# IN THE SUPERIOR COURT OF OCONEE JUDICIAL CIRCUIT, STATE OF GEORGIA

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 met on April 26, 2024, and discussed the Protocol, which was approved by a majority vote and which is attached hereto, as the protocol for cases of sexual assault in the Oconee Judicial Circuit, Eighth 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 Dodge County;

Clerk of the Superior Court of Bleckley County;

Clerk of the Superior Court of Montgomery County;

Clerk of the Superior Court of Telfair County;

Clerk of the Superior Court of Pulaski County;

Clerk of the Superior Court of Wheeler County.

SO ORDERED, this 2/5 day, of Miles

SARAH F. WALL

JUDGE, SUPERIOR COURT

# SEXUAL ASSAULT RESPONSE TEAM PROTOCOL FOR The Oconee Judicial Circuit

#### OCONEE CIRCUIT SEXUAL ASSAULT PROTOCOL

#### THE MISSION STATEMENT

To provide a multi-disciplinary, collaborative response to sexual assault by increasing awareness through education and reaching out to all communities, while protecting the rights and dignity of all victims. By fostering collaborative relationships between community systems and utilizing the scope of all victim-centered services, we will promote the compassionate and just treatment of survivors, their families, significant others, and friends. In doing so, we will bring about and influence attitudinal and behavioral changes as we work together toward the elimination of sexual violence against all people.

## I. Purpose of the Protocol

The protocol is intended to facilitate the provision of consistent, comprehensive, sensitive, and non-judgmental treatment to victims of sexual assault as they progress through the health and criminal justice systems. It is also intended to standardize the collection of evidence to aid in the prosecution of cases. A further purpose is to develop a coordinated effort among health providers, law enforcement, prosecution, and victim advocates to ensure that victims receive efficient and comprehensive medical care, evidentiary examination, emotional support, and referral information. Health care providers, care providers, including hospitals, all branches of law enforcement, including prosecution, and programs that assist victims should use the protocol. The protocol shall be established pursuant to O.C.G.A. § 15-24-2.

#### II. Persons Covered

For purposes of this Protocol, the term victim shall refer to victims aged 18 and older. Every sexual assault case involving victims under 18 shall refer to the Oconee Circuit Child Abuse Protocol (Stepping Stone Child Advocacy & Sexual Assault Center) in identifying appropriate services and resources. (The following should be included in protocols for areas where services may be provided by a sexual assault center and/or a children's advocacy center as separate agencies). Per the state model Child Abuse protocol, those services and resources should include the WINGS Domestic Violence Program in providing services to adolescents in acute cases. When 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.

While it is recognized that victims of sexual assault are female and male, old and young, rich and poor,

heterosexual and homosexual, this protocol is specific to adolescent and adult females and males ages

EIGHTEEN and greater. This includes victims who were assaulted within Oconee Circuit or present in

Oconee Circuit after an assault that took place elsewhere. A general definition used in this protocol is that sexual assault includes sexual contact or intimacy performed upon one person by another without mutual consent, or with the inability of the victim to give consent due to age or mental or physical incapacity. In Georgia, there is no one law applicable to the crime of sexual assault. Rather, there are a number of laws that refer to rape, sodomy and aggravated sodomy, statutory rape, sexual battery and aggravated sexual battery, and child molestation and aggravated child molestation.

The Oconee Circuit Child Abuse Protocol should be followed when the victim is a child and has been sexually abused.

## III. Sensitivity to the Needs of the Victim

Providing care to the victim will require special sensitivity on the part of law enforcement, medical, and support personnel. The victim of sexual assault suffers from physical as well as emotional or psychological trauma. Physical aggression has been used to humiliate, harm, or degrade the victim. The victim's sense of self may have been threatened by the hostility and the aggression involved. The victim may wonder what he or she could have done to deserve this assault. The potential of people learning about the attack and the threat of pregnancy or a sexually transmitted disease may also cause distress. Some victims may fear being denied fair treatment. As the victim reports the incident, the individual may be worried, hurt, frightened, ashamed, isolated, embarrassed, or humiliated. It is important that the victim feel acceptance and support, regardless of the victim's emotional and/or cultural response. The victim may also be feeling fearful and anxious after the assault in dealing with the legal, medical, and social systems and will need assistance and understanding through these phases. Anyone responding to a victim of sexual assault should make the same inquiries of all victims, and offer the same level of support, regardless of gender, race, religion, or sexual orientation.

- a. <u>Victim Confidentiality must be strictly protected</u>. Professional staff should make direct inquiries of the victim regarding how to address the disclosure of confidential information. Assumptions should not be made concerning whether it is safe to disclose information to family, friends, employers, or news media about the assault or the victim's sexual preference. Any documentation should be undertaken with sensitivity to the potential for long-term negative consequences to a victim.
- b. A desired part of the recovery process for the individual is that others begin to view the

individual as a survivor rather than a victim. Throughout the protocol, the term "victim" is used to denote a person who has recently been sexually assaulted. "Survivor" is used to describe a person who has begun the recovery process. The goal of affected agencies should be to assist a victim to become a survivor. Giving the victim control over decisions is an important part of the transition from victim to survivor.

