

**Tifton Judicial Circuit
Sexual Assault Response
Protocol**

2023 SART Protocol Committee Members:

Pooja Patel, ABAC Police

Calvin Johnson, Ashburn Police Department

Suzanne Smith, Community Member

Kim Schwalls, DA Office

Jodie Spooner, DA Office Victim Assistance

Michelle Stone, Irwin County Health Department

Jeanne Blevins, Irwin County Hospital

Heather Culpepper, Irwin County Magistrate Court

Jacob Horsley, Irwin County Sheriff's Office

Michael Owens, Irwin County Sheriff's Office

Chris Griffin, Ocilla Police Department

Nina Gunn, Phoebe Worth Medical Center

Kayla Myers, Ruth's Cottage

Jonathan McDaniel, Sylvester Police Department

Daniel Mothershed, Sylvester Police Department

Mecca Lewis, Tift County Health Department

Dustin Vandergrift, Ocilla Police Department

Amy Green Brandenburg, Tift Co. Magistrate Court

Cliff Henderson, Tift County Sheriff's Office

Mitchel Watson, Tift County Sheriff's Office

Alexis Malone, Tift Regional

Chris Luckey, Tifton Police Department

Sydney Saylor, Tifton Police Department

Michael Gaskins, Tifton Police Department

Mary Anne Sturdevan, Turner County Health Dept

Blake Christian, Turner County Magistrate Court

Martin Coalson, Turner County Sheriff's Office

Shawn Jackson, Turner County Sheriff's Office

Gina Connell, Worth County Health Department

Casey Rouse, Worth County Magistrate Court

Deidra Whiddon, Worth County Sheriff's Office

David Sheler, Worth County Sheriff's Office

Braden Schubert, Worth County Sheriff's Office

Table of Contents

SART Members	Page 2
Purpose of Protocol	Page 4
Persons Covered	Page 5
Providing Care & Common Response	Page 5
Financial Resources	Page 6
Survivor Support Services from RCPCH	Page 6
Initial Disclosure	Page 7
Coordination of Services	Page 7
Guidelines of Survivor Services	Page 8
Medical Exam	Page 8
Pre/Post Arrest	Page 9
Pre Trial / Sentencing	Page 9
Ongoing Survivor Services	Page 10
Law Enforcement Response	Page 10
Medical Accompaniment & Advocacy	Page 14
Prosecution Office Response	Page 16
Signature Pages	Pages 21 - 24

1. Purpose of the Protocol

A general definition used in this protocol is that sexual assault includes 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 charges such as rape, sodomy, aggravated sodomy, statutory rape, sexual battery, aggravated sexual battery, etc.

The protocol is intended to facilitate the provision of consistent, comprehensive, and sensitive 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 in order 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 ensuring that victims receive efficient and comprehensive medical care, evidentiary examination, emotional support, and referral information. Health care providers, law enforcement, prosecution, and programs which assist victims should use this protocol. Protocol shall be established pursuant to O.C.G.A. 15-24-2.

O.C.G.A. 15-24-2

- a. Each judicial circuit shall be required to establish a sexual assault protocol as provided in this Code section.*
- b. The chief superior court judge of each judicial circuit shall establish a sexual assault protocol committee as provided in subsection (c) of this Code section and shall appoint an interim chairperson who shall preside over the first meeting. The chief superior court judge shall appoint persons to fill any vacancies on the committee. Thus established, the committee shall thereafter elect a chairperson from its membership.*
 - 1. Each of the following agencies of the judicial circuit shall designate a representative to serve on the committee:*
 - A. The office of the sheriff of each sheriff's office in the judicial circuit;*
 - B. The office of the district attorney;*
 - C. The magistrate court;*
 - D. The office of the chief of police of a county of each county within the judicial circuit in counties which have a county police department;*
 - E. The office of the chief of police of the largest municipality in the county of each county within the judicial circuit; and*
 - F. The county board of health of each county within the judicial circuit.*
 - 2. In addition to the representatives serving on the committee as provided for in paragraph (1) of this subsection, the chief superior court judge shall designate:*
 - A. A local citizen of the judicial circuit;*
 - B. A representative of a sexual assault or rape crisis center serving the judicial circuit or, if no such center exists, then a local citizen; and*

- C. A health care professional who performs sexual assault examinations within the judicial circuit or, if no such person exists, then a local citizen.*
- 3. If any designated agency fails to carry out its duties relating to participation on the committee, the chief superior court judge of the circuit may issue an order requiring the participation of such agency. Failure to comply with such order shall be cause for punishment as for contempt of court.*
- c. The protocol committee shall adopt a written sexual assault protocol, a copy of which shall be furnished to each agency in the judicial circuit that handles cases of sexual assault. The protocol shall be a written document outlining in detail the procedures to be used in investigating, collecting evidence, paying for expenses related to evidence collection, and prosecuting cases arising from alleged sexual assault and shall take into consideration the provisions of Article 4 of Chapter 5 of Title 17. The protocol may provide for different procedures to be used within particular municipalities or counties within the judicial circuit. The protocol committee shall adopt a written sexual assault protocol no later than December 31, 2023. The protocol committee may incorporate sexual assault protocols used in the judicial circuit as they existed on or before July 1, 2023.*
- d. The purpose of the 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 process; 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.*
- e. Upon completion of the writing of the sexual assault protocol, the 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.*
- f. The protocol committee shall submit a certification of annual compliance to the Criminal Justice Coordinating Council by December 31 of each year. The Criminal Justice Coordinating Council shall notify the Governor, Lieutenant Governor, Speaker of the House of Representatives, and Chief Justice of the Georgia Supreme Court of any noncompliant judicial circuits.*

Persons Covered

This protocol is for those ages 18 and greater, regardless of their sex that are survivors of sexual assault. This includes victims who were assaulted within the area served by the Tifton Judicial Circuit or present in the Tifton Judicial Circuit area after an assault which took place elsewhere.

