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SUPERIOR COURT
JACKSON COUNTY GA
2023 JUN -1 PM 2:31
H. W. THOMAS, CLERK

SEXUAL ASSAULT PROTOCOL

IN THE SUPERIOR COURT OF JACKSON COUNTY

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 January 23, 2023 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 Piedmont Judicial Circuit, Tenth 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 Jackson County.

SO ORDERED, this 5 day of June, 2023

Joseph Booth, Chief Judge

Piedmont Judicial Circuit

MB 2, pp 773
18M

PIEDMONT JUDICIAL CIRCUIT SEXUAL ASSAULT PROTOCOL

This Sexual Assault Protocol (“Protocol”) is adopted under OCGA § 15-24-2 to outline 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 adult sexual assault cases to increase the efficiency of all agencies handling such cases and to minimize the stress created for the sexual assault victims by the legal and investigatory process¹.

The mission of the Piedmont Judicial Circuit Sexual Assault Response Team (SART) is to respond to adult victims of sexual assault with a sensitive and competent multi-disciplinary approach, to guide victims toward restoration and recovery, and to bring responsible persons to justice.

Vision Statement: The Piedmont Judicial Circuit SART ensures the coordination of a respectful, victim-centered response to sexual assault for all sexual assault victims.

For 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 Piedmont Judicial Circuit Child Abuse Protocol in identifying appropriate services and resources. Per the model Child Abuse protocol, those services and resources should include The Tree House Inc.

The Tree House Inc. is a Children’s Advocacy Center located in Winder, Georgia, and provides services in Banks, Barrow, and Jackson Counties, which make up the Piedmont Circuit. In providing services to anyone under 18, the Tree House shall notify DFACS or law enforcement under OCGA § 19-7-5.

¹ OCGA § 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.

Please Note: The terms “victim” and “survivors” are used interchangeably throughout this document. For this protocol, they are synonymous.

COMMUNITY-BASED ADVOCACY

Piedmont Rape Crisis Center, Inc.

159 Towne Center Parkway, Hoschton, Georgia 30548

Office: 706-654-6209

Crisis Hotline: 770-586-5423

Mission: The Piedmont Rape Crisis Center aims to end sexual assault by empowering adult sexual assault victims into survivors through advocacy, support, community awareness, and education in Barrow, Jackson, and Banks Counties.

Vision: The Piedmont Rape Crisis Center is a Georgia Certified advocacy organization working to eliminate sexual assault/abuse and create a community where sexual assault is neither ignored nor tolerated.

Piedmont Rape Crisis Center (PRCC) provides advocacy and support services to adult survivors of sexual assault regardless of whether the survivor chooses to participate in the criminal justice process. Piedmont Rape Crisis Center services are free of charge and confidential for survivors, their friends, family, and significant others (secondary survivors).

PRCC staff and trained advocates provide the following services: 24/7 Crisis Hotline, Exam Accompaniments, Legal Advocacy, Information, Referrals, Resources, and Counseling Assistance.

Advocates play an essential 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, legal advocacy, information, resources and referrals, follow-up, counseling assistance, and other 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* (OCGA § 17-17-1). They will adhere to best practices outlined in the *Georgia Sexual Assault Response Team Guide* and the *Georgia Sexual Assault Certification Standards*.

Piedmont Rape Crisis Center Agrees to:

- Play a committed, active role in the collaboration between agencies on the Sexual Assault Response Team.
- Participate actively in SART meetings.
- Support the development and annual review of the SART protocol and guidelines.
- Participate, as appropriate, in cross-training with allied professionals regarding responses to sexual assault.

Victim advocate responsibilities include

- Being available to victims and families 24 hours a day, 7 days a week via a 24-hour crisis line staffed by trained victim advocates.
- Helping the Survivor identify immediate concerns (e.g., are they in a safe place, are there family members or friends needing contacting, do they need emergency medical care or transportation to the hospital (if injured) or transport to Forensic Medical Exam).
- Provide information to survivors regarding the effects of destroying evidence, bathing, and washing clothes.
- Provide medical and reporting options/information to survivors so that they may make informed decisions.
- Providing emotional support and crisis intervention to survivors and their families; Being present during the medical exam and police questioning if the victim wishes; and Helping arrange transportation to and from a medical facility, pre-exam, and post-exam.