#### IV. Financial Resources

The 2011 Georgia Legislature passed a bill to pay the costs of collecting evidence in rape and aggravated sodomy cases. This law went into effect on July 1, 2011. O.C.G.A 17-5-72 provides that a victim shall have the right to a forensic medical examination, regardless of whether the victim participates in the criminal justice system (or cooperates with law enforcement by pursuing prosecution of the crime). A victim is not required to pay, directly or indirectly, for the cost of a forensic medical examination. The cost of a forensic medical examination shall be paid for by the Georgia Crime Compensation Program (Eligibility applies to sexual assaults occurring on or after July 1, 2011). For such other medical costs associated with the assault, reimbursement can be claimed through the Victim's Compensation Fund, and payment will be made directly to the hospital or other medical provider. However, if a victim is insured or on Medicaid, then those sources will be sought first before the Victim's Compensation Fund is administered by the Criminal Justice Coordinating Council (CJCC). The Victim's Compensation funds are available to any victim regardless of the age of the perpetrator or the age of the victim, and this compensation is made accessible through the District Attorney's office.

# VICTIM SUPPORT SERVICES

Rape crisis centers, victim assistance programs, crisis centers, or other agencies can provide services to victims. These programs can be non-profit or governmental and are free to the victim. In the Oconee Circuit, the victim support services are WINGS Domestic Violence Program, the Oconee Circuit Victim-Witness Assistance Program, and Stepping Stone Child Advocacy and Sexual Assault Center.

a. <u>WINGS Domestic Violence Program</u> provides a 24-hour crisis line, psychological support and support to the victim, accompaniment to the hospital, support groups, advocacy for victims, shelter if needed, including support throughout the criminal justice system, and assistance with applying for financial compensation. This program can provide training to personnel on the psychological reactions and needs of domestic violence victims and refer to Stepping Stone CAC/SAC.

- b. The Victim Assistance Program is located in the prosecuting attorney's office. They provide information, support, and guidance for the victim through the criminal justice process; information regarding the status of the court case; information and explanation regarding criminal proceedings; accompanier to attend court with the victim; emotional support and referrals to counselors and other agencies. Assistance is also provided to the victim in applying for financial compensation. Both felony and misdemeanor charges will be handled by Victims Assistance.
- c. Stepping Stone Child Advocacy and Sexual Assault Center's mission is dedicated to restoring dignity and respect to all, advancing community awareness and education on abuse and sexual violence, and strengthening the criminal justice response. This agency is located at both 305 5th Avenue, Eastman, GA and 382 Woodland Trails Road, Dublin, GA. The 24/7 Crisis Line is (478)-595-8339. The center provides a neutral, patient/victim-friendly environment where professionals and agencies utilize a multi-disciplinary team approach to alleged sexual assault cases. Services are provided to victims of all ages, and their non-offending family members including, but not limited to: crisis assessment, treatment, forensic interviews, forensic evaluations, medical evaluations, professional off-site referrals, advocacy services, expert testimony, training and prevention services. All Stepping Stone services are provided free of charge. Stepping Stone Child Advocacy Center follows the Oconee Circuit Child Abuse Protocol.

Victim service organizations are involved at various points in sexual assault cases but should begin at the time the sexual assault victim reports their assaults and should work with all affected agencies to form a continuum of care for victims. Unlike other agencies (i.e. law enforcement, medical, or prosecutor's offices), which service victims at certain specific junctures in the case, many victim services programs help victims from "start to finish." The following section includes a discussion of issues relating to victim service programs and their involvement and coordination with other agencies, which respond to sexual assault victims.

## I. Initial Report of Sexual Assault

If a sexual assault victim decides to report an assault, the victim must decide whom to tell. The options are a law enforcement agency, a hospital or other medical facility, or an emergency crisis line operated by a sexual assault crisis center or other crisis agency. Each of these agencies should have an immediate concern for the safety and physical and emotional well-being of the victim. Victim service programs, at the onset, often play dual roles:

- a. Providing crisis intervention
- b. Acting as a liaison with other agencies

Victim service programs should be involved at the earliest possible time after a report of sexual assault, no matter which agency receives the initial report.

# II. Coordination of Services (Stepping Stone, WINGS DVP, and Victim-Witness Assistance Program)

Whoever the victim contacts first should be concerned for the safety and well-being of the victim. The role of the victim service provider is to: Identify and address the immediate concerns of the victims (e.g., are they in a safe place, are there family members or friends who should be contacted, do they need medical care or transportation to the hospital, clothing to wear home from the hospital?); provide emotional support and crisis intervention to victims and their families; and be present during the medical exam. For their own safety and to avoid interfering with the investigation, victim advocates do not go to the crime scene. Victim advocates are not investigators or attorneys and do not investigate cases or give legal advice. The role of the victim advocate should be explained to the victim, and the advocate should make sure the victim is comfortable with the advocate continuing to provide service. Although several different agencies come in contact with victims at various stages after the assault is reported, the victim service organization is often considered the "hub of the wheel" for victims, providing consistent support and advocacy throughout. The victim service providers need to achieve an effective balance between advocating for victims and working within the parameters of the criminal justice system. Toward that end, victim service providers can assist by:

- a. (VW) Maintaining constant communication with victims regarding the status of the criminal case and court proceedings;
- b. (Both) Helping victims complete compensation applications to help with non-reimbursed expenses caused by the crime (such as medical, counseling, prescriptions, lost wages):
- c. (Both) Notifying victims of all available services such as support groups, counseling, education, etc.
- d. (VW) Explaining the Victims' Bill of Rights (OCGA 17-17-1 et seq.), and how to request the various notifications (i.e. notice of bond hearing, release of the defendant from incarceration, case status, etc.) and how to provide input during the case proceedings;
- e. (Both) Helping prevent additional trauma or injury to the victim;
- f. (Both) Encouraging and supporting victims to become active participants in the case;
- g. (Both) Protecting and ensuring the victim's privacy; and
- h. (Both) Helping victims in dealing with any problems they encounter during the aftermath of the crime.