Existing child abuse protocols should be followed when the survivor is a child, or over the age of 18 if they possess the mindset of a child and has been sexually abused.

Providing Care & Common Response

Special Note on Language: A desired part of the recovery process for the individual is that everyone begins to view the individual as a survivor rather than a victim. Throughout the criminal justice process, the term “victim” is used to denote a person who has been sexually assaulted. “Survivor” is typically 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 survivor control over decisions is an important part of the transition from victim to survivor. Throughout this protocol we will use both terms.

Anyone responding to a survivor of sexual assault should make the same inquiries of all survivors, and offer the same level of support, regardless of gender, race, religion, or sexual orientation.

Survivor confidentiality must be strictly protected. Professional staff should make direct inquiries of the survivor 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, employer, or news media about the assault or its details. Any documentation should be undertaken with sensitivity to the potential for long-term negative consequences to a survivor.

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 Victim Compensation Program. (Eligibility applies to sexual assaults occurring on or after July 1, 2011.)

The Georgia Crime Victims Compensation Program eases the financial burden faced by victims of violent crimes by covering expenses related to medical bills, funeral expenses, mental health counseling and crime scene sanitization, as well as loss of income or support. For eligible financial losses associated with the sexual assault, reimbursement can be claimed through the Crime Victim's Compensation Fund. Upon claim approval, payment can be made directly to a provider, or an eligible applicant can be reimbursed for approved out of pocket expenses. However, if a victim is insured or on Medicaid, then those sources will be sought first before the Crime Victim's Compensation Fund is administered by the Criminal Justice Coordinating Council. Eligibility requirements are not limited by the age of the victim or the accused. All applicants for the Crime Victim Compensation Program will be subject to the same eligibility requirements regardless of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age, disability, or genetic information.

Survivor Support Services

Crisis centers, victim assistance programs, or other agencies can provide services to survivors. These programs can be non-profit or governmental and are free to the survivor. At Ruth's Cottage, the survivor support services are:

Assistance with:

- Utilities
- Relocation
- Groceries
- Transportation
- Emergency Shelter
- Medications
- Lock Replacement
- Counseling

- Filing out Crimes Victim Compensation Packet, & HERE / SASS.

Victim service organizations are involved at various points in sexual assault cases but should begin at the time the sexual assault victim reports the assault and should work with all affected agencies to form a continuum of care for survivors. The following section includes a discussion of issues relating to survivor service and programs and their involvement and coordination with other agencies, which respond to sexual assault survivors.

1. Initial Disclosure of Sexual Assault

A sexual assault can be reported multiple ways; via a law enforcement agency, 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 survivor.

Any survivor taken to an emergency room or medical facility will automatically enact a response from law enforcement and Ruth's Cottage.

Survivor service programs often play dual roles: providing crisis intervention and acting as a liaison with partner agencies.

It is important to involve victim services programs as soon as possible regardless of which entity or agency receives the initial report of sexual assault.

2. Coordination of Services

The primary concern of the initial point of contact should be for the safety and wellbeing of the victim. The role of the victim service provider is to:

- Identify and address the immediate concerns of the victim (e.g., is he\she in a safe place, are there family members or friends who should be contacted, does he\she need emergency medical care and if so transportation to the hospital, does he\she need clothing to wear home from the hospital)
- Provide emotional support and crisis intervention to victims and their families.
- Be present during the medical examination.

For their own safety and to avoid interfering with the investigation, victim advocates do not enter the crime scene. Victim advocates are not investigators or attorneys and do not investigate cases or give legal advice. Many different agencies encounter the victim at various stages after reporting an assault. The victim service organization is often considered the core of this response as they provide consistent support and advocacy throughout the process. 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.

There are two types of advocates that work with survivors of sexual assault; community-based and systems-based advocates. While both support the victim at various stages in the process, they are unique in the services they provide. The victim service providers need to achieve an effective balance between advocating for victims and working within the parameters of the criminal justice system. A community-based advocate's role is to support the victim with a focus on health and welfare. They serve as confidential source of support and are able to provide resources and referrals to agencies in the community regardless of involvement in the criminal justice process. A system-based advocate's role is to support the victim and

keep them engaged during the criminal justice process. They cannot offer confidential services and are generally associated with a government agency. There is overlap between the two roles, and it is best for the two to work in partnership to ensure survivors' needs are met.