- Provide services to survivors and their loved ones that are sensitive to the unique barriers and particular considerations that diverse victims encounter in reporting sexual assault crimes.
- Support survivors who report to law enforcement by providing a link to eliminate barriers affecting the victim's participation in the criminal justice process.
- Offering services to non-reporting victims and assisting if and when the victim decides to report.
- Follow established PRCC victim confidentiality guidelines.
- Continuity of support services to survivors and their loved ones after initial contact (with survivor's consent) for follow-up, ongoing crisis intervention, and advocacy needs moving forward.

It is not the role of victim advocates to "investigate" a survivor's experience or give legal advice. As such, PRCC advocates will not question survivors regarding an assault unless it is to gain more understanding to organize a forensic exam or to help provide services.

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

"Reporting" Cases

PRCC on call Staff/Advocates

- Will respond to accompaniment requests promptly to the location of the forensic exam.
- Coordinate with law enforcement when PRCC is the first point of contact for the survivor when the survivor wants to report the crime.
- Provide medical accompaniment as it pertains to a forensic examination (before exam) at the request of law enforcement and ACC-SANE, 24/7, 7 days a week, 365 a year.
- Provide information, advocacy, and support to the survivor and any secondary survivors throughout the medical accompaniment and forensic exam.
- Ensure Survivor has clothing to wear home after the medical examination is complete.

- Give Survivors written information about compensation, Survivors' Bill of Rights, and other available services.
- Obtain consent for follow-up care and make referrals to other agencies as appropriate.
- Assist the SANE with necessary cleaning duties following the exam.
- Will work to meet survivors' needs, such as safety planning, food, shelter, and transportation, and will assist in accessing services or resources.
- Provide (post-examination) follow-up with survivors (if given consent) to check on the survivor and offer continued support, resources, and appropriate referrals for the survivors' needs.
- For survivors with language barriers or who are non-English speaking, PRCC uses a translation and interpretation service.

“Non-reporting” Cases

In cases where the victim does not want to report the crime to law enforcement but does want a forensic exam, PRCC advocates will act in the same capacity as when a survivor chooses to report with these additional responsibilities:

PRCC on call Staff/Advocates will

- Provide support services and information for exam options and reporting options so that the survivor can make well-informed choices as they pertain to them.
- Collaborate with the on-call SANE nurse at ACC-SANE to organize a forensic exam for the survivor. Advocates will then respond as it pertains to the organized exam.
- Respond to applicable requests for medical accompaniments to St. Mary's, Piedmont Athens Regional, Winder Campus NEGA Medical, and Braselton Campus NEGA Medical.
- Assist the survivor should they report assault and collaborate with the appropriate law enforcement agency to help the survivor navigate this process.

Accompaniment Request Process

To request a PRCC Advocate for a forensic exam or medical accompaniment, please call the PRCC Hotline at 770-586-5423. The Hotline is available 24/7. Should you ever have additional questions or concerns or need further assistance, please get in touch with the Director of Victim Services at the PRCC Office during business days/hours at 706-654-6209.

LAW ENFORCEMENT

The role of the investigating officer is to ensure victim and community safety 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).
- Interview of the 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 submit sexual assault evidence collection kits to the GBI crime laboratory regardless of whether a suspect has been identified, per GBI recommendations.
- Review GBI Crime lab reports as soon as possible after GBI releases them to investigating agency, per GBI recommendations.
- Determination of probable cause and arrest.
- Preparation of case reports with investigative summaries.
- Assistance to the District Attorney's office in the prosecution of cases.
- 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 (OCGA § 15-17-1) and adhere to best practices as outlined in the Georgia Sexual Assault Team Guide.