Of course, the victim service provider needs the cooperation of many other agencies to provide information and support; thus, networking and maintaining effective lines of communication with law enforcement,

medical, prosecution, criminal justice, and other social service organizations are essential for the service organization to be that integral "hub of the wheel" for victims.

#### III. Guidelines: Victim Services

#### Initial Report to Crisis Line:

- Determine if the victim is in immediate danger.
- Ascertain if emergency medical assistance is needed.
- Help identify and address the immediate concerns of the victim.
- Ask if the victim wants to report the crime to the police (if not already reported). If the victim chooses
  to report, the advocate should offer to assist with this process.
- Offer crisis support services.
- Caution the victim against destruction of evidence.

## Medical Examination w/ Stepping Stone CAC/SAC:

- Explain to the victim the medical examination.
- Provide the victim with emotional support during the examination if the victim wants this.
- With the victim's permission, discuss the assault with family and provide support to secondary victims.
- Ensure the victim has clothing to wear after the medical examination is completed.
- Give victim written information about compensation and Victims' bill of Rights, and counseling services available.
- Obtain consent for follow-up care and make referrals to other agencies as appropriate.

## Post-Arrest (VW):

 Provide information to the victim about the possibility of the accused's pre-trial release from custody, per individual request.

## Pre-Trial (VW):

- Establish procedures for notifying victims of case status, using the Victim's Bill of Rights as a
  guideline.
- Provide victims with a written, concise explanation of the criminal justice system.
- Assist the victim in preparing a Victim Impact Statement to inform the prosecutor of the physical, financial, and emotional impact of the crime.

- Provide guidance for facilitating victim/prosecutor communications concerning plea negotiations,
   which is a discussion about the possibility of the accused admitting his guilt without a trial in return for an agreed-upon sentence.
- Accompany the victim to any pre-trial court hearing or notify the victim of results if the victim is not
  present.
- Provide notification about postponements or changes in court appearances.

### Trial (VW and Stepping Stone, if necessary):

- · Accompany victim to court hearings.
- If there is not a separate waiting area for the victim, request that the judge keep contact between the victim and the alleged perpetrator to a minimum.
- Prepare victims for the possibility of media coverage and questions.

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Arrange special assistance or transportation for victims with special needs (medical, handicapped, etc.).

# Sentencing (VW):

- Assist the victim with the preparation of a victim impact statement, if not already prepared.
- Communicate with the prosecutor about whether the victim will be allowed to speak about the crime's impact during the sentencing phase.
- Continue court accompaniment and support.
- Educate about possibilities about sentencing.

# Ongoing Victim Services w/ Stepping Stone:

- Provide referrals to victims for other community services and assist in accessing these services.
- Provide continuing support or counseling as long as the victim requests it.
- Offer a 24-hour crisis line number for victims and their families.
- Offer follow-up medical exams as appropriate.

#### LAW ENFORCEMENT RESPONSE

# IV. Responding to Victims - The Role of Law Enforcement

As mentioned earlier, sexual assault victims are typically traumatized and often, because of the extremely

personal nature of the crime, are too embarrassed to report the offense to Law Enforcement. The fear of investigative and prosecutorial procedures adds to a victim's reluctance to report, or unwillingness or inability to assist in the investigation. Law enforcement and criminal investigators play a significant role in the victim's willingness to cooperate in the investigation. The victim's ability to cope with the emotional and psychological aftereffects of the crime plays a part in how well the investigation proceeds. Law enforcement agencies must treat victims of sexual assault with compassion and consideration, and provide the necessary information and assistance to make their interaction with the criminal justice system easier.

In particular, investigators need to be sensitive to the culture of the victim and how that culture views a sexual

In particular, investigators need to be sensitive to the culture of the victim and how that culture views a sexual offense, to the social and economic status of the victim, age, physical abilities, sex, or sexual preference of the victim. To better understand the issue of sexual assault and the impact a sexual assault may have on a victim, special training is recommended.

It is important to note that a sexual assault has a greater potential for creating a lasting impact upon the victim and family members and friends than many other crimes.

#### V. Complaint Reporting Procedures

In most cases, the initial report of the sexual assault by the victim to a law enforcement agency comes through the dispatch or communications center. In these cases upon receipt of the initial call the dispatch or communications center operator should:

- Determine the victim's name, where calling from, where the attack occurred, when it occurred, name
  or description of the assailant, direction, and means the assailant used in leaving.
- Advise the victim not to change clothing, shower, or touch anything in the immediate area where the assault occurred.
- Dispatch appropriate responding personnel, law enforcement, and medical, as needed. If a victim does
  not want to report to law enforcement, dispatch should connect the victim with Stepping Stone Child
  Advocacy and Sexual Assault Center for further assistance.
- Maintain an open line with the victim until responding law enforcement personnel have arrived at the victim's location.
- Maintain a copy of the 911 calls.
- The dispatcher or emergency communications personnel are critical in aiding the victim to regain control and composure after the assault. Personnel should remain calm and understanding and avoid being judgmental.
- In other cases, the initial complaint may be received directly after the assault from family members.

friends, neighbors, or witnesses. The complaint may be received from clergy, medical personnel, or others sometime after the assault has taken place. In these instances, similar information still needs to be obtained and appropriate personnel dispatched by Law Enforcement calling the 24-HOUR CRISIS LINE AT (478) 595-8339.

#### VI. Initial Law Enforcement Response

(This pertains to the arrival of a uniformed patrol officer to the reporting victim.)