System-Based Advocate's Role Includes:

- Educating victims about their role in the criminal justice process
- Notifying victims of all available services and making necessary referrals
- Explaining the Victim's Bill of Rights (O.C.G.A. 17-17-1), and how to request various notifications and how to provide input during case proceedings.
- Providing information, emotional support and crisis intervention
- Encouraging and supporting victims to become active participants in the case.
- Keeping the victim informed of case status throughout the criminal justice process.
- Assisting as needed with travel/lodging arrangements for required court appearances or meetings with prosecutors or law enforcement.
- Accompanying victims to court, meetings with prosecutors or law enforcement
- Assisting with Victim Impact Statements, letters to Pardon & Parole
- Assisting with application for Crime Victims Compensation Program funding to assist with out-of-pocket expenses due to the crime (such as medical, counseling, prescriptions, lost wages).

Community-Based Advocate's Role Includes:

- Notifying survivors of all available services such as support groups, counseling, education, etc.
- Helping survivors complete compensation applications to help with non-reimbursed expenses caused by the crime (such as medical, counseling, prescriptions, lost wages)
- Helping prevent additional trauma or injury to survivor.
- Encouraging and supporting survivors to become active participants in the case.
- Protecting and ensuring the survivor's privacy; and
- Helping survivors in dealing with any problems they encounter during the aftermath of the crime.

3. Guidelines: Survivor Services

If initial disclosure is made to Ruth's Cottage

- Determine if survivor is in immediate danger.
- Ascertain if emergency medical assistance is needed.
- Help identify and address the immediate concerns of the survivor.
- Ask if the survivor wants to report the crime to law enforcement.
- Offer crisis support services.
- Caution the survivor against destruction of evidence.

Medical Examination

- Contact Ruth's Cottage.
- Explain medical examination procedures to the survivor.
- Provide survivor with emotional support during examination if the survivor wants this.

- Upon request of the survivor, discuss assault with family and provide support to secondary survivors.
- Ensure survivor has clothing to wear home after the medical examination is complete.
- Give survivor written information about compensation, Victim's Bill of Rights, and counseling services available.
- Obtain consents for follow-up care and make referrals to other agencies as appropriate.

Pre-Arrest

- Accompany survivor to any law enforcement proceedings including interviews, line-ups, etc. when applicable.
- Maintain contact with law enforcement and serve as a liaison between law enforcement and survivor when needed.
- Program manager will regularly communicate contact information for advocates through Ruth's Cottage that may serve as liaisons for survivors and law enforcement in the Tifton Judicial Circuit.

Services Provided by District Attorney's Office of Victim Witness Assistance

Post-Arrest

- Notify victim of their rights per Crime Victim Bill of Rights; notifying them of all court appearances, encouraging their involvement and input on issues such as bond, bond conditions, and address any concerns.
- Provide information to the victim about the possibility of the accused's pre-trial release from custody.

Pre-Trial

- Facilitate meetings between victim and prosecutor in order to prepare for trial.
- Notify victim of case status per the Crime Victim Bill of Rights
- Provide victim with a written, concise explanation of the criminal justice system.
- Assist victim in preparing a victim impact statement to inform the court of the physical, financial, and emotional impact of the crime.
- Provide guidance for facilitating victim/prosecutor communications concerning plea negotiations.
- Accompany victim to any pre-trial court hearing or notify them of results if they are not present.
- Provide notification about postponements or changes in court appearances.

Sentencing

- Assist victim with the preparation of a victim impact statement, if not already prepared.
- Communicate with prosecutor about whether survivor wants to speak about the crime's impact during sentencing phase.
- Continue court accompaniment and support.
- Prepare victim for what to expect during sentencing phase; discuss possible outcomes

Post-Sentencing

- Explain to survivor how to request notification for the Georgia Corrections and Parole Board Office of Victim Services of change of status of custody.

- Help survivor update or prepare victim impact statement to be mailed to the Georgia Corrections and Parole Board Office of Victim Services and/or, if applicable, to the appropriate division of the Department of Corrections.
- Explain to survivor procedures for being notified by the Georgia Corrections and Parole Board Office of Victim Services of the release of inmate from the state prison system.
- If applicable, explain restitution collection procedure.
- Inform survivor of the importance to notify the Georgia Corrections and Parole Board Office of Victim Services, Probation Division and the probation officer of any change of address or phone number.
- Explain to survivor how to claim any personal property held as evidence and assist as necessary.
- Provide guidelines for reporting harassment or violation of protection orders or probation restrictions by the accused.
- Explain procedures regarding those accused who are put on probation or given split sentences.
- Provide referrals to survivor for other community services.

Ongoing Survivor Services provided by Community-based Program

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

Law Enforcement Response

1. Responding to Survivors – The Role of Law Enforcement

Sexual assault survivors are typically traumatized and often embarrassed to report the offense to the police. The fear of investigative and prosecutorial procedures may add to a survivor's reluctance to report. Officers and criminal investigators play a significant role in the survivor's willingness to cooperate in the investigation. The survivor's ability to cope with the after-effects of the crime plays a part in how well the investigation proceeds. It is critical that law enforcement agencies treat survivors 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 following areas that may impact a survivor's comfort level with reporting an assault: cultural context, social status, economic status, age, physical abilities, biological sex as well as sexual identity. Special training is recommended so that law enforcement can have a better understanding of the issue of sexual assault and its potential impact on a survivor. It is important to note that a sexual assault has a greater potential for creating a lasting impact upon the survivor, family members, and friends than many other crimes.

