

ROCKDALE COUNTY SEXUAL ASSAULT PROTOCOL

This Rockdale County Sexual Assault 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.

For purposes of this Protocol, the term "victim" shall refer victims age 18 and older. Every sexual assault case involving victims under 18 shall refer to the Rockdale County Child Abuse Protocol in identifying appropriate services and resources. Per the state model Child Abuse Protocol, those services and resources should include Mosaic Georgia, Inc. 1-866-900-6019 in providing services to children, adolescents and adults in all cases.

ADVOCACY

The role of the sexual assault victim advocate 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 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 in person and via a 24-hour crisis line staffed by trained community advocates
- Providing services to victims 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 effecting 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 victim advocates from the Rockdale County Victim Witness Assistance Program if the case progresses through the criminal justice system to the point of prosecution.

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.

LAW ENFORCEMENT

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 shall be responsible for the investigation of 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 shall include allowing an advocate to be present with the consent of victim
- Interview of witnesses
- 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 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
- VICAP Report

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 Response Team Guide*.

FORENSIC MEDICAL EXAMINATION PROCEDURES AND CONDUCT

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 may be performed at Mosaic Georgia. In the event that Mosaic Georgia coverage is not available, the exam shall be performed at any licensed medical facility which has the ability to perform such exams. In cases where a victim requiring forensic medical examination and evidence collection has injuries requiring emergency department treatment, the exam shall be performed in the emergency department of a licensed medical facility.

Every effort should be made that medical forensic examinations should be performed by a Sexual Assault Nurse Examiner ("SANE"), physician, nurse practitioner or physician's assistant ("PA") trained in performing such exams.

Medical forensic exams should be made available if the adult victim chooses to report, chooses not to report or chooses to report anonymously.

A trained 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.

- A SANE, physician, nurse practitioner or PA will:
- Gather the medical forensic history
- Perform the examination and assessment, and coordinate treatment of injuries.
- Perform and complete the medical forensic examinations and biologic evidence collection as quickly as possible after a report is received.
- Complete appropriate authorizations relating to the examination, documentation and evidence collection (i.e. patient's informed consent)
- Photograph and document injuries and prepare a report.
- Maintain and document the chain of custody of any evidence collected during the examination and assessment.
- Adhere to best practices as outlined in the *Georgia Sexual Assault Response Team Guide*.
- Conduct the Medical Forensic Evaluation 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*.
- Provide information, treatment, and referrals for STIs, pregnancy
- Follow-up as needed for additional treatment and/or collection of evidence.
- Provide testimony at trial

BIOLOGIC EVIDENCE COLLECTION

The SANE, physician, nurse practitioner or PA will collect biologic samples with the consent of the patient, at the request of a law enforcement agency, the District Attorney's Office, the Medical Examiner or Coroner's office, a hospital or pursuant to a court order 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 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 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 Crime Lab, the Federal Bureau of Investigations Crime Lab or other private lab for toxicology drug screens.

All biologic evidence collected with the consent of a patient who chooses to initiate and participate in and/or cooperate with a law enforcement investigation shall be submitted to the GBI Crime Lab within thirty days of it being collected by the law enforcement agency who took possession of the evidence pursuant Georgia Law.

All biologic evidence collected with the consent of a patient who chooses not to initiate and participate in and/or cooperate with a law enforcement investigation shall be retained by Mosaic Georgia for a minimum of one year. Such biologic evidence shall not be sent to the GBI.

Mosaic Georgia personnel may collect biological samples from a suspect at the request of a law enforcement agency or the District Attorney's office by means of search warrant or signed written consent. A staff member and a SANE will go with the investigator to the location of the suspect. Collection of biological samples from suspects is not done at the Mosaic Georgia facility, but at a location designated by a law enforcement agency or correctional facility.

The Mosaic Georgia staff and the SANE shall obtain a copy of any search warrant and/ or consent form authorizing the collection of biological samples from a suspect and retain it for the file.