It should be emphasized again that a thorough collection of evidence and the establishment of a cooperative relationship with the victim are essential to the identification of the suspected perpetrator and the subsequent prosecution.

- Law Enforcement will call the 24-hour CRISIS LINE at (478) 595-8339 for them to notify and
  contact the Victim Advocate and SANE (Sexual Assault Nurse Examiner) on-call. According to the
  patient's condition, a decision is made whether the patient requires immediate medical attention or
  whether they can go directly to the Facility (Stepping Stone Dublin) for the Forensic Medical Exam to
  be performed.
- The officer should first respond to the victim's physical or medical needs. This may include the
  application of immediate first aid while waiting for the appropriate emergency medical response unit
  to arrive and give more complete and thorough medical attention prior to transporting the victim to
  the appropriate medical facility. As
- the emotional needs of the survivor are also critical to the victim's recovery, it is necessary for the
  responding officer(s) to address these needs by keeping the victim calm, remaining sympathetic and
  understanding, and advising the victim of all procedures so that the victim can make informed
  decisions.
- Law enforcement officers should make every effort to increase the victim's comfort level prior to transporting the victim to a medical facility. Advise the victim of the importance of the physical evidence that the medical facility will obtain in order to successfully identify and prosecute the assailant(s). If the victim needs and requests the support of a family member or friend, the officer should arrange contact as quickly as possible. The officer should advise the victim that a trained staff/volunteer sexual assault program advocate will meet the victim at the designated location to lend assistance.
- The role of the investigating officer is to ensure the safety of the victim and the community and to ascertain if the report of sexual assault meets the elements of a crime under Georgia law.

Within their jurisdictions, law enforcement will investigate sexual assault crimes.

- Investigative responsibilities include:
  - Identification, apprehension, and interrogation of the suspect(s);
  - o The interview of the victim is to be performed on a case-by-case basis, which shall be established by Law Enforcement and the Forensic Interviewer and the Forensic Interviewer, with an offender-focused and trauma-informed approach, which includes allowing an advocate to be present. This can be done at SS or at a location amenable to all parties, i.e. LE office. Minors (under 18) are always interviewed at the CAC.:
  - o Interview of witnesses;
  - o Collection and preservation of evidence;
  - Maintenance of chain of custody;
  - Timely submitting sexual assault evidence collection kits to GBI crime laboratory regardless of whether a suspect has been identified, per GBI recommendations;
  - Review of GBI Crime lab reports as soon as possible after they are released to the investigating agency, per GBI recommendations;
  - Determination of probable cause and arrest;
  - o Preparation of case reports with investigative summaries;
  - o Assistance to the District Attorney's office in the prosecution of the case:
  - Testimony and presentation of evidence in court.
  - Investigating officers will work with victim advocates to ensure a victim-centered response to the investigation and proper notification of case updates to victims. Additionally, law enforcement officers will operate under the guidelines established by The Georgia Crime Victim's Bill of Rights (O.C.G.A. § 15- 17-1) and adhere to best practices as outlined in the Georgia Sexual Assault Team Guide.
- In accordance with O.C.G.A. 35-1-2, when a forensic medical 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. Law enforcement officials shall take possession of such evidence no later than 26 hours after being notified. It shall be the duty of every law enforcement officer who takes possession of the evidence to ensure that such evidence is submitted to the Georgia Bureau of Investigations within 30 days of it being collected, in accordance with the procedures established by the

division.

Pursuant to O.C.G.A. § 17-5-71, SAKs associated with non-reported sexual assaults should be
maintained in the possession of law enforcement for a minimum period of 12 months or until such time
as the victim decides to report the crime to law enforcement. These kits are referred to as non-reported
SAKs or non-investigative SAKs. When a non-reported or non-investigative SAK is converted to a
reported or investigative SAK because the victim reported the sexual assault to law enforcement, the
SAK should be submitted to the GBI Crime Lab, as any profile developed could be considered eligible
for upload into CODIS.

# VII. Activation of SANE (Sexual Assault Nurse Examiner)

Calling and working with the SANE RN: The SANE program serves female and male victims of sexual assault from the age of all ages. The SANE program exists to meet the needs of the patient and law enforcement by providing services for acute cases. Acute cases are any sexual assault or aggravated sodomy which has occurred within 120 hours of the reported sexual assault. In the event law enforcement and/or SANE determines that a medical forensic examination is appropriate after 120 hours, a SANE examination may still be performed.

The SANE RN is activated by Law Enforcement (Detective/Investigator) with jurisdiction in the Oconee Circuit or by DFCS (Division of Family and Children Services in non-law enforcement report cases when evidence collection is required. The process for referral and activation is as follows:

- The SANE is activated by contacting 24-hour CRISIS LINE (478)-595-8339 when the Victim Advocate receives a call from a victim or LE.
- All responders present to Stepping Stone Child Advocacy and Sexual Assault Center at 382 Woodand
   Trails Road, Dublin, Georgia, 31021.
- Access to the SANE exam building is gained by entering through the SANE exam suite door at the side
  of the building. There is a wheelchair ramp to the side of the building for needed accessibility. Parking is
  located at the side of the building for all responders.
- Law enforcement will wait until the SANE or the Advocate arrives to gain access to the SANE exam suite.
- Any sexual assault victim with injuries requiring medical attention (i.e. fractures, lacerations, strangulation, etc. requiring treatment by a physician or impaired by alcohol/drugs) will need to be transported to Fairview Park Hospital Emergency Room for treatment. If the sexual assault victim is transported to the Emergency Room and is not medically cleared for discharge, the SANE and advocate can go to the hospital for the collection of evidence. (See MOU between Stepping Stone CAC/SAC and

Fairview Park Hospital)

- Law enforcement should refer to local EMS protocols when determining whether a patient is stable
  enough to be transported to the exam site at Stepping Stone or the Emergency Room, or whether the
  victim's condition dictates the closest medical facility.
- As far as possible, Law Enforcement is requested to remain at the exam site until such time as the exam
  is complete.

#### VIII. Law Enforcement Role during Medical Examination

Law enforcement personnel should not be present in the exam room during the medical examination of the victim. While the medical examination is being conducted, law enforcement personnel may become privy to private communications between the victim and medical personnel, which would be an invasion of the victim's right to privacy. During the examination, law enforcement personnel can concentrate on follow-up investigative issues based on initial information obtained from the victim. Additionally, law enforcement personnel can coordinate with victim advocates or survivor support groups to ensure future assistance for the victim.

#### Follow-up Interview:

An investigating officer will immediately be assigned to the case. The officer's responsibilities are to:

- Compile the basic investigative information contained in the initial interview, criminal complaint, and evidentiary examination;
- Determine the victim's emotional and physical ability to participate in an in-depth follow-up interview and schedule the interview as soon as possible after the incident;
- During this interview, the investigator should find a comfortable and private setting and explain the need
  for obtaining detailed information concerning the crime, including details of the sexual act, the suspect's
  modus operandi, clothing, means of restraining the victim, and the use or threat of weapons; words or
  instructions given to the victim; marks, scars, tattoos, deformities or other unusual physical features or
  body odors of the suspect, and any witnesses, participants, or accomplices that may be described or
  identified by the victim:
- Document the victim's actions in response to the attack including the type and degree of any resistance
  offered, the nature of any acquaintance with the suspect, and the state of mind of the victim during the
  attack;
- Determine the degree, to which the victim has received support from family, friends, and victim advocacy programs, and encourage or facilitate these interactions.

#### Ongoing Involvement in the Case:

- During the investigation of the sexual assault and after the arrest of a suspected assailant, the
  investigating officer continues to have a responsibility to interact with the victim by soliciting the
  victim's continued support in the investigation.
- Work with the prosecutor's office to develop the case and to familiarize the victim with the kind of
  questions, that may be asked during the cross-examination, should the case go to trial.
- Maintain continued contact with the victim to ensure that appropriate support services are available.

#### IX. Interviewing Procedures

The investigative officer should be compassionate, understanding, non-judgmental, and professional. It is not necessary that the interviewer be of the same sex as the victim. However, every effort should be made to accommodate a request from the victim for an interviewer that honors a gendered preference for the victim.

The interviewer should select a location that allows both visual and sound privacy, in addition to freedom from unnecessary interruptions. While it is generally preferred that the interview be conducted in a setting where only the interviewer and the victim are present there are occasions when additional persons may need to be present. In some cases, it may be necessary for an interpreter to be present. However, consideration should be given to any request from the victim or the victim advocate for the advocate to be present. For adult victims, an advocate from Stepping Stone, who is also a forensic interviewer can help guide questions while a recording device is on, provide appropriate context to questions, and work with LE to revise questions/statements or aid in the interview with LE present. This can be conducted at a neutral location or the Stepping Stone offices. The investigator or interviewer's role in connection with the investigation should be explained to the victim. Also, the investigator should inform the victim of the reason for asking certain intimate questions and why the victim will be asked to provide explicit details of the assault. The interviewer also should upon completion of the interview inform the survivor of additional steps needed in the investigation: composites, photographic, or live lineups, and means of obtaining updates on the investigation or judicial process. The sexual assault interview requires intimate communication between the interviewer and the victim. By conducting the interview tactfully and compassionately, the interviewer can avoid increasing the victim's emotional suffering. Consequently, the cooperation of the victim is gained and the interview, investigative, and prosecutorial processes are made easier.

The LE interviewer should be aware that the sexual assault victim has often incurred more severe psychological trauma than physical injury. The victim's shock and anxiety may persist for an hour, months, or several years. It is reported that many victims experience the feeling of shock, being split from humanity, and regarded as a thing,

an object, or a nonperson. Insensitivity to the victim can have ill effects on the investigation. It may diminish the victim's willingness to cooperate and may cause serious psychological aftereffects.

Privacy during the interview is extremely important as the victim's reluctance to reveal certain details may be greatly magnified. The investigator should use language that is readily understood by the victim. For example, if the victim uses slang terms for the parts of the body it may be because of a lack of knowledge of the proper terms. If the interviewer must use slang terms, it should be done so unhesitatingly and without embarrassment. Keep in mind some questions are inappropriate and do not aid in the investigation. It is important to consider, that due to the significant trauma, it may be necessary for the victim to go through a 24 to 48-hour sleep cycle, to alleviate some of the immediate stress and trauma, and this may facilitate improved memory and recall.

#### X. Guidelines: For Law Enforcement and First Responders

For Dispatch, EMS, and/or 911-affiliated personnel, please follow the below guidelines when interacting with a caller and/or victim:

- Determine if the assailant is present;
- Obtain the victim's name, location, where and when the attack occurred, name or description of the
  assailant, and means the assailant used in leaving, i.e. car, on foot, etc.;
- Determine if emergency medical care is needed and dispatch accordingly;
- Dispatch patrol officer(s) according to departmental policy;
- Advise the victim not to change clothing, shower, or touch anything in the immediate area where the assault occurred;
- Make every attempt to keep the sexual assault victim on the line until patrol officer(s) arrive.
- Keep a copy of 911 calls;
- Contact a Stepping Stone advocate via the 24-HOUR CRISIS LINE at (478)-595-8339 if requested by an investigating law enforcement officer.