2. Complaint Reporting Procedures

In most cases, the initial report of the sexual assault by the survivor 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 survivor's name, location, where the attack occurred, when it occurred, name and/or description of assailant, direction and travel means of the assailant when leaving.

- Advise the survivor 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 survivor does not want to report to law enforcement, dispatch should connect the survivor with survivor services for further assistance.
 - SANE exams are available regardless of a survivor's desire to report to law enforcement at that present moment.
- The 911 Center will maintain an open line with the survivor if there is an impending danger until responding law enforcement personnel has arrived at the survivor's location. If the assault has already occurred, they do not stay on the line.
- Maintain a copy of the 911 call(s).

The dispatcher or emergency communications personnel are critical in aiding the survivor 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 as necessary.

3. Initial Law Enforcement Response

This pertains to the arrival of a uniformed patrol officer to the reporting survivor. It should be emphasized again that a thorough collection of evidence and the establishment of a cooperative relationship with the survivor are essential to the identification of the suspected perpetrator and the subsequent prosecution.

The officer should first respond to the survivor'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 survivor to the appropriate medical facility. It is necessary for the responding officer(s) to address these needs by keeping the survivor calm, by remaining empathetic, and advising the survivor of all procedures so that the survivor can make informed decisions.

Advise the survivor 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 survivor 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 survivor that a trained staff/volunteer sexual assault program advocate will meet the survivor at the designated location to lend assistance.

The primary responsibilities of the responding officer(s) are to:

- Ensure the immediate safety and security of the survivor.
- Determine jurisdiction of the sexual assault.
- Contact appropriate investigation bodies for possible activation of SANE nurse.
- While limiting investigative questioning to those matters necessary to identify the survivor and to describe and locate the suspect, obtain preliminary information interviews of all witnesses, the

survivor, and the initial reporter of the crime. The initial incident report should also include all of the elements of the crime(s).

- Conduct questioning in a private setting when possible.
- Determine possibility of a drug facilitated sexual assault.
- Protect the crime scene by securing physical evidence. This may include fingerprints, trace evidence, clothing, etc. This initial protection should prevent the unnecessary loss of physical evidence until appropriate evidence collection personnel can respond to process the crime scene. However, at this state, it is unnecessary to ask questions beyond the point of securing the scene to continue the investigation.
- Inform the survivor of medical and support services available and the importance of seeking an immediate medical examination as well as follow up medical treatment.
- Inform the survivor of the need to refrain from washing, showering, brushing teeth, using mouthwash, smoking, eating, drinking, douching, urinating, or defecating to prevent the loss of valuable physical evidence. Stress the evidentiary importance of preserving personal clothing and articles from the crime scene. However, if the survivor has bathed or douched, proceed with collection of evidence.
- Determine if the survivor will consent to a sexual assault examination.
- Inform SANE of any information about the assault which may be useful in the medical examination and evidence collection procedures. Advise medical personnel\SANE whether or not the survivor's clothing is needed to be collected.
- Remain on hand at the hospital or exam site for safety and security of the survivor. In the event that the law enforcement officer must leave the premises, the law enforcement officer and SANE will discuss safety and chain of custody.
- In accordance with O.C.G.A. 35-1-2, when a forensic medical examination is performed, evidence is collected, and the survivor has requested that law enforcement officials be notified, the individuals performing such exam, or his\her designee, shall notify the appropriate law enforcement agency of the collection of such evidence. Law enforcement officials shall take possession of such evidence within a reasonable amount of time but no later than 96 hours of 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.
- Prepare an incident report which should include the following:
 - Details concerning the type of offense committed including the elements of the crime(s);
 - When and where the assault occurred;
 - The extent of injuries to the survivor;
 - Whether a weapon was involved;
 - The identity and description of the assailant(s) if known and relationship to the survivor, including any known address or work location of the assailant;
 - Any statements the survivor made to the responding officer;
 - If the officer had contact with the suspect, any statements the suspect made.
 - Possibility of a drug facilitated sexual assault.
 - Gather names, addresses, and phone numbers of any witnesses or other persons who may reach the survivor.
 - Survivor's personal information including phone number(s) address(es).
- If an arrest has been made, fill out and submit the Felony Violent Crime Submission Form

4. Law Enforcement Activation of SANE nurse

Once contact has been made with Law Enforcement personnel, and it has been established that that survivor is interested/willing to consent to a SANE, the Law Enforcement personnel shall contact the Tift Regional Medical Center's Emergency Department Charge Nurse by phone. If there is no answer by the Charge Nurse, then the Emergency Department Flow Nurse can be contacted. Once contact has been made, the Law Enforcement personnel will give a brief description, to include the survivor's name, and an estimated time of arrival to their facility. An early notification to the Charge Nurse, or the Flow Nurse will allow the Emergency Department time to clear a location outside of the waiting room for the survivor.

After the survivor has been medically cleared by Emergency Department personnel, the Emergency Department personnel will activate the SANE Nurse.

The Emergency Department Charge Nurse's phone number is **(229) 353-5202**, and the Emergency Department Flow Nurse's phone number is **(229)353-5214**.

5. Law Enforcement Transport of Victims

In the event that the victim does not have transportation to the Emergency Department for a SANE by any other means, Law Enforcement may facilitate that transport in order to assist the victim in getting the appropriate medical clearance and SANE performed. For those victims without transportation, this would prevent hindrance in the Investigation by ensuring the victim has access to the same exams as afforded to those victims with transportation. A Law Enforcement transport shall be considered in a case-by-case basis and should be a final resort consideration.

6. Law Enforcement Role During Medical Examination

Law enforcement personnel should not be present inside the exam room during the medical examination of the survivor, except in cases in which the survivor is in police custody. During examinations where the survivor is in custody, law enforcement personnel may become privy to private communications. Some of these communications are protected by HIPAA, and it is important for law enforcement in the room to note that protection and the survivor's right to privacy of their medical history.

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

- Compile the basic investigative information contained in the initial interview, criminal complaint, and evidentiary examination.
- Determine the survivor's emotional and physical ability to participate in an in-depth follow-up interview and schedule said interview. Keeping in mind that time necessary for a survivor who has experienced a drug facilitated assault to have their system restored to normal functioning.
- During the 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 survivor, the use or threat of weapons, words or instructions given to the survivor, marks, scars, tattoos, deformities, or other unusual physical features or body odors of the suspect(s), and any witnesses, participants, or accomplices that may be described or identified by the survivor.

- Document the survivor's actions in response to the attack to include the type and degree of any resistance offered, the nature of any acquaintance with the suspect, and the state of mind of the survivor during the attack.
- Determine the degree to which the survivor has received support from family, friends, and advocacy programs and encourage these interactions; and
- Soliciting the survivor's continued support in the investigation.

7. Interviewing Procedures

The investigative officer should be trauma-informed, non-judgmental, and professional. Privacy for the interview is very important. When possible, the interviewer should select a location that allows for both visual and sound privacy as well as freedom from unnecessary interruptions.

While it is generally preferred that the interview be conducted in a setting where only the interviewer and the survivor are present, there are occasions when additional persons may need to be present including familial supports, interpreter, advocate, etc.

The investigator or interviewer's role in connection with the investigation should be explained to the survivor. Also, the investigator should inform the survivor of the reason for asking certain intimate questions and why the survivor 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.

It is important to keep in mind the sensitive nature of communications between the victim and investigative body. The trauma of a sexual assault can be both physical and psychological. The feelings experienced after an assault by a victim may be similar to the feelings experienced by a law enforcement officer after a critical incident on the job. It is vital to keep this in mind when interviewing the survivor as they may be experiencing shock and a variety of other psychological impacts. Establishing rapport with the survivor can lead to a more successful interview and long-term cooperation in the criminal justice process.

Privacy during the interview is extremely important as the survivor's reluctance to reveal certain details may be greatly magnified. The investigator should use language that is readily understood by the survivor.

The skilled interviewer should be familiar with the specific needs of the victim to be interviewed.

Medical Accompaniment and Advocacy

The best method for sexual assault kit collection for preservation of evidence and trauma-informed processes is with a specialty trained SANE Nurse.

Currently, within the Tifton Judicial Circuit Tift Regional Medical Center is the sole medical facility with the capability of performing a SANE on persons 18 years of age, or older. Therefore, the following is respective of Tift Regional Medical Center.

- The Emergency Department has designated Sexual Assault Nurse Examiners (SANE) who have received special training regarding the assessment and treatment of victims of sexual assault.

- SANE nurses assessing patients in the Emergency Department are required to maintain certification and education in accordance with training requirements of applicable SANE training programs.

Procedure

Assessment of Sexual Assault Victims in the Emergency Department

- Patients presenting to the Emergency Department with a chief complaint of rape, sexual assault, etc. will be triaged and examined as an Emergency Department patient and asked whether they wish for a SANE to be performed.
- Sexual assault exams may be performed at the request of law enforcement **with** the consent of the patient or at the request of the patient.
- Once a request has been made for a sexual assault examination, Emergency Department staff contact the SANE nurse.
- Once medically cleared and consent has been obtained, the SANE Nurse performs and/or participates in the performance of the sexual assault examination and evidence collection and maintains custody of any evidence collected.
- The SANE Nurse may also administer treatment and/or medications as ordered by the Emergency Department provider.

Ruth's Cottage will work with the medical staff so that the facility will allow, with the survivor's permission, the staff or sexual assault advocate to be present in the exam room as they will assist the survivor at the emergency room throughout the exam.

The Ruth's Cottage advocate explains to the survivor their rights and options. The SANE will explain the nature of the evidence collection and the physical exam, test, and lab work. The advocate and SANE will discuss follow-up options with the survivor.

The advocate provides information regarding the emotional and physical reactions which the survivor may experience, and the assistance available to the survivor, including where to obtain counseling, name of the detective, and information about applying for survivor compensation funds.

The advocate provides the survivor and those persons accompanying the survivor with handouts explaining services available from Ruth's Cottage and how the center will contact the survivor after they return home to assist them.

The SANE program will maintain internal protocol on performing medical forensic examinations in accordance with current evidence-based recommendations of practice. Ruth's Cottage will provide education to the emergency department and other medical staff on how to respond to and to treat the emotional needs of the patient, and symptoms of the rape trauma syndrome.