Pursuant to O.C.G.A. 17-5-74 All law enforcement agencies, collection sites and other entities having custody of sexual assault kits shall register for and utilize the statewide Sexual Assault Kit Tracking System no later than July 1, 2022.

- Medical personnel conducting forensic medical exams shall access SAKTS to acknowledge receipt and collection of all reported and non-reported sexual assault kits. For reported cases, medical personnel shall use the tracking system to notify law enforcement that the kits are ready for pick up. If the collection site/agency is a sexual assault center that has a memorandum of understanding (MOU) with local law enforcement to hold non-reported kits, center personnel shall utilize SAKTS to indicate any non-reported case that is being held onsite at their agency.
- Law enforcement shall access SAKTS to acknowledge receipt of all sexual assault kits and to provide notification to the GBI crime lab in the tracking system of any reported case when their agency submits the physical kit for forensic analysis. Law enforcement shall also utilize SAKTS to indicate the receipt and retention of any non-reported case that is being held onsite at their agency.

REQUESTS FOR MEDICAL FORENSIC EXAMINATION

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 a victim's request pursuant to O.C.G.A. 17-5-72,(6) forensic examinations may be requested 24 hours a day via the Mosaic Georgia crisis line at 770-476-7407 by using the following procedure:

- Patrol officer/deputy/investigator should contact the Mosaic Georgia via the 24-Hour Crisis Line at 770-476-7407 or an alternative center with forensic services
- Patrol officer/deputy/investigator should relay the following information to the Mosaic Georgia advocate, if possible:
 - Name of officer and investigator assigned to the case
 - Name of law enforcement agency, to confirm jurisdiction
 - Gender and age of victim

- Special needs of victim (i.e. language barriers, disabilities, etc.)
- Time period since assault occurred
- Location of victim
- Estimated time of arrival at Piedmont Rockdale Hospital, Mosaic Georgia
- Special needs/requests of investigator (i.e. to interview victim prior to exam, etc.)
- If the victim goes to emergency department first, he or she should be medically cleared by the Emergency Department staff and then released to go to Mosaic Georgia for the medical forensic exam
- If necessary (if possible), the patrol officer/deputy/investigator should transport the sexual assault victim to the exam location
- At Mosaic Georgia, the patrol officer/deputy/investigator should remain in the building until the exam and interview are completed
- If the patrol officer/deputy/investigator cannot be at the office for the duration of the exam, a relief officer must be present for security purposes
- Law enforcement should receive all evidence (Sexual Assault Evidence Collection Kit, clothing, etc.) directly from SANE or Mosaic Georgia staff
- Law Enforcement will pickup kit within 96 hours to enter into the Sexual Assault Kit Tracking System
- Officers should contact Mosaic Georgia at 770-497-9122 to arrange for pick-up of medical records

If a victim is injured, highly intoxicated, or potentially violent, he or she should be taken to the hospital for medical clearance rather than Mosaic Georgia for the forensic medical exam.

For acute cases involving children under 12 (reported within 120 hours) or delayed disclosure (>120 hours) for ages 0-12, officers should contact the crisis line of the Mosaic Georgia at 770-476-7407 to speak with a crisis responder.

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.

PROCEDURES for HOSPITALS RECEIVING WALK-IN REPORTS OF SEXUAL ASSAULTS

- Hospitals or Healthcare facilities and providers 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.
 - Adult victims will retain the right to not initiate, participate in, and/or cooperate with any law enforcement investigation of such assault.
- Medical personnel shall timely notify Mosaic Georgia at 866-900-6019 24/7 of the incident including which law enforcement agency is responding.
- Hospital emergency department personnel shall notify the victim that Mosaic Georgia will coordinate and conduct the forensic medical exam after the victim is medically cleared, unless the injuries are severe or other acute medical conditions exist (at which point the medical exam will be conducted in an emergency department qualified to conduct such examinations).