For Patrol or an LE first responder, please follow the below guidelines when interacting with a victim and/or secondary victim:

- Ensure the immediate safety and security of victim)s);
- Respond to victim's physical and emotional needs;
- Determine the need for emergency medical care;
- Ask the sexual assault victim if the suspected assailant is at the crime scene;
- Ask the victim for a description and/or identification of the assailant and broadcast a "be-on-the the

lookout" message for the suspect;

- Advise the victim of evidence preservation steps. (Not to change clothing, shower/bathe, or touch
  anything in the immediate area where the assault occurred and not to dispose of any items related to the
  assault);
- Preserve the crime scene (if the sexual assault was recent). Contact the supervisor/investigations division
  for activation of an Advocate/SANE call the 24-HOUR CRISIS LINE (478) 595-8339 directly to
  initiate an immediate response
- Arrange transportation for the victim to and from the hospital or to Stepping Stone;
- Ask the victim if the assistance of a family member or friend is needed and make appropriate contact;
- Complete the incident report by obtaining preliminary information and include the interview with the witnesses, victim, and initial reporter of the crime;
- Inform the victim a sexual assault advocate will be meeting them at the location for service.

#### When Referring To and Activating the Forensic Medical Exam:

- Inform the Emergency Room Physician/SANE of any information about the assault, which might be useful in conducting the medical examination and evidence collection procedures.
- If law enforcement has reason to believe that date rape drugs might have been used, request necessary samples for proper testing.
- Ensure a Sexual Assault Evidence Collection Kit, with a tracking code is available:
- Maintain and secure all evidence.

#### Guidelines for LE during initial Medical Exam and/or initial Resource Recovery:

- Keep the sexual assault victim informed about the state of the case;
- Address the victim's concerns for safety and the possibility that the assailant will return;
- Accommodate the victim's needs during investigator processes, which require victim
  participation, e.g., interviews, hearings, and line-ups;
- Notify the sexual assault victim when the suspect is taken into custody;
- When a warrant is issued, request a No Contact provision for the bond;
- Permit the Victim Advocate, to be available on premises during line-ups to provide emotional support for the victim during the process when victims are required to be present;
- Request a copy of the 911 call.

# When Conducting the Initial LE/Investigative Interview:

- Determine information needs for police and prosecutors from victim interviews to minimize the necessity
  of repetitive interviews, outside of an Expanded FI model which can be conducted by a Forensic
  Interviewer or with Advocate assistance;
- Provide appropriate steps to make the sexual assault victim comfortable with the interview, i.e., ask the
  victim about gender preference for the interviewer and/or allow the victim to have a Victim Advocate or
  a support person present during the interview;
- Provide interpreter services, if needed, including language translation for the non-English speaking and signing for the hearing-disabled sexual assault victims;
- If there is a stated policy about the use of video and/or audio taping of the interview, inform the victim of this process and how the tape will be used in later proceedings.

## Victim Accompaniment and Advocacy

The Sexual Assault Response Team has written agreements with the local law enforcement agencies so that the law enforcement personnel will call the 24-hour CRISIS LINE (478)595-8339 when they receive a sexual assault-related call and the response team will be activated.

#### XL Victim Advocacy

The role of the sexual assault Victim Advocate (a trained sexual assault victim advocate working with a Georgia-certified sexual assault center) is to provide services to the victims of sexual assault regardless of whether the victim chooses to participate in the criminal justice process. They play a very important role in providing a response that keeps the victim central in the process, allowing the investigation and prosecution to be offender-focused. Advocacy also has a critical role in promoting the healing process for the victim. Sexual assault victim advocates provide crisis intervention, support, family advocacy, information and referral, and other ancillary services to assist the victim through the criminal justice process. The support provided by the sexual assault victim advocate also benefits the criminal justice process, because supported, well-informed victims are more likely to continue through the process. Advocates will operate under the guidelines established by The Georgia Crime Victim's Bill of Rights (O.C.G.A. § 17-17-1) and will adhere to best practices as outlined in the Georgia Sexual Assault Response Team Guide and the Georgia Sexual Assault 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.

#### MEDICAL FORENSIC EXAMINATION PROCEDURES

The role of the medical forensic personnel is to provide a timely, high-quality Medical Forensic Examination that can potentially validate and address sexual assault patients' concerns, minimize the trauma they may experience, and promote their healing. At the same time, it can increase the likelihood that evidence collected will aid in criminal case investigation, resulting in perpetrators being held accountable and further sexual violence prevented. Medical Forensic Examinations will be performed in the Examination room at Stepping Stone CA & SAC unless it is medically indicated that the patient presents to and remains at the hospital. Medical Forensic Examinations should be made available if the 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") specifically trained in performing such exams.

Medical forensic responsibilities include:

- Obtaining informed consent from the patient for the Forensic Medical Exam, documentation, and evidence collection;
- Gathering the medical forensic history;
- Conducting a physical examination;
- Coordinating treatment of injuries;
- Documentation of biological and physical findings;
- Collection of evidence from the patient;
- Documentation of findings;
- Providing information, treatment, and referrals for STIs, pregnancy;

- Follow-up as needed for additional treatment and/or collection of evidence;
- Providing testimony at trial.