Per 42 U.S.C. 3796gg-4(d), survivors of sexual assault have the right to decide whether or not to report to law enforcement. The following steps should be followed if a survivor, 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 survivor 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 if the survivor chooses to report.

- An advocate will attempt to contact survivors for follow-up and to discuss options should a survivor choose to report later; and
- The SANE coordinator will maintain chain of custody and keep detailed record of the date of evidence collection and storage as well as the date and details of any release of evidence.
- The SANE kit evidence will be picked up by the respective Law Enforcement agency in a reasonable amount of time. This amount of time will not extend past 96 hours.

Prosecution's Office

1. Sexual Assault Survivor Expectation and the Role of the Prosecutor's Office

The following guidelines are suggestions for determining feasibility of prosecution and progression of any potential criminal case. However, final decisions regarding whether to prosecute and/or the disposition of the case are within the discretion of the prosecutor and based upon law and available evidence. Thus, the following recommendations are made in consideration of the sexual assault victim's traumatic experience while taking into account issues which may arise during efforts to prosecute the case.

2. Recommendations for District Attorney's Office Victim Advocates and Prosecutors in Working with Sexual Assault Survivors

The prosecutor should work directly with the victim advocate to ensure all rights are afforded to the sexual assault survivor. When notified by law enforcement of a victim's contact information, whether via a "Felony Violent Crime Victim Log" or other direct contact, the District Attorney's Office victim advocate is responsible for informing victims of the status of a case in accordance with the Crime Victim's Bill of Rights (OCGA 17-17-1 et seq.) This responsibility includes the following specific statutory requirements:

- Whenever possible, the assigned advocate shall notify the survivor prior to any proceeding in which the release of the accused will be considered (O.C.G.A. 17-17-7 (c)).
- Whenever possible, the assigned advocate shall offer the survivor the opportunity to express his/her opinion on the release of the accused pending judicial proceedings (17-17-7 (d)).
- Upon initial contact with a survivor, the assigned advocate shall give prompt notification to the survivor of the following:
 - The procedural steps in processing a criminal case.
 - The rights and procedures of survivors under the Crime Victim's Bill of Rights.
 - Suggested procedures if the victim is subjected to threats or intimidation; and
 - The names and telephone numbers of contact persons at both the office of the custodial authority* and in the prosecuting attorney's office (17-17-7(a)).

* "Custodial Authority" is defined in O.C.G.A 17-17-3 as "Custodial authority" means a warden, sheriff, jailer, deputy sheriff, police officer, correctional officer, officer or employee of the Department of Corrections or the Department of Juvenile Justice, community supervision officer or employee of the Department of Community Supervision, or any other law enforcement officer having actual custody of the accused.

- If requested in writing by the survivor and to the extent possible, the assigned victim advocate shall give prompt advance notification of any scheduled court proceedings and notice of any changes to that schedule. Court proceedings shall include, but are not limited to, pretrial commitment hearings, arraignment, motion hearings, trial, sentencing, appellate review, and post-conviction relief. The assigned advocate shall notify survivors of the requirement to make such request in writing (17-17-7 (b)).
- The assigned advocate shall offer the survivor the opportunity to express the survivor’s opinion on the disposition in an accuser’s case, including the views of the victim regarding plea or sentence negotiations and the perpetrator’s participation in pretrial or post-conviction diversion programs (17-17-11).
- Upon written request of the survivor, the advocate shall notify the survivor of the following:
 - That the accused has filed a motion for a new trial or an appeal of his\her conviction.
 - Whether the accused has been released on bail or other recognizance pending the disposition of the motion or appeal.
 - The time and place of any appellate court proceedings relating to the motion or appeal and any changes in the time or place of those proceedings.
 - The result of the motion or appeal (17-17-12(a)).
- In the event the accused is granted a new trial, or the conviction is reversed or remanded, and the case is returned to the trial court for further proceedings, the survivor shall be entitled to request the rights and privileges by the Victim’s Bill of Rights (17-17-12(b)).
- The prosecution office should establish procedures compatible with a particular jurisdiction to ensure that the above statutory requirements are satisfied.
- If feasible, prosecutors should prosecute defendants who harass, threaten, injure, or otherwise attempt to intimidate or retaliate against victims or witnesses.
- If cases are continued, prosecutors should make every effort to accommodate survivors and witnesses in determining when to reschedule the court proceeding. The new court date, as well as the reason for the continuance should be explained to the survivor.
- The District Attorney’s Office shall establish and maintain direct liaison with the survivor to ensure he\she is receiving proper victim services.

3. Suggested Criteria in Deciding Whether or Not to Prosecute

Although there are no set factors for a case involving sexual assault to be deemed prosecutable, there are variables which should be considered. These include, but are not limited to, the following:

- The availability and extent of cooperation from the victim.
- Whether or not there is independent evidence of the assault.
- What impact testifying would have on the survivor.
- The existence of a past history of assaults, whether charged or uncharged, by the defendant.

4. General Procedures for Handling Sexual Assault Cases

Assignment of Cases

The case will be assigned to a prosecutor within the District Attorney's Office based upon the office’s assignment policy existing at the time it is received. When feasible, the prosecutor should employ vertical

prosecution and handle the case from its arrival at the District Attorney's Office. Therefore, as feasible, whether a case derives from a warrant or comes into the office as an investigation for potential Grand Jury presentment without a warrant, the District Attorney's Office will endeavor to maintain the same prosecutor through any post-conviction proceedings.

First Appearance

When notified of a defendant's arrest and provided with current victim contact information, a victim advocate will attempt to contact the victim to discuss the following:

- Whether or not the Defendant has a bond
- The Victim's feelings regarding bond
- The relationship/history between the victim and the defendant
- Confirmation of the victim's primary and secondary contact in case of emergencies
- Brief description of the Judicial process and what to expect moving forward
- If it has already occurred, the First Appearance and whether a bond was granted

Contact by Victim Advocate

After being provided a sexual assault survivor's contact information, whether via a "Felony Violent Crime Victim Log" or other direct contact from law enforcement, the District Attorney's Office Victim Advocate should:

- Send out a Victim Packet to the address provided by law enforcement
- If a phone number is provided by law enforcement, call the victim to establish a relationship and address any concerns
- Explain the Judicial system and what to expect
- Explain that although the victim may request dismissal, the prosecutor will determine whether to proceed with charges
- Find out if the victim is safe in their current location
- Answer any questions as feasible
- Determine victim cooperation

Initial Screening

Once the District Attorney's Office receives warrants, the case is assigned to a prosecutor. However, if a law enforcement officer is uncertain whether probable cause exists for a warrant, such officer should discuss the evidence with a prosecutor within the District Attorney's Office. The prosecutor will determine whether the case should be considered without warrants as a potential Special Presentment to an upcoming Grand Jury.

The prosecutor will screen the case to determine whether further investigation is needed. Factors to be considered in this initial screening include, but are not limited to, the following:

- The extent and seriousness of injuries
- Whether a weapon was used
- Criminal History of defendant
- Evidence or lack thereof
- Level of Victim Engagement: If the victim is hostile, not cooperative, or unavailable during the investigation, the prosecutor will consider whether enough independent evidence exists to move

forward with an evidence-based prosecution. Such independent evidence includes, but is not limited to:

- Victim availability
- Documented Injuries/ medical records
- Eyewitnesses to the crime
- 911 call or recording from another individual
- Physical evidence presented on scene for processing
- Admissions by the Defendant
- Photographic evidence
- Defendant's past history of assaults, whether reported or non-reported, between the parties
- If sufficient evidence exists to move forward with the evidence-based prosecution, the State may decide to do so. If there is not sufficient evidence to move forward, the State may dismiss the warrants based on lack of evidence and lack of victim cooperation. If current contact information has been provided, the victim will be promptly informed of the State's decision

Pre-Indictment Guidelines

If the prosecutor determines that sufficient evidence exists to proceed with prosecution, the following information, when available, should be included in the State's file before presenting the case to a Grand Jury:

- All law enforcement reports directly related to the case.
- The names, addresses, and phone numbers of all known witnesses.
- The statements of all known witnesses.
- A current and complete criminal history of the defendant.
- Where applicable, photographs of the victim's injuries
- If completed, lab results, including SANE exam documentation and medical testing.

Trial

In sexual assault cases, the prosecutor should be particularly sensitive to a number of factors in preparing for and conducting the trial, including the potential embarrassment or humiliation a victim may suffer when testifying in open court. Efforts should be made to prepare the victim for information that may be introduced at trial. Prosecutors should also consider using expert testimony when it may be helpful to the case.

Recommended Guidelines for Prosecutors in Working with Victims

- The prosecutor or the victim advocate should notify sexual assault victims of all hearings and changes in schedules.
- The prosecutor should consider the needs of the sexual assault victim when scheduling case-related hearings.
- The prosecutor should avoid requiring a victim to make unnecessary trips to the courthouse, e.g., on-call system for victims.
- The prosecutor should object to requests for continuances that are dilatory and do not benefit the State or victim.

Preliminary Hearings, Arraignment, and Bond Hearings

Prosecutors should:

- Make efforts to discuss desired conditions of release with sexual assault victim prior to any bond hearing.
- Consider requesting that any release on bond include protection orders for the victim.
- When possible, allow the victim to express concerns about the danger posed by the suspected assailant.

Plea Negotiations

Prosecutors should:

- Inform sexual assault victims of reasons to consider a negotiated plea offer as a resolution to the case when deemed appropriate.
- In determining appropriate case disposition, take into consideration the desires/concerns of the victim.
- Describe optional courses of action other than a negotiated plea.
- Consider the needs of the victim in accepting a plea, e.g. restitution, protection, emotional security.
- Provide sexual assault victim some method for making concerns, feelings, and needs known to the court at or before sentencing on a plea.

Trial

- Provide separate areas for victims and defense witnesses.
- Provide court accompaniment for sexual assault victim.
- Assist in keeping victim informed about court schedules: dates, times and places.
- If requested by victim, provide information and explanation for the victim's absence to employers/teachers as to the victim's presence at court proceedings.

Sentencing

- Ensure opportunity for a victim impact statement as a part of sentencing considerations.
- Provide sexual assault victims some method for making their concerns, feelings, and needs, known to the court at or before the sentencing hearing.
- Include victim needs as part of sentence, e.g., restitution, protection, emotional security.