- Medical personnel who are not specifically trained in forensic medical exams should avoid genitalia examination and assessment unless acute injury warrants immediate medical intervention.
- The Mosaic Georgia team will perform the examination at the Mosaic Georgia facility if practicable.

PROCEDURES for SCHOOLS RECEIVING REPORTS OF SEXUAL ASSAULTS

Child Abuse or Sexual Assault

- It is the duty of all employees to promptly report any sexual assault To the school resource officer
- Upon receipt of this information, principals or supervisors or his/her designee shall orally notify DFCS and the Superintendent, or his/her designee, immediately; but in no case later than twenty-four (24) hours from the time of the receipt of the information.
- Any time that an incident or allegation of sexual abuse is discovered or reported; Rockdale County Public Schools shall contact local law enforcement and Mosaic Georgia. If necessary, local law enforcement will assist with transporting the victim of sexual abuse to either Piedmont Rockdale Hospital or Mosaic Georgia for a forensic medical examination by a Mosaic Georgia SANE, a hospital provided SANE, or a specially trained medical professional.

PROCEDURES for CORRECTIONAL FACILITIES IN ROCKDALE COUNTY RECEIVING REPORTS OF SEXUAL ASSAULTS

Any time that an incident or allegation of sexual abuse is discovered or reported at a Rockdale County correctional facility within 120 hours of the incident; Rockdale County will contact Grady Hospital Atlanta, Ga and then transport the victim of sexual abuse to Grady for a forensic medical examination by a hospital SANE, a hospital provided SANE, or a specially trained medical professional.

- Rockdale County Jail shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by providing toll-free hotline numbers where available for local, State or National victim advocacy or rape crisis organizations. The facility will also provide inmates/residents with the P.O. Box mailing address for Mosaic Georgia upon request and distribute Mosaic Georgia informational brochures and/or informational packets to those inmates in need of Mosaic Georgia services. The facility shall enable reasonable communications between inmates and these organizations in as confidential manner as possible.
- Rockdale County shall also inform inmates prior to giving them access, the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities.
- The report of sexual abuse shall be timely referred to and investigated by a certified law enforcement officer.

PROSECUTION AND JUDICIAL PROCEEDINGS

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. § 17-17-1) 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)

If a victim attends any court proceeding, a victim advocate from either the Mosaic Georgia or the Rockdale County District Attorney's Victim –Witness Program will accompany the victim.

The District Attorney's office will send any necessary subpoenas for the Mosaic Georgia staff to the Mosaic Georgia facility. The prosecutor assigned to the case will coordinate required court attendance with the staff member and the staff member will appear for court as directed by the prosecutor trying the case.

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

LOCAL SART COORDINATED RESPONSE

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

Members of the Rockdale County Sexual Assault Response Team agree to meet monthly for case review, discussion and evaluation to assure the coordination and cooperation between all agencies responding to sexual assault cases in the Rockdale Judicial Circuit.

911 RESPONSE

The first report of a sexual assault is usually made by the victim to a dispatch or communications center of a law enforcement agency. Dispatch or communications staffers are critical in aiding the victim to regain control and composure after an assault. The staffers should remain calm, understanding, and non-judgmental while speaking with the victim. *Priority ranking* should be applied to all sexual assaults regardless of when the attack occurred.

If the victim is the caller, then the dispatcher should:

- Obtain the victim's name and location
- Determine if the victim is currently safe and whether the victim needs immediate medical attention
- Determine where and when the attack occurred
- Dispatch the appropriate law enforcement units and, if necessary, emergency medical help (Emergency department staff will initiate contact with Mosaic Georgia Instruct victim not to wash, change clothes, douche, eat or drink, or disturb any potential evidence. If possible, the victim should not urinate until a responding officer arrives with a clean urine collection container. If the victim cannot wait for medical personnel or law enforcement, the dispatcher can instruct the victim to urinate in a clean jar or other container with a lid.
- Assure the victim help is coming
- Gather other pertinent information as defined by communications agency guidelines such as the name or description of the assailant(s), the means used by the assailant(s) to leave the scene, the direction of flight, whether the suspect is a known offender or stranger, any information about the suspect's history of violence and/or use or possession of a weapon, whether drugs or alcohol were used to facilitate the sexual assault.

