

**TOWALIGA JUDICIAL CIRCUIT  
2023 SEXUAL ASSAULT RESPONSE PROTOCOL  
(BUTTS, LAMAR, MONROE COUNTIES)**

**Purpose & Membership**

In an effort to promote coordination and cooperation among all agencies who respond to sexual assault cases in the Towaliga Judicial Circuit and to increase the collaborative efficiency of said agencies thereby minimizing the stress for sexual assault victims throughout the investigation and legal process, this **SEXUAL ASSAULT RESPONSE PROTOCOL (SARP)** is hereby agreed to and used as a guide by the signing agencies including the following agencies comprising the Sexual Assault Response Team (SART) serving the counties within the Towaliga Judicial Circuit (Butts, Lamar & Monroe Counties):

- The Sheriffs of Butts, Lamar & Monroe Counties;
- The District Attorney of the Towaliga Judicial Circuit;
- The Chief Magistrates of Butts, Lamar & Monroe Counties;
- The Police Chiefs of the municipalities within each county;
- The Director or Nurse Manager of the health departments of Butts, Lamar & Monroe Counties;
- The Directors of Sexual Assault Centers serving Butts, Lamar & Monroe Counties;
- The Chief Executive Officers of hospitals in our circuit
- A Citizen Representative from the circuit

**Sexual Assault Defined**

For purposes of this protocol, sexual assault shall be defined as (but not limited to):

- Rape
- Sodomy
- Aggravated Sodomy
- Sexual Battery
- Aggravated Sexual Battery
- Sexual Assault
- Criminal Attempt to Commit Sexual Assault
- Any other sexual assault

(For victims under the age of 17, the separate & established Child Abuse Protocol for each county should be referenced.)

**Statutory Guidance**

According to O.C.G.A. §15-24-2, each circuit shall establish a Sexual Assault Response Protocol and it shall outline the procedures & provide a guide to be used in investigating, collecting evidence, paying for expenses related to evidence collection, and prosecuting cases of alleged sexual assault taking into consideration the provisions of O.C.G.A. §17-5-4 regarding the investigations of sexual assault. The failure of 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.

**Confidentiality**

- Meetings, discussions & proceedings of the Towaliga Judicial Circuit SART shall be closed meetings, not subject to be opened.
- Members (signers and/or designees) of the SART shall not disclose victim information except as required by law. Confidentiality forms will be signed by each person present at any meetings.
- Electronic or virtual meetings may be held; however, case numbers will be used instead of victim names to maintain the confidentiality of the victim.

## **The Sexual Assault Response Team Protocol**

### **Overview**

Interagency cooperation and coordination is crucial to provide the best possible environment for the victim and for forensic evidence collection. Utilizing SART procedures and the protocol allows the highest likelihood of maintaining the victim's well-being and bringing perpetrators to justice. Participating agencies have varying roles and responsibilities during the investigation and criminal justice process. Agencies should work together to minimize ongoing trauma to the victim while seeking justice.

The SART response should be utilized when any report of sexual assault occurs within the Towaliga Judicial Circuit. Ideal response for the SART includes:

- ✓ A brief initial interview by the first responder
- ✓ A thorough forensic medical exam performed by a trained forensic examiner
- ✓ An in-depth interview to minimize the number of times a victim is interviewed
- ✓ Ensuring the victim's questions and concerns are addressed & that the victim is notified of rights & services available

### **Law Enforcement Response**

Ideally, law enforcement's response should include

- ✓ Overall, conduct a comprehensive investigation, gather evidence needed for a successful prosecution, and apprehend the suspected offender
- ✓ Protect & support the victim, linking them to appropriate community services. Victim services are available within the following law enforcement agencies in the circuit:  
Monroe County Sheriff's Office Victim Services Unit at the Care Cottage 478-994-7287  
Victim Services of the Lamar County Sheriff's Office 770-358-5152

For specific tasks that ideally should be conducted by first responding officers and investigations, see agency policies and procedures. For general guidelines regarding ideal responses to sexual assault calls, please see attached addendum entitled **Law Enforcement Guidelines for Sexual Assault Response**.

### **Costs for Medical Examinations & Physical Evidence Collection**

According to O.C.G.A. §17-5-72, a victim shall have the right to have a forensic medical examination regardless of whether the victim participates in the criminal justice system or cooperates with law enforcement in pursuing prosecution of the underlying crime. A victim shall not be required to pay, directly or indirectly, for the cost of a forensic medical examination. The cost of a forensic medical examination shall be paid by the Georgia Crime Victims Emergency Fund, as provided for in Chapter 15 of this same title.

### **Sexual Assault Centers**

Centers must be contacted prior to sending or accompanying victims to their locations:

Crisis Line & Safe House Sexual Assault Center – 478-745-9292 (serves Monroe County)  
Southern Crescent Sexual Assault Center – 770-507-7772 (serves Butts & Lamar Counties)

Sexual assault centers are equipped to examine sexual assault victims and provide the following:

- Assess for injury, collect evidence and offer prophylactic treatments with advocacy accompaniment through forensic medical examinations.
- Sexual Assault Nurse Examiners (SANE) trained to specifically examine and provide care for sexual assault patients.
- Forensic interviews
- Counseling services available to victims

### **Local Hospitals/Emergency Rooms**

If the victim goes to the hospital or is determined to require emergency medical care, the physical examination and necessary medical treatment may be completed there. Where possible, forensic nurses (SANEs) should conduct the medical assessments and evidence collections. Medical personnel should allow the victim to have an advocate present where time

allows during examination and evidence collection. See Victim Advocates section for a list of advocates available for the circuit

#### **Sexual Assault Kit Tracking System & Required Use**

Pursuant to OCGA § 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 (SAKTS) 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 kit is 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.
- Any agency needing information on how to register for the tracking system or that has questions regarding its use will email [sakts-admin@cicc.ga.gov](mailto:sakts-admin@cicc.ga.gov) for assistance

#### **Departments of Public Health**

The primary role of the local health departments will be to serve as a referral source following forensic medical examinations and as service providers for victims of sexual assault. Victims who present to local health departments will be provided information and support. Consultations with our sexual assault centers are encouraged. Needs assessments should be completed, providing information and education along with services needed, including emergency contraception, testing and/or treatment of sexually transmitted diseases & infections, and information regarding follow-up testing if recommended.

#### **Magistrate Courts**

As the magistrate courts hold first appearance hearings, determine probable cause and may conduct probable cause hearings or otherwise come into contact with victims of crime, information regarding victims' rights and services available should be available for victims of sexual assault.

#### **Victim Advocates**

The advocate's primary role is to provide information, support, accompaniment, advocacy and follow up support services to direct and indirect victims of sexual assault from the first contact to the case closure on a 24/7/365 basis. The advocate provides assurance that victims' rights are afforded including the right to have an advocate present during examinations at the sexual assault centers and hospitals. Victims also have the right to have an advocate present at any interview. Referrals for counseling and any other needed services can be obtained through the advocates. If the victim declines having an advocate present or when/if law enforcement feels the need to shift the interview to suspect status, the investigator will inform the advocate in private. The advocate will then leave the interview. The advocate can follow up offering information about available services including referrals to other available resources.

#### **Advocates:**

MCSO Victim Services at the Care Cottage, 478-994-7287 <https://www.monroecosherriffga.us/>

Crisis Line & Safe House 478-745-9292 (serves Monroe County)

Southern Crescent Sexual Assault Center 770-507-7772 (serves Butts & Lamar Counties)

Victim Services Program, District Attorney's Office Butts- 770-504-2407; Lamar 770-358-5159; Monroe 478-994-7652

#### **District Attorney**

The Towaliga Judicial Circuit Office of the District Attorney reviews and evaluates charges, prepares and prosecutes criminal cases, and seeks justice for the community in accordance with established policy and procedures as well as applicable laws of the State of Georgia. Prosecutors assigned to sexual assault cases will seek to utilize vertical prosecution, seek appropriate training regarding these specialized cases, seek to maintain victim safety and ensure victims' rights are extended throughout

the pendency of criminal cases. Trauma-informed practices should be relied on limiting the number of interviews in preparation for court yet extending information and assistance including relaying information concerning the right to have the suspect tested for HIV, the right to confer with the assistant district attorney regarding case disposition, the right to be heard at sentencing, the right to restitution and crime victims' compensation where applicable, and the right to have an advocate present for any interview. **Information Concerning Defense Attorneys**

Victims shall be advised that defense attorneys may contact them and it is the victim's choice whether or not they speak with defense attorneys and their staff regarding the case. Victims can agree or refuse to be interviewed by the accused, the accused's attorney, or anyone representing the accused. They have the right to set the parameters of any interview including date, time, location, attendees, security arrangements, recordation, termination at any point or refusal to answer any questions during the interview.

#### **Gordon State College**

The Gordon College Police Department is committed to supporting victims of sexual assault. For more information regarding public safety and the student health center, see the following contact information: **Public Safety/Campus Police:**

<https://www.gordonstate.edu/departments/publicsafety/index.html> **(678.359.5111)**

**Student Health Center:** <https://www.gordonstate.edu/student-life/health-recreation/health-center/index.html> **(678-359-5476)**

**Counseling:** <https://www.gordonstate.edu/student-life/health-recreation/counseling/index.html> **(678.359.5585)**

**TOWALIGA JUDICIAL CIRCUIT SEXUAL ASSAULT RESPONSE TEAM PROTOCOL SIGNATURES**

By our signatures, we pledge our commitment to these established guidelines for providing our best response to criminal allegations of sexual assault in Butts, Lamar and Monroe Counties of the Towaliga Judicial Circuit. The SART will review this protocol annually or at the request of any participating agency. Participating agencies agree to distribute the protocol to appropriate staff and training personnel within their agencies.

Entered into this 30<sup>th</sup> day of April, 2023.

**Sheriffs of the Towaliga Judicial Circuit:**



Gary Long, Sheriff  
Butts County Sheriff's Office



Brad White, Sheriff  
Lamar County Sheriff's Office



William B. Freeman III, Sheriff  
Monroe County Sheriff's Office

**The Office of the District Attorney:**

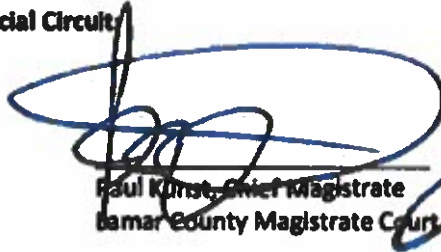


Jonathan Adams, District Attorney  
Towaliga Judicial Circuit

**Magistrates of the Towaliga Judicial Circuit:**

**Rebecca Pitts**

Rebecca Pitts, Chief Magistrate  
Butts County Magistrate Court



Paul Kirst, Chief Magistrate  
Lamar County Magistrate Court



Frank N "Buck" Wilder  
Chief Magistrate  
Monroe County Magistrate Court

**Police Chiefs of Municipalities:**

**James Morgan**

James Morgan, Chief  
Jackson Police Department



Belinda Penamon, Chief  
Barnesville Police Department



Woodrow Blue, Chief  
Forsyth Police Department



Lamar Bunn, Chief  
Milner Police Department

**Hospitals/Emergency Rooms:**

**Lorraine C. Smith**

Lorraine Smith, CEO  
Monroe County Hospital

**TOWALIGA JUDICIAL CIRCUIT SEXUAL ASSAULT RESPONSE TEAM PROTOCOL SIGNATURES (continued)**

By our signatures, we pledge our commitment to these established guidelines for providing our best response to criminal allegations of sexual assault in Butts, Lamar and Monroe Counties of the Towaliga Judicial Circuit. The SART will review this protocol annually or at the request of any participating agency. Participating agencies agree to distribute the protocol to appropriate staff and training personnel within their agencies.

Entered into this 30th day of September, 2021.

**Public Health Departments:**

Krystle Whitten, RN

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Krystle Whitten, RN,  
County Nurse Manager  
Butts County Board of Health



\_\_\_\_\_  
Sherry Farr, RN,  
County Nurse Manager  
Lamar County Board of Health

April Walker

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April Walker, RN,  
County Nurse Manager  
Monroe County Board of Health

**Sexual Assault Centers:**



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DeAlvah H. Simms, Executive Director  
Crisis Line & Safe House



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Gayla Nobles, Executive Director  
Southern Crescent Sexual Assault Center

**Local Citizen:**

\_\_\_\_\_  
Donna Wilson

**Gordon State College:**



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Chip Jarvis Flowers  
Gordon State College  
Public Safety Department

**SANE Representatives:**

Jennie Bergen

\_\_\_\_\_  
Jennie Bergen, SANE Coordinator  
Southern Crescent Sexual Assault Center

Denise Atkinson, BSN, RN, SANE-A

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Denise Atkinson, BSN, RN, SANE-A  
SANE Crisis Line & Safe House

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## **Law Enforcement Guidelines for Sexual Assault Response**

As stated, law enforcement's response should include

- ✓ Overall, conduct a comprehensive investigation, gather evidence needed for a successful prosecution, and apprehend the suspected offender
- ✓ Protect & support the victim, linking them to appropriate community services. Victim services are available within the following law enforcement agencies in the circuit:  
Monroe County Sheriff's Office Victim Services Unit at the Care Cottage 478-994-7287  
Victim Services of the Lamar County Sheriff's Office 770-358-5152

Following are guidelines recommended for sexual assault response by law enforcement agencies:

### **First Responding Law Enforcement Guidelines**

- Obtain initial information regarding the assault & provide reasonable safety & aid to the victim
- Conduct a preliminary investigation to determine circumstances of the incident, the suspect's name, location of the exact scene and evidence, & secure the reported crime scene
- The victim may be a candidate to go or be taken directly to a sexual assault center for a forensic examination if the victim does not need emergency medical care at the hospital. The sexual assault center must be contacted prior to going to determine if appropriate to be seen at the center:  
Crisis Line & Safe House Sexual Assault Center – 478-745-9292 (serves Monroe County)  
Southern Crescent Sexual Assault Center – 770-507-7772 (serves Butts & Lamar Counties)
- The victim should be provided transport to the hospital of choice for a physical examination & necessary medical treatment, if emergency medical care is necessary.
- The law enforcement supervisor should be notified, respond if possible & evaluate the sexual assault complaint and response to determine if the on call detective/investigator & crime scene investigators should respond.

### **Crime Scene Processing Guidelines**

- Ensure victim is supported and reasonable safety is provided
- Assess immediate needs of the victim such as medical care, assistance with special needs
- Conduct a brief initial interview with the victim to gather information on circumstances leading up to, during and after the crime to determine if elements of sexual assault are met
- Advise victim of any recording devices being used
- Provide victim with information concerning the procedures of a criminal investigation, next steps, contact information & victims' rights/services available
- Call for back up as needed and/or investigations; secure the crime scene to preserve integrity of evidence collection
- Determine identity & location of suspect; make arrest if appropriate
- Make arrangements for suspect exam to obtain physical evidence from suspect's person. Evidence collection may be conducted via consent or search warrant
- Identify witnesses and conduct documented interviews
- Brief sexual assault center examiners on details of incident reported
- Attend forensic examination of the victim & receive and secure any physical evidence

### **Investigation Guidelines**

- Upon arrival at the scene, meet with responding officer or supervisor for briefing
- If circumstances allow, provide the victim with appropriate break in time after the forensic examination before coming for an interview and/or to provide a written statement. If interview is recorded, notify the victim.
- Ensure the victim has contact information of the investigating agency, officer, and victim advocates available
- Notify the victim of the process and next steps

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- Notify victims of options available regarding their participation in the investigation, that evidence collected will be held for a minimum of 12 months, the importance of collecting physical evidence, holding an interview and providing physical evidence for the investigation
  - Use non-judgmental, trauma-informed language and actions toward the victim, explaining the necessity of detailed and direct questioning during the interview.
  - Determine if a crime(s) occurred; evaluate the evidence; interview witnesses with documented statements- collect thorough contact information; complete the crime-scene investigation & collection of evidence, securing it as per agency policy, obtain search & arrest warrants, make arrest
  - Interview suspect, complete suspect exam, document statements, admissions, confessions
  - Collect 911 calls, unprovoked utterances prior to arrest
  - Conduct follow up interviews as necessary; allow victims to have an advocate present where possible and appropriate
  - Secure evidence including collections from sexual assault center and/or hospital
  - Keep in contact with victim, providing updates throughout investigation
  - Assist and consult the District Attorney's Office regarding the case, