIT
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 April 17, 2023 and discussed the Protocol, which was approved by a majority vote of those present and which is attached hereto, as the protocol for cases of sexual assault in the Northern Circuit, 9th and 10th Congressional 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 the Northern Judicial Circuit.

SO ORDERED, this 5 day of December, 2023



Jeff Malcom, Chief Superior Court Judge

NORTHERN JUDICIAL CIRCUIT SEXUAL ASSAULT RESPONSE TEAM PROTOCOL

This Northern Judicial Circuit Sexual Assault Response Team 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 and to ensure the most effective treatment is provided.

The mission of the Northern Judicial Circuit Sexual Assault Response Team (SART) is to respond to sexual assault victims in the most competent, compassionate, and understanding manner possible.

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 Northern Judicial Circuit Child Abuse Protocol in identifying appropriate services and resources. 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.

SEXUAL ASSAULT VICTIM ADVOCATE

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 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*

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

Rights (O.C.G.A. § 17-17-1) and will adhere to best practices as outlined in the Georgia Sexual Assault Response Team Guide (2021) and Georgia Sexual Assault Center Certification Standards.

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 affecting 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

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

Best practices for the advocate include:

- Assessment for immediate needs for safety and security
- Trauma informed response for advocacy
- Provide information on status of cases and provide referrals as needed for beneficial resources
- Maintenance of victim's confidentiality and privilege
- Mandatory Reporting of child abuse suspicions
- Accompany with medical forensic exam

LAW ENFORCEMENT

The role of the investigating officer is to ensure the safety and wellbeing 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 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
- Sexual Assault Kits will be entered into the Georgia Sexual Assault Tracking System when collected from SANE Nurse. (O.C.G.A. Code § 17-5-74)
- 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. § 17-17-1) and adhere to best practices as outlined in the *Georgia Sexual Assault Team Guide (2021)*.

Best practices for law enforcement include protection by providing for the immediate safety and well-being of the victim and the community and investigation by determining if the report meets the elements of crime under Georgia law.

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.

The location of the patient's medical forensic examination is based on the county where the incident occurred, not where the patient resides. If the incident occurred in Franklin, Hart, or Elbert Counties, then the examination shall be performed at Harmony House. If the incident occurred in Oglethorpe or Madison County, then the medical forensic examination shall be performed by ACC-Sane and The Cottage. Should emergent medical treatment be required for

physical injury deemed necessary by a hospital physician, the medical forensic examination can be performed by the certified Sexual Assault Nurse Examiner. 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 and in meeting the specific healthcare needs of the patient that has experienced sexual assault and has the ability to provide expert testimony in court.

Medical forensic responsibilities include:

- Obtaining informed consent from the patient for the medical forensic examination, documentation and evidence collection
- Providing the patient with a medical screening to determine the absence or presence of emergency medical conditions
- Gathering the medical forensic history of the patient
- Conducting a physical examination for the patient
- Coordinating treatment of injuries for the patient
- Documenting of biologic and physical findings of examination
- Collection of evidence from the patient
- SANE Nurse will enter sexual assault kit number into the Georgia Sexual Assault Tracking System. (O.C.G.A. Code § 17-5-74)
- Providing patient with information, treatment, and referrals for STIs, pregnancy, etc.
- SANE Nurse will provide patient with a pin # related to patient’s collected sexual assault kit allowing patient to follow kit throughout the Georgia Sexual Assault Tracking System (O.C.G.A. Code § 17-5-74).
- Following-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 Georgia Bureau of Investigations Division of Forensic Services. 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 Division of Forensic Services, 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 handled by local law enforcement and the procedure that they are required to follow.

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 24 hours a day by using the following procedure:

- For incidents with victim/survivors that occurred in the Northern Judicial Circuit, Harmony House should be contacted Monday through Friday between the hours of 9:00AM and 5:00PM at 706-245-8700 or the Hotline at 706-680-4273 24-hours a day, 7 days a week.
- Upon contact, Harmony House will coordinate with the SANE Nurse to provide a timely medical forensic examination.

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 will 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.

Harmony House will accommodate adult patients' requests to have a relative, friend, or other personal support person present during the exam, unless considered harmful. Patient requests to not have certain individuals present in the room should also be respected. Examiners should get explicit consent from patients to go forward with the exam with another person present, excluding the advocate.

Adults will not be questioned during the exam process beyond what is essential for providing the medical forensic care.

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 (2021)*.

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 Harmony House and let them know 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 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, 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. § 17-17-11)
- 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)

A victim attending any court proceeding and/or prosecutorial meeting has a right to be accompanied by a Sexual Assault Victim Advocate.

Best practices include court trial preparation, avoiding and prevention of false reports and recantation, jury selection, settlements, sentencing, and public statements.

Prosecutors and prosecution-based advocates will adhere to best practices as outlined in the *Georgia Sexual Assault Response Team Guide (2021)*.

SPECIFIC CONSIDERATIONS

COLLEGIATE RESPONSE

The role of college campuses in collaboration with the Northern Judicial Circuit SART and community partners, is to provide campus services, support, and connect victim/survivors with local resources.

The campuses will adhere to best practices as outlined in the *Georgia Sexual Assault Response Team Guide (2021)*.

Emmanuel College
www.ec.edu/title-ix

Athens Technical Institute – Elbert County campus
athenstech.smartcatalogiq.com/2017-2018/catalog/student-code-of-conduct

INCARCERATED VICTIMS

The role of Whitworth Detention Center mirrors that of the outside community. Sexual assault in detention needs to be addressed not just by the corrections community, but by the community as a whole to ensure the safety and well-being of all inmates.

The Prison Rape Elimination Act (PREA) was signed into law in September of 2003 to address the problem of sexual assault of people in the custody of detention agencies. PREA applies to all correctional and detention facilities, including prisons and jails. Major provisions of the act include development of standards for detection, prevention, reduction, and punishment of prison rape; collection and dissemination of information on the incidence of prison rape; award grant funds to help state and local governments implement the purposes of the Act.

The detention center will adhere to best practices as outlined in the *Georgia Sexual Assault Team Guide (2021)*.

HUMAN TRAFFICKING

All agencies are mandated by law to report suspicion of human trafficking.

Protocols for each discipline should be followed if human trafficking is suspected or discovered in the investigation of a sexual assault.

More information on human trafficking is available through The Georgia Coalition to Combat Human Trafficking at <https://endhtga.org/> and/or 1-800-ENDHTGA, where statewide resources may be accessed. The local sexual assault center has access and can evaluate and link to resources as needed. Best practices and resources are outlined in the *Georgia Sexual Assault Team Guide (2021)*.

GENERAL CONSIDERATIONS

The victim-centered consideration is designed to help SART members understand victims from diverse cultures to ensure all victims are served with respect regardless of their cultural background. This section is intended to be a tool to help professionals; however, it is the responsibility of each SART member to integrate cultural sensitivity into their services to victims. It is hoped that SARTs will utilize these considerations to increase their understanding of diversity and learn ways to serve victims with respect to their cultural background and identities.

Included in these considerations are the following:

- Working with Interpreters
- Cognitive/Developmentally and Physical Disability
- Deaf/Hard of Hearing
- Elderly
- Lesbian/Gay/Bisexual/Transgender/Queer/Questioning (LGBTQQ)
- Male Victims

- African American
- Immigrant and Refugee
- Latino/Hispanic

Best practices and resources are outlined in the *Georgia Sexual Assault Response Team Guide (2021)*.

LOCAL SART COORDINATED RESPONSE

All members of the Northern Judicial Circuit Sexual Assault Response Team will adhere to best practices as outlined in the *Georgia Sexual Assault Response Team Guide (2021)*.

Members of the Northern Judicial Circuit SART agree to meet twice annually for discussion, and evaluation to assure the coordination and cooperation between all agencies responding to sexual assault cases in the circuit.

The Northern Judicial Circuit SART will make sure local resources have been identified and made known to each member of the team.

- SART will verify that 911 is aware of their response and procedure for a sexual assault case.
- Harmony House will serve as the coordinating entity for the Northern Judicial Circuit SART and ensure appropriate members notification. Harmony House can be reached at (706) 245-8700.
- Local investigators are to know the response and procedure in the event of a sexual assault case.
 - The responding officer, law enforcement involved with the crime scene, and the creator of the incident report are to know the response and procedure.
- EMS transport is to be made available to the victim, if needed.
- Advocates should respond in a timely manner upon receiving a call.
- Drug facilitated sexual assaults should be handled accordingly by law enforcement protocol.
- If a victim interview is needed, it should be conducted prior to a medical forensic exam, if possible, or within a timely manner of the incident being brought to knowledge of the SART.

- Upon a false report or recantation, it will be handled by the investigator assigned to the case.
- The medical forensic response should be in a timely manner.
- If Adult Protective Services are involved, they are to be made known of any pertinent information that include, but not limited to, the safety of the client. Referrals will be made to Adult Protective Services if abuse is suspected.
- The SART team will be able to put aside personal biases to ensure that all victims are treated with respect and dignity.
- Harmony House Child Advocacy Sexual Assault Center can evaluate and access services and needs of Human Trafficking victim/survivors through The Georgia Coalition to End Human Trafficking.
- If a language interpreter is needed, Harmony House will provide and/or work with the referring agency to provide the interpretive service.
- Victims with disabilities will receive the necessary accommodations that are deemed appropriate.
- SART will work with Emmanuel College and Athens Technical College – Elberton Campus for any sexual assault that occurs on their campus.
- SART will also work with Whitworth Correctional Facility and any other correctional facilities in the area that may be in need of services from the SART.
- If a Domestic Violence Resource Agency is involved with a victim/survivor they are to be included with pertinent information at victim/survivor request.
- SART will work within the Northern Judicial Circuit to bring awareness and prevention knowledge to the community members of the circuit.

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

The foregoing Northern Judicial Circuit 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.

Melvin T. Andrews

11-30-2023

Elbert County Sheriff's Office
Melvin Andrews, Sheriff

Date

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A handwritten signature in blue ink, appearing to read "Steve Thomas", written over a horizontal line.

Franklin County Sheriff's Office
Steve Thomas, Sheriff

A handwritten date in blue ink, "Nov-9-2023", written over a horizontal line.

Date

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A handwritten signature in black ink, appearing to read "Mike Cleveland", written over a horizontal line.

Hart County Sheriff's Office
Mike Cleveland, Sheriff

11-17-2023

Date

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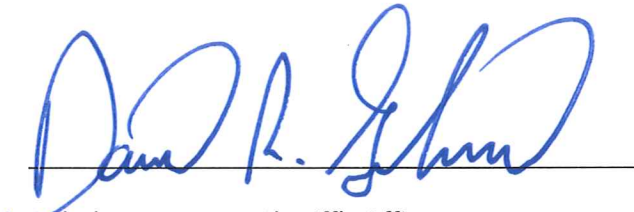
Madison County Sheriff's Office
J. Michael Moore, Sheriff

11-14-2023

Date

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Oglethorpe County Sheriff's Office
David Gabriel, Sheriff

11-14-2023

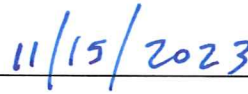
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Elberton Police Department
Scott Marunich, Chief of Police



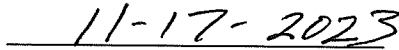
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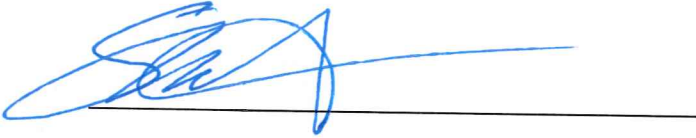
Hartwell Police Department
Anthony Davis, Chief of Police



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Lavonia Police Department
Shane Edmisten, Chief of Police

11/06/2023

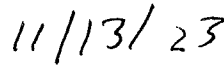
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Danielsville Police Department
Cleve Williams, Chief of Police



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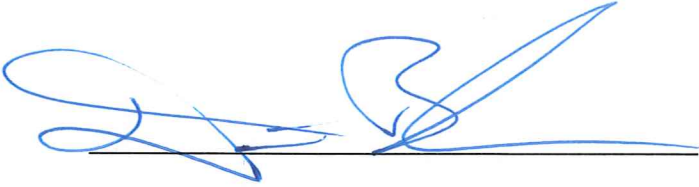
Franklin Springs Police Department
Kevin Thompson, Chief of Police

11/14/2023

Date

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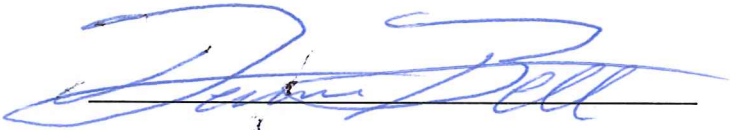
Royston Police Department
Donnie Bolemon, Chief of Police



Date

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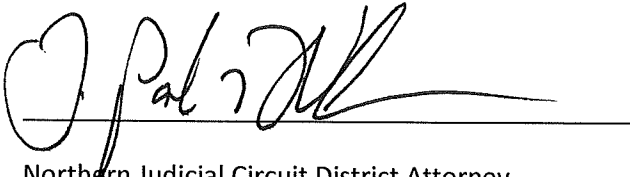
Comer Police Department
Dennis Bell, Chief of Police



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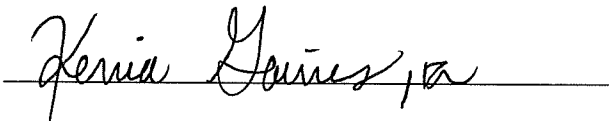
Northern Judicial Circuit District Attorney
D. Parks White, District Attorney

A handwritten date "30 November 2023" written in black ink over a horizontal line.

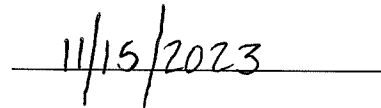
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Kenia Gaines, RN
Elbert County Health Department



Date

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Angy Fowler, RN


Angy Fowler, RN
Franklin County Health Department

11-14-2023

Date

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BSN, RN, ACRN

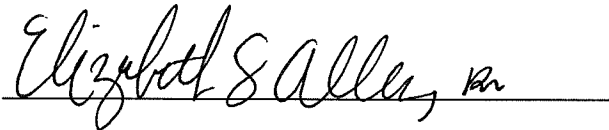
David Donalson, RN
Hart County Health Department

11-14-23

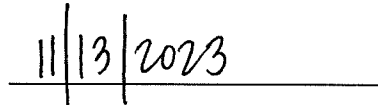
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Elizabeth Allen, RN
Madison County Health Department



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Wanda Graham, RN

Wanda Graham
Oglethorpe County Health Department

11-14-2023

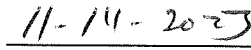
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Pursuant to O.C.G.A § 15-24-2, members of the Northern Judicial Circuit Sexual Assault Protocol Committee agree to meet annually to review, update and evaluate this Sexual Assault Protocol.

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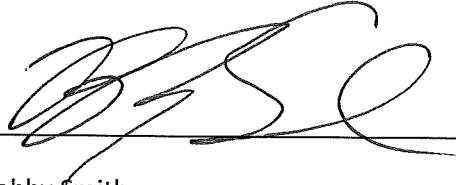
Terry Harris
Franklin County EMS



Date

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Bobby Smith
Madison County EMS

11-16-2023

Date

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CHUCK ALMOND

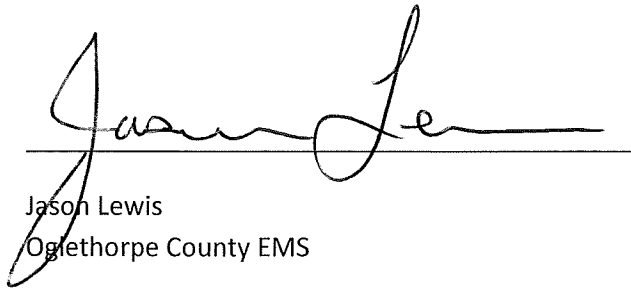
Chuck Almond
Elbert County EMS

1-15-23

Date

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Jason Lewis
Oglethorpe County EMS

11/14/2023
Date

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Mike Adams, Director
Hart County EMS



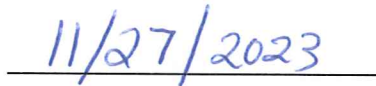
Date

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Emmanuel College
Mandrake Miller, Title IX Coordinator

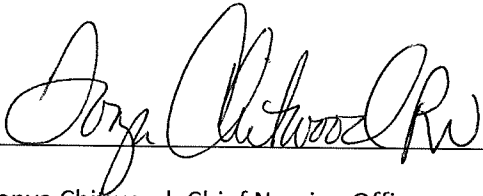


Date

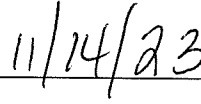
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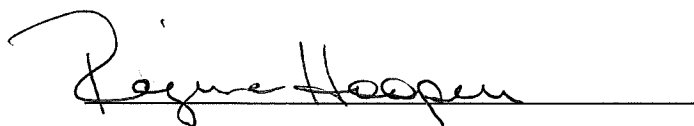
Tonya Chitwood, Chief Nursing Officer
Elbert Memorial Hospital



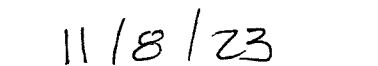
Date

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A handwritten signature in cursive script, reading "Regina Hooper", is written over a horizontal line.

Regina Hooper, Director of Nursing
St. Mary's Sacred Heart Hospital

A handwritten date "11/8/23" is written over a horizontal line.

Date

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Shiela Bracewell

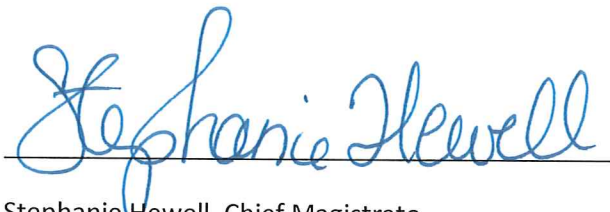
11/27/2023

Shiela Bracewell, Deputy Warden of Care and Treatment
Whitworth Women's Facility

Date

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A handwritten signature in blue ink that reads "Stephanie Hewell". The signature is written in a cursive style and is positioned above a horizontal line.

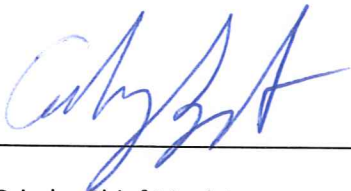
Stephanie Hewell, Chief Magistrate
Elbert County Magistrate Court

A handwritten date in blue ink that reads "11-14-2023". The date is written in a simple, blocky style and is positioned above a horizontal line.

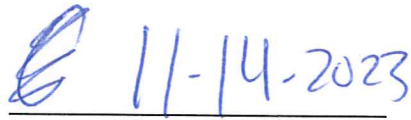
Date

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Cody Grizzle, Chief Magistrate
Franklin County Magistrate Court



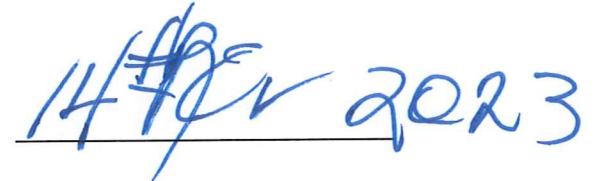
Date

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A handwritten signature in blue ink, reading "Thomas Jordan", written over a horizontal line.

Thomas Jordan, Chief Magistrate
Hart County Magistrate Court

A handwritten date in blue ink, reading "14 Feb 2023", written over a horizontal line.

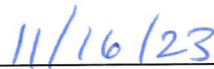
Date

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David Patton, Chief Magistrate
Madison County Magistrate Court



Date

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Megan Coile, Chief Magistrate
Oglethorpe County Magistrate Court

11-14-2023

Date

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Sydney Jordan, RN

Sydney Jordan, RN
Sexual Assault Nurse Examiner
Harmony House Child Advocacy Sexual Assault Center

11/14/2023

Date

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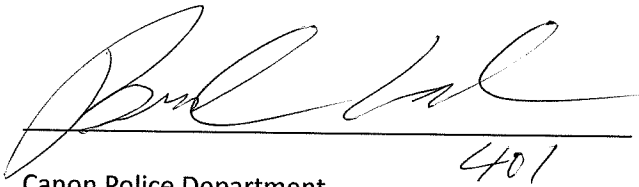
Laurie Whitworth, Executive Director
Harmony House Child Advocacy Sexual Assault Center



Date

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A handwritten signature in cursive script, appearing to read 'Brad Cook', is written above a horizontal line. Below the line, the number '401' is handwritten.

Canon Police Department
Brad Cook, Chief of Police

11-14-2023

Date