If it is immediately apparent to the dispatcher that the victim is unable to discuss the assault, then the dispatcher should simply seek to keep the victim calm until help arrives and if possible, ask yes or no questions to determine if the perpetrator is present so that information can be relayed to responding officers.

If the victim is not the caller, then the dispatcher should:

- Gather the same information previously described to assist the victim
- Enlist the help of the caller to keep the victim safe and calm until additional help arrives

A record of calls, radio traffic, and other communications pertaining to a sexual assault case may be preserved by the law enforcement agency receiving the complaint. The dispatch center may be asked to assist the investigating officers by copying calls, radio traffic, and other communications received immediately after the assault.

*** The following criteria are offered as guidelines, not requirements, for optimal, expeditious, and reliable responses to report sexual assault. Depending on the circumstances, there may be both a responding officer and an investigating officer, or there may only be an investigating officer. Accordingly, an investigating officer may vary the allocation of the actions described in this section.

THE RESPONDING LAW ENFORCEMENT OFFICER

The first law enforcement officer to reach a sexual assault victim is usually a uniformed patrol officer. This officer, as with others who investigate the case, should quickly develop a good rapport with the victim while initiating the gathering of evidence. The responding officer in sexual assault plays a vital role in the outcome of the investigation. The responding officer has the ability to encourage the victim's participation in the criminal justice process by reassuring the victim that she/he is not being judged and that the case is taken seriously. Remembering the principles of victim centered approach, responding officers can investigate in a manner that helps restore a victim's sense of control. This approach builds trust and the victim's confidence in cooperating with the investigation through prosecution.

As for the immediate response, the responding officer should:

- Address the victim's physical and medical needs
- Request an ambulance if immediate medical attention is needed and an ambulance has not already been dispatched
- Address the emotional needs of the victim by remaining calm, sympathetic, and understanding
- Call an Investigator to the scene and explain to the victim that an Investigator will be coming to speak with him/her
- Explain that an advocate from the Mosaic Georgia will meet the victim at the Mosaic Georgia, the hospital or other licensed medical facility with the ability to perform sexual assault exams
- Assess advocacy needs such as mental/physical impairment or limited English proficiency then make contact with an advocate from the Mosaic Georgia
- Explain to the victim that a physical examination will be needed for evidence and arrange for the transportation of the victim to the Mosaic Georgia
- If possible, arrange for a friend or family member to bring a change of clothing to Mosaic Georgia for the victim's use after the medical examination
- Ask the victim to refrain from washing, bathing, showering, douching, brushing teeth, using mouthwash, smoking, eating, drinking, urinating, or defecating so as to prevent the loss of valuable physical evidence.
- Responding officer should not leave a victim unattended unless handling a critical threat

The responding officer, if time permits, may also ask the victim some questions about the sexual assault. Questioning should be conducted by a single officer, in the greatest privacy available and questioning should be limited in scope to crucial information immediately needed by law enforcement. Officers should explain that the initial interview is preliminary in nature and a follow up interview will be necessary. The follow up interview may be conducted by the same officer or by a detective if the agency has an investigative unit.

- Nature and description of the assault
- Exact location and approximate time of assault
- Name of physical description of assailant(s)
- Unusual physical characteristics of assailant(s)
- Clothing of assailant(s)
- Method of flight (car, truck, on foot, etc.)
- Description of vehicle
- Direction of flight
- Name and contact information of any witnesses
- Other pertinent information as dictated by law enforcement agency
- Any weapons used in the assault or any knowledge the victim has of the suspect's history of violence or weapons possession

If the crime scene is known, the Crime Scene Unit should be notified as soon as possible that it will be needed to process the scene.