#### XII. Biologic Evidence Collection

The SANE will collect biologic samples at the request of a patient, in accordance with the currently accepted protocol (defined as the National Protocol for Sexual Assault Medical Forensic Examinations Adults/
Adolescents), to obtain timely biologic reference samples for possible analysis at the GBI Crime Lab. At the conclusion of the sexual assault medical forensic examination, any evidence collected will be packaged and protected in a manner to ensure the integrity of specimens and the appropriate chain of custody of the evidence. All biologic evidence will be collected up to a minimum of 120 hours after assault unless determined otherwise as it relates to the findings and disclosure of the case.

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 for up to 120 hours and may be submitted to the Georgia Bureau of Investigations Crime Lab, the Federal Bureau of Investigations Crime Lab, or other private labs 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 may be secured for temporary storage at the Sexual Assault Center, as it awaits transportation to long-term storage. (Temporary storage is defined as storing evidence for 72 hours or less (as decided by LE and the SANE) — The Biological Evidence Preservation Handbook: Best Practices for Evidence Handlers, p.17)

\*\* Only SANEs and the Program Director will have the keypad code to the storage unit in which the exam kits are stored.

# IV. 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:

- The SANE is activated by Law Enforcement (Detective/Investigator) with jurisdiction in the Oconee
   Circuit or by VA in non-law enforcement report cases when evidence collection is required. The SANE is activated by contacting 24-hour CRISIS LINE.
- The CRISIS LINE Advocate will contact the SANE nurse using the on-call schedule provided.
- The Victim Advocate answering the Crisis Line, will respond to the center.
- The SANE exam room is located at:
  - STEPPING STONE CA & SAC, 382 Woodand Trails Road, Dublin, Georgia, 31021

# V. 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.

# VI. CONDUCT OF THE MEDICAL FORENSIC EXAMINATION

A SANE or qualified Medical Provider 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 Collection Kit. It is also recommended that medical forensic exams be conducted in accordance with the National Protocol for Sexual Assault Medical Forensic Examinations.

A qualified victim advocate will be available to accompany the patient and offer emotional support during the examination. The advocate will at no time ask the patient questions related to the details of the assault. The SANE or qualified Medical Provider will complete appropriate authorizations relating to the examination. The SANE or qualified Medical Provider will document injuries and/or evidence collected, and prepare a report. The SANE or qualified Medical Provider will maintain and document the chain of custody of any evidence collected during the examination and assessment. The SANE or qualified Medical Provider will adhere to best practices as outlined in the Georgia Sexual Assault Response Team Guide.

# VII. 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.

Law Enforcement and/or the Hospital emergency department personnel will immediately call the 24-hour CRISIS LINE (478) 595-8339 of the incident including which law enforcement agency is responding.

- Services available to incarcerated persons:
  - o PREA stands for Prison Rape Elimination Act, a federal law enacted in 2003, created to eliminate sexual abuse in confinement. Stepping Stone CA & SAC does not perform Inmate Forensic Medical Examinations Facility PREA Coordinators can choose to partner with RAINN or if you have questions regarding the use of the hotline you may contact Jessica Leslie, National Sexual Assault Hotline Program Director at Jessica@rainn.org or Terry Anderson, Director, in Waycross, GA, (912)584-8743, who performs Forensic Medical Examinations, in the State of Georgia. A SANE will be activated and sent to the facility requiring the FME.
  - Additional resources: The PREA Resource Center https://www.prearesourcecenter.org/

#### VIIL IN THE ABSENCE OF A SANE

Law enforcement will call the 24-hour Crisis Line (478)-595-8339 to activate the response and accompany the victim to the local SAC/CAC for screening and assessment of any injuries, where a SANE and local VA will attend to the victim/LE/referring agency needs. Information for the referral will be shared by a Stepping Stone VA via the Crisis Line. The following centers are located within fair proximity to the Oconee Circuit:

- Crescent House Child Advocacy Center 682 Hemlock Street, Suite 290, Macon, GA, 31201 (478)-633-7044
- The Refuge, Domestic Violence Shelter and SAC 605 Jackson Street, Vidalia, GS 30474
   Crisis Hotline (912) 538-9935; 24 Hour Hotline 1-800-33-HAVEN
- 3. The Teal House SAC and Child Advocacy Center 209 South College Street, Statesboro, GA 30458 24 hr Crisis Line-1-866-489-2225; Office (912) 489-6060
- 4. RAINN (Rape, Abuse and Incest National Network) National Sexual Assault Hotline
  Call 1-800-656-4673

In the event that a SANE at a neighboring CAC/SAC is unavailable, LE will accompany the victim to the local hospital/medical center for assessment. The medical facility must obtain informed consent from the patient explaining all tests and procedures, which will be given.

The medical facility will perform the following for all patients of sexual assault:

- Physical exam by a qualified Medical Provider, treatment for any injuries, collection of evidence for the Georgia Bureau of Investigation, pregnancy test, and prophylactic medications for such sexually transmitted infections as Chlamydia, gonorrhea, and syphilis. Postcoital hormonal prophylaxis may be offered to prevent pregnancy and referrals for baseline serologic tests for hepatitis virus and screening for any appropriate sexually transmitted diseases, and HIV can be made as deemed necessary, to the victim's personal Medical Doctor, Obstetrician, or the Health Department.
- The Stepping Stone VA will be present at the hospital and work with the medical staff so that the facility
  will allow, with the victim's permission, the staff or sexual assault advocate to be present in the exam
  room as they will assist the victim in the Emergency Room and throughout the exam.
- The Victim Advocate explains to the victim his or her rights and options. The qualified Medical Provider
  will explain the nature of the evidence collection and the physical exam, tests, and lab work that should
  be provided, morning-after medication and other prophylactic medications to prevent sexually
  transmitted diseases, and options regarding testing for HIV and hepatitis B. The VA and qualified
  Medical Provider will discuss follow-up options with the victim/patient.
- The Victim Advocate provides information regarding the emotional and physical reactions that the victim
  may experience, and the assistance available to the victim, including where to obtain counseling, the
  name of the detective, and information about applying for victim compensation funds.
- The Victim Advocate provides the victim and those persons accompanying the victim with handouts
  explaining services available from Stepping Stone Child Advocacy and Sexual Assault Center and how
  the center will contact the victim after they return home to assist them.
- The Stepping Stone Child Advocacy and Sexual Assault Center will provide education to the emergency
  department and other medical staff on how to respond to and treat the emotional needs of the patient,
  and the symptoms of the Rape Trauma Syndrome.

Chain of Command is to be maintained at all times with the SAECK (Sexual Assault Evidence Collection Kit). The Medical Provider and/or the Nurse assisting them will keep it in custody at all times. The kit will be sealed and signed off per the Chain of Command Protocol. If Law Enforcement is not present, they are to be notified/contacted and informed of a SAECK ready and available for immediate pickup.

Non-reporting victims:

Per 42 U.S.C. § 3796gg-4(d), victims of sexual assault have the right to decide whether or not to

report to law enforcement. The following steps should be followed if a victim 18 years of age or older chooses not to report to law enforcement but chooses to have a forensic medical exam done:

- An advocate will speak with a victim to explain their rights, discuss their concerns, and discuss the pros and cons of an exam and reporting to law enforcement.
- The SANE will explain the procedure in the event that the victim chooses not to report.
- Only SANEs and the Stepping Stone Executive Director will have the keypad code to the storage unit in which the exam kits are stored.
- An advocate will attempt to contact victims for follow-up and to discuss options should a victim choose to report at a later time.
- The SANE will maintain the chain of custody and keep a detailed record of the date of
  evidence collection and storage as well as the date and details of any release of evidence.
- 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 may be secured for temporary storage at the Sexual Assault Center, as it awaits transportation to long-term storage. (Temporary storage is defined as storing evidence for 72 hours or less (as decided by LE and the SANE) The Biological Evidence Preservation Handbook: Best Practices for Evidence Handlers, p.17)
- Only SANEs and the Program Director will have the keypad code to the storage unit in which the exam kits are stored,

# **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 staff, 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 court proceedings or any changes to such proceedings, including restitution hearings;
- To reasonable, accurate, and timely notice of the accused's release and/or monitoring program;
- To be present at all criminal proceedings in which the accused has a right to be present;

- To NOT be excluded from any scheduled court proceedings, except as provided in O.C.G.A. § 17-17-1 or otherwise provided by law;
- To a waiting area, during judicial proceedings, that is separate from the accused and his or her relatives, friends, and witnesses;
- To be reasonably heard at any scheduled court proceedings involving the release, plea, or sentencing of the accused:
- To complete a Victim Impact Statement and have it presented to the court prior to the trial or plea of the accused (O.C.G.A. § 17-10-11);
- To refuse to submit to an interview by the accused, the accused's attorney or agent of the accused;
- To a requirement by the court that defense counsel not disclose victim information to the accused (O.C.G.A. § 17-17-10);

If a victim attends any court proceeding, a victim advocate from the Victims Witness program will accompany the victim. Stepping Stone will also be available to provide an advocate based on the ability of VW advocates and/or the preference of the victim.

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

## Pre-Indictment Guidelines:

When it has been determined to proceed with a case, the following preparations, when appropriate, should be made before the case is presented to the Grand Jury, including notification of all hearings and any schedule changes:

- Any corroborating witnesses should be interviewed;
- The names, addresses, and phone numbers of all witnesses are included in the case file. o All
  witnesses, including, but not limited to: the Forensic Interviewer, SANE, Law Enforcement, etc,
  will be provided adequate notification and adequate time to review and discuss all cases.
- A complete criminal history of the defendant is in the file;
- Where applicable, photographs of the victim's injuries have been received and reviewed;
- Contact has been made with the victim-witness assistant and service agencies, which have been working with the victim;
- All police reports have been received and reviewed;
- Results of all reports surrounding the case.

#### Trial:

General considerations: In sexual assault cases there are several factors which, if not unique to these offenses are more likely to have an impact on the trial of the case. For this reason, the prosecutor should be sensitive to the presence and influence of these factors in preparing for and in conducting the trial. One such factor is the extreme embarrassment or humiliation a victim may suffer in having to testify in open court as to the assault. Efforts should be made to prepare the victim for these emotions and to "shield" the victim as much as possible during his/her testimony. Another factor to assess in the trial of these crimes is the prejudice and preconceived notions people often have when someone has been sexually assaulted. More so than in other cases, people will scrutinize the dress and conduct of a victim and the choices he/she made prior to the assault in judging the case. Similarly, jurors are likely to pay closer attention to the dress and conduct of the victim in court than they would with a burglary charge. The prosecutor should be sensitive to this in presenting the case to the jury. Depending on the type of assault, there may be other factors that will have a special impact on the case because it is a sexual assault crime. Attempts should be made to identify and deal with these factors during the presentation of the State's case.

Consideration should be given to using expert testimony on victim and offender dynamics in appropriate cases. Ways to use the hearsay exceptions should also be explored when confronted with an uncooperative victim.

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