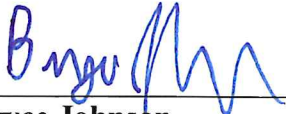
Post Sentencing

If requested, the District Attorney's Office victim advocate should inform the victim of the name and telephone number of the appropriate contact person at the Georgia Corrections and Parole Board Office of Victim Services for such information as offender status, dates of scheduled parole hearings, method for updating victim impact statement, etc.

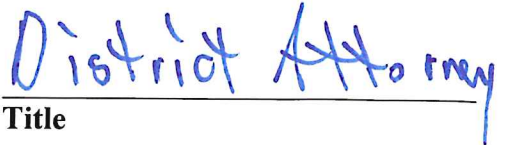
Pursuant to O.C.G.A. § 15-24-2, members of the Tifton Judicial Circuit Sexual Assault Response Protocol Committee agree to meet annually to review, update, and evaluate this Sexual Assault Response Protocol.

The foregoing Tifton Judicial Circuit Sexual Assault Response Protocol is hereby adopted and replaces any previously adopted protocol and remains in effect until such time as said protocol is amended and adopted.

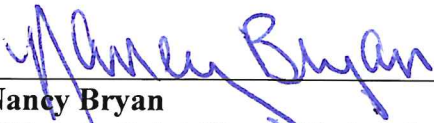
This 14th day of December 2023.



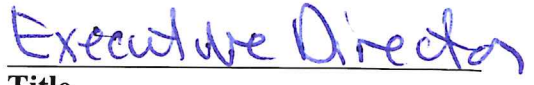
Bryce Johnson
Tifton Judicial Circuit District Attorney's Office



District Attorney
Title



Nancy Bryan
Tifton Judicial Circuit Shelter Inc. dba Ruth's Cottage and The Patticake House



Executive Director
Title

Sheriff Gene Scarbrough
Tift County Sheriff's Office

Title

Chief Steve Hyman
Tifton Police Department

Title

Honorable Bryan Cavanaugh
Tift County Magistrate's Office

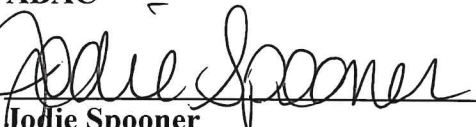
Title

Mark J. Eanes
South Health District (Health Department) - Valdosta
(Including Irwin, Tift, & Turner Counties)


Title

Amber Goodman
Tift Regional Medical Center

Title

Chief Frank Strickland
ABAC


Jodie Spooner
Office of Victim Witness Assistance

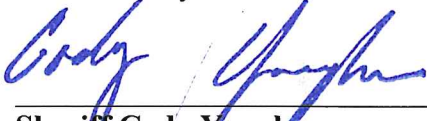
Title


Program Director
Title

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

The foregoing Tifton 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 14th day of December 2023.



Sheriff Cody Youghn
Irwin County Sheriff's Office



Title



Chief Ashley Jones
Ocilla Police Department



Title

Honorable Heather Culpepper
Irwin County Magistrate's Office

Title

Jeanne Blevins
Irwin County Hospital

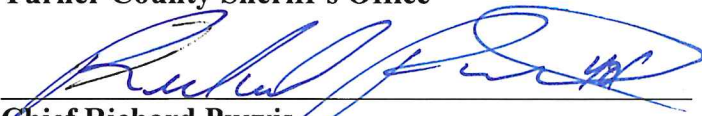
Title



Sheriff Andy Hester
Turner County Sheriff's Office



Title



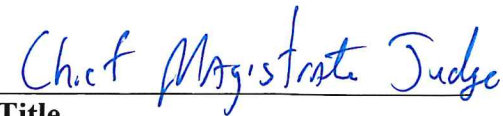
Chief Richard Purvis
Ashburn Police Department



Title



Honorable Blake Christian
Turner County Magistrate's Office



Title

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

The foregoing Tifton 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 14th day of December 2023.

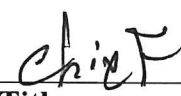


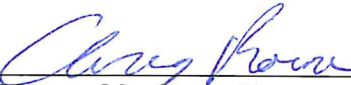
Sheriff Don Whitaker
Worth County Sheriff's Office




Title

Chief Ronald Jackson
Sylvester Police Department


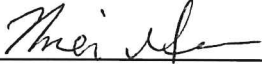
Title




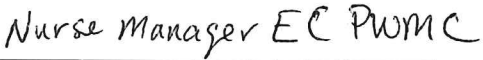
Honorable Casey Rouse
Worth County Magistrate's Office



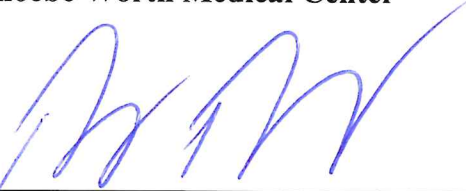
Title



Nina Gunn
Phoebe Worth Medical Center



Title




Chief Superior Court Judge Bill Reinhardt
Tifton Judicial Circuit



Title



Judge Melanie B. Cross
Tifton Judicial Circuit



Title

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

The foregoing Tifton 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 14th day of December 2023.

Charles Ruis
Southwest Health District (Health Department) - Albany
(Including Worth County)

Title