The responding officer or Investigator will call Mosaic Georgia to request a forensic examination. The officer should remain at the facility until the RCSO or City of Conyers investigator has arrived or until the collection of evidence is complete.

As for delayed reporting, if the victim contacts law enforcement and more than 120 hours have elapsed since the incident of sexual assault, there is a possibility that some forensic evidence may

still be collected. Samples have been found up to five days later in the victim's body or there may be evidence of tearing or other internal abrasions. For this reason, the victim may be encouraged to seek medical care and to complete the medical evidence collection. All referrals should be made to Mosaic Georgia for advanced/after care services.

THE CRIME SCENE

No one, including the responding officer, should touch physical articles, including weapons, blood, or any other potential item of evidence at the scene. The victim's clothing and personal effects should be protected from all handling and contamination until the Crime Scene Unit reaches the crime scene. The responding officer, with the assistance of other officers, should guard the scene from any intrusion until the arrival of the Crime Scene Unit. A crime scene access log should be maintained listing the full name of every person, police and civilian, who comes to the scene. When the Crime Scene Unit arrives at the scene, the responding officer should give them all information available regarding the crime.

THE INCIDENT REPORT

It is imperative that the responding officer provide an accurate and complete report detailing the officer's activity.

The report should include:

- The date and time of dispatch and arrival at the scene
- The nature of the crime
- The location of the crime
- The location of the dispatch
- A description of the crime scene (if known)
- The identity of the victim
- The victim's personal information including phone numbers and addresses for home & work, including victim's email address or contact information for a friend or relative if follow up investigators are unable to reach the victim by the contact information provided
- The names, phone numbers and addresses of any witnesses
- A description of the any injuries to the victim and of the clothing of the victim and any damage to the victim's clothing or personal possessions
- A careful description of the victim's emotional state
- Actions taken on behalf of the victim
- Actions taken to preserve the crime scene
- Information learned about the sexual assault, including:
 - The exact location of the assault
 - The approximate time of the assault
 - Whether a weapon was used, and if so, what kind
 - How the victim and assailant came to the scene
 - A description of the sexual assault
 - The identity of the assailant(s) or a complete description, including clothing and any other information obtained from the victim and witnesses

- The means by which the assailant left the scene
- The assailant's direction of flight
- Any other information obtained from the victim
- The names, addresses, and phone numbers of any witnesses identified by the victim or located by the police
- The statements of any witnesses interviewed at the scene
- The names of any law enforcement officers, including supervisors, detectives, and forensic officers who came to the crime scene (access log) or hospital
- Any other actions taken in the case
- The exact time the officer left the crime scene and, if applicable, the medical facility

THE INVESTIGATORS RESPONSE

In cases where an Investigator responds either to the scene, hospital or Mosaic Georgia, he/she should:

- Obtain a thorough briefing from the responding officer(s)
- Direct each officer who responded to the crime scene, had contact with the victim, or came to the hospital to file a detailed written report on the case
- Conduct an initial interview with the victim and write up the interview and/or audio tape it. During the initial contact, the investigator should:
 - Clearly identify himself/herself to the victim
 - Verify the information obtained by the dispatcher and/or responding officer which may help the police to locate the suspect
 - Make certain that the victim understands what is being done on the victim's behalf
 - Carefully note the emotional status and physical injuries of the victim for later inclusion in the case report
 - Inform the victim that a more detailed, thorough interview will be conducted at a later time
 - Provide the victim with information or a copy of the Georgia Crime Victim's Bill of Rights

The investigator should confirm that:

- Action is being taken by other officers to locate and detain the suspect
- The crime scene, if known, is being protected and thoroughly processed by the Crime Scene Unit
- Known witnesses are being or will be interviewed
- The chain of custody is maintained, and photographs will be taken or arranged for if needed
- The emergency phone calls and records of police traffic in reference to the case are preserved by the communications department for later use
- All evidence available at the hospital or Mosaic Georgia, including the clothing of the victim, is collected and held by medical staff or Mosaic Georgia staff

Additionally, the investigator should:

- Consult with the victim advocate/crisis counselor and, with the consent of the victim, any family members or friends of the victim to explain the actions being taken by the police and to seek their cooperation and assistance in future contacts with the victim
- Arrange transportation home or to a safe location by the victim
- Assure that information about the suspect has been sent to other law enforcement agencies
- Verify that all the evidence obtained at the medical facility or Mosaic Georgia is correctly inventoried and prepared for transfer to the crime lab pursuant to OCGA §35-1-2(b)(c)

THE ARREST WARRANT SHOULD INCLUDE

- The nature of the crime
- The location of the crime
- The identity of the victim
- Whether a weapon was used, and if so, what kind
- A description of the sexual assault

DRUG FACILITATED SEXUAL ASSAULTS

In cases of suspected drug facilitated sexual assaults, law enforcement should obtain a urine sample as soon as possible or coordinate with the medical facility or Mosaic Georgia to ensure a urine sample is timely collected. A blood sample (collected in a grey top tube) should also be collected if the assault took place within 24 hours. Biologic samples collected for analysis can be collected up to 120 hours and should be transported to the Georgia Bureau of Investigations in an expeditious manner.

The investigative priority is the sexual assault, NOT misdemeanor violations. Voluntary consumption of illegal substances or underage drinking should not be used to discredit a victim or discourage participation in a criminal investigation.

PREPARATION FOR THE INTERVIEW

After a sexual assault has been reported, an initial interview with the victim should be conducted within 24 hours, though it may take place within a week. The victim's physical and emotional health must remain paramount, and the interview should be held when the victim is no longer in crisis.

The interview should be held in a comfortable, private setting. A location should be selected which permits both visual and sound privacy, free of unnecessary interruptions.

Victims should be given the opportunity to have a victim advocate from the Mosaic Georgia present during the preliminary interview. A spouse, parent, boyfriend or friend may not be an appropriate source of support for a victim during a law enforcement interview because the victim may be hesitant to reveal certain aspects of the assault in the presence of a loved one or close friend due to embarrassment or concern for the loved one's feelings. Additionally, family members, interested parties, and victim advocates should not be used as interpreters. Rather, law enforcement should refer to Mosaic Georgia to obtain the best possible interpretation services for limited English proficiency or hearing-impaired victims.

The interview should be recorded in order to document the details of the interview, preserve the interview to permit other authorized persons to hear the victim's account without requiring additional interviews, and permit the presence of other persons, such as victim advocates, to be present at the interview.

THE INTERVIEW

The investigator should be professional, compassionate, understanding, and non-judgmental during the interview. The necessarily intimate communications with the victim demand tactful and sensitive questioning.

The investigator must remain aware at all times that the victim may have suffered psychological trauma far worse than any physical injury. Many victims experience a shock and anxiety which persists for hours, days and even months after being attacked. Insensitivity to the victim can cause additional psychological harm to the victim and severely damage the investigation by diminishing the victim's willingness to cooperate with law enforcement. Conversely, a sensitive, caring investigator can bolster the victim's confidence and self-esteem and increase the victim's desire to assist with the investigation.

The investigator's role in connection with the investigation should be clearly explained to the victim. The victim should be informed why certain very intimate, perhaps embarrassing questions must be asked, particularly about the assault itself. The victim should be assured that the investigator understands the difficulty of the interview and is more than willing to conduct the interview at a pace that is comfortable for the victim.

The investigator should use language that is readily understood by the victim. To the extent possible, the investigator should use the same terms, including slang, as the victim in order to build rapport with the victim and increase valuable communication. If slang terms are used, the interviewer should use the terms without hesitation or embarrassment.

If possible, the interview will be held when the investigator arrives with the SANE. The investigator should let the victim narrate what happened, in the victim's own words. The follow-up questions can be asked with the investigator explaining to the victim why those questions need to be asked. The interview should be as thorough as possible.

Inquiry areas should include:

- The victim's prior relationship or contact (including, but not limited to) social media and dating apps), if any, with the assailant
- Prior sexual history with the assailant
- The details of the forced sexual act(s)
- The assailant's modus operandi
- The assailant's clothing
- The assailant's appearance including marks, tattoos, scars, deformities, or unusual physical features or body odors
- The assailant's means of restraining the victim
- The victim's response to the attack, including any verbal or physical resistance
- The victim's state of mind during the assault
- The use or threat of weapons
- What the assailant said to the victim, including threats and instructions
- The names or descriptions of any witnesses, participants or accomplices

FALSE REPORTING AND RECANTATION

The definition of a false report *is the report of a sexual assault that did not happen*. A conclusion that an assault did not occur must be based on evidence or a complete lack of evidence. Personal views about a victim must not influence law enforcement's investigative analysis of the evidence in a case. A

suspicion of a false report is not an evidence-based reason to suspend an investigation or determine a case unfounded. If an evidence-based investigation *fails to prove* an assault occurred, the investigation should be unsustainable or inconclusive.

Victim Recantation is a retraction of a report of a sexual assault. Recantations are often not an indication of a false report, as victims frequently recant to avoid proceeding further with the criminal justice process. A victim may recant, even when the assault actually occurred for a variety of reasons. When a victim recants, it is incumbent upon the investigator to determine if external factors have contributed to the victim's desire to disengage from the criminal justice system. Recantations are definitely challenging, but they should not automatically result in the case being declared unfounded.

POST INTERVIEW FOLLOW-UP

The investigator should encourage the victim to seek support from family, friends, victim advocacy groups and to utilize the resources provided by Mosaic Georgia.

After the interview has been conducted, the investigator should obtain any additional physical evidence, such as photographs, needed from the victim. The possible need of additional steps in the investigation, including composite drawings, photographic or live line-ups, should be explained.

VICTIM FOLLOW-UP

During the investigation of the sexual assault and after the arrest of an assailant, the chief investigator has a continuing responsibility to interact with the victim by:

- Informing the victim when an assailant has been arrested and upon release from jail
- Informing the victim of future investigative and prosecutorial activities on the case, including those which might require the victim's involvement
- Maintaining contact with the victim to ensure that appropriate support services are available
- Working with prosecutors and victim advocacy agencies to develop the case and familiarize the victim with court practices and procedures

THE CASE REPORT

The lead investigating officer in a sexual assault case has the crucial responsibility of compiling all the information learned throughout the investigation. This compilation, the case report, will be the main source of information for the prosecutors handling the case; therefore, it is imperative that every effort is made to be as thorough, accurate and informative as possible in building the report.

CONCLUSION


The Rockdale County Sexual Assault Protocol Committee shall continue in existence and shall meet at least annually for the purpose of evaluating the effectiveness of the protocol and appropriately modifying and updating same.

[Signatures on the following page]

The foregoing Rockdale County 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.

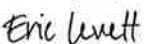
This 8th day of December, 2023.

APPROVED BY:

DocuSigned by:

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Alisha Adams Johnson, District Attorney
Rockdale County District Attorney's Office


DocuSigned by:

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Robert F. Mumford, Chief Judge
Rockdale Superior Court

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Eric Levett, Sheriff
Rockdale County

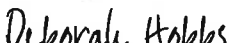
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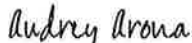
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Clarence Cuthbert, Judge
Rockdale State Court


DocuSigned by:

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Scott Freeman, Chief
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Deborah Hobbs, Interim Director
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Phinia Aten, Chief Judge
Rockdale County Magistrate Court