MEDICAL FORENSIC EXAMINATION PROCEDURES

The role of the medical forensic personnel is to provide a timely, high-quality medical forensic examination that can potentially validate and address sexual assault patients' concerns, minimize the trauma they may experience, and promote their healing. At the same time, it can increase the likelihood that evidence collected will aid in criminal case investigation, resulting in perpetrators being held accountable and further sexual violence prevented.

The Family Protection Center and the Athens-Clarke County SANE Program shall provide medical forensic examinations located at 3035 Lexington Road, Athens, Georgia 30605. Responsible parties shall make medical forensic exams available if the patient chooses to report, chooses not to report, or elects to report anonymously.

A Sexual Assault Nurse Examiner ("SANE"), physician, nurse practitioner, or physician's assistant ("PA") trained in performing medical forensic examinations shall perform such exams.

Medical forensic responsibilities include:

- Obtaining informed consent from the patient for the medical forensic examination, documentation, and evidence collection
- Gathering the medical forensic history
- Conducting a physical examination
- Coordinating treatment of injuries
- Documentation of 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 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, following 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. After the sexual assault medical forensic examination, any collected evidence will be packaged and protected to ensure the integrity of specimens and the appropriate chain of custody of the evidence.

The SANE, physician, nurse practitioner, or PA will collect all biological evidence up to a minimum of 120 hours after the assault. In addition, the medical professional shall evaluate cases individually as they may complete the medical forensic examination beyond 120 hours.

The medical professional performing the forensic examination will give all biological samples, fluids, hairs, and other evidence requiring GBI analysis directly to the case investigator for processing using a proper chain of evidence.

Under SB 304/OCGA § 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 law enforcement submits such evidence to the division within 30 days of collection.

A person may collect urine for analysis for up to 120 hours, and that person may submit it to the Georgia Bureau of Investigations Crime Lab, the Federal Bureau of Investigations Crime Lab, or another private lab for a toxicology drug screen.

In cases where the victim does not want to report to law enforcement but does want a forensic SANE exam, advocates will act in the same capacity they do when a victim chooses to report with these added responsibilities:

- Advocates will offer support and outline reporting and medical options to survivors at any point of contact.

- Advocates will be responsible for contacting the on-call SANE to set up an exam when approached by a victim who wants an exam. Advocates will have access to monthly SANE calendars.
- Advocates will respond for applicable medical accompaniments at the Family Protection Center with a SANE, St. Mary's Hospital, Piedmont Athens Regional, Winder Campus NEGA Medical, and Braselton Campus NEGA Medical 24-hours, 7-days/week, 365 days/year.
- If there is a safety concern, the advocate or the SANE can call law enforcement for a stand-by officer to be present.
- If a non-reporting survivor later decides they want to prosecute, the advocate will be the point of contact for the survivor. If/when a client calls and decides if they would like to report, the advocate will contact law enforcement to take a report.

REQUESTS FOR MEDICAL FORENSIC EXAMINATION

ACC-SANE responds to the requests of law enforcement investigators during the report of a sexual assault. When a person presents to the emergency department, health department, police station, or PRCC or calls 911 and makes a police report, the investigator will determine whether the victim/survivor wants forensic evidence collected.

ACC-SANE responds to PRCC's advocacy for non-reporting victims and follows ACC-SANE Non-Reporting Guidelines.

If the victim/survivor requests forensic evidence collection and the victim/survivor does not need immediate medical treatment for physical or psychological complaints or injuries, the police investigator will:

1. Call the on-call SANE and the on-call PRCC advocate to arrange a Forensic Medical Exam. If there is no SANE on-call, the police investigator will contact the SANE Executive Director to arrange forensic medical care for the victim/survivor as needed.

2. Transport the victim/survivor to the Family Protection Center and provide the team with a history of the report of the assault.
3. For non-reporting victims, the police investigator will contact a PRCC advocate.

COSTS OF THE MEDICAL FORENSIC EXAMINATIONS

OCGA § § 16-6-1(c) and 17-5-72 dictates the payment of examination costs. 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.

After receiving a report, the medical professional shall complete medical forensic examinations and biological evidence collection as quickly as possible.

The medical professional shall conduct forensic examinations and biological evidence collection following Georgia Bureau of Investigation (GBI) procedures using a GBI Sexual Assault Evidence Kit. The Protocol also recommends that the medical professional conduct medical forensic exams following the *National Protocol for Sexual Assault Medical Forensic Examinations*.

A trained victim advocate will be available to accompany the patient and offer emotional support during the examination. The advocate will not ask the patient questions related to the details of the assault.

The SANE, physician, nurse practitioner, or PA will complete appropriate authorizations relating to the examination.

The SANE, physician, nurse practitioner, or PA will photograph and document injuries and prepare a report.

The SANE, physician, nurse practitioner, or PA will maintain and document the chain of custody of any evidence collected during the examination and assessment.

The SANE, physician, nurse practitioner, or PA will adhere to the best practices outlined in the *Georgia Sexual Assault Response Team Guide*.

PROCEDURES for HOSPITALS RECEIVING WALK-IN REPORTS OF SEXUAL ASSAULTS

Hospitals receiving patients reporting incidents of sexual assault shall immediately contact law enforcement following OCGA § 31-7-9, requiring the report of all non-accidental injuries. Patients will retain the right not to initiate, participate in, or cooperate with any law enforcement investigation of such assault.

Hospital emergency department personnel shall timely notify the **Piedmont Rape Crisis Center Hotline On call Advocate at 770-586-5423** of the incident, including which law enforcement agency is responding.

PROSECUTION

The District Attorney's office's role is to protect the victim's rights while holding the offender accountable. Prosecutors should work collaboratively with law enforcement, medical forensics, and victim advocates. Prosecutors will operate under the guidelines established by *The Georgia Crime Victim's Bill of Rights* (OCGA § 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 court proceedings where the Court will consider the release of the accused
- 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 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 OCGA § 17-17-1 or otherwise provided by law
- To a waiting area during judicial proceedings that is separate from the accused and their 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 before the trial or plea of the accused (OCGA § 17-10-11)
- To refuse to submit to an interview by the accused, the accused's attorney or agent.
- To a requirement by the court that defense counsel does not disclose victim information to the accused (OCGA § 17-17-10)

If a victim attends any court proceeding, a victim witness advocate from the Piedmont Circuits District Attorney's Office will accompany the victim. Additionally, Advocates from the Piedmont Rape Crisis Center can accompany victims for court proceedings.

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

LOCAL SART COORDINATED RESPONSE

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

Members of the Piedmont Judicial Circuit SART agree to meet quarterly (4 times yearly) for case review, discussion, and evaluation to ensure the coordination and cooperation between all agencies responding to sexual assault cases in the Piedmont Judicial Circuit.

The Sexual Assault Response Team will develop all other Local Sexual Assault Response Team Protocols at its next meeting.

Under OCGA § 15-24-2, members of the Piedmont Judicial Circuit Sexual Assault Protocol Committee agree to meet annually to review, update and evaluate this Sexual Assault Protocol.

The foregoing Piedmont 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.

This 30 day of January, 2023.


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Sarah Griffie

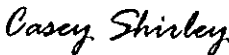
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Chairperson

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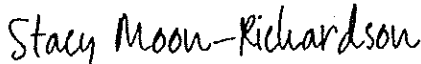
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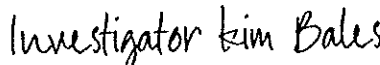
Casey Shirley

Banks County Board of Health

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Stacy Moon-Richardson

Banks County Magistrate Court

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Investigator Kim Bales

Banks County Sheriff's Department

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Susan Kristal

Barrow County Board of Health

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Judge Caroline Evans
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Barrow County Magistrate Court

Judge Tracy Brooks

Judge Tracy Brooks

Jackson County Magistrate Court

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Jackson County Sheriff's Department

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Citizen Representative

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Assistant Chief James Arwood

Jefferson Police Department

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Jackson County Board of Health

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Piedmont Rape Crisis Center

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Lieutenant Rachel Page

Winder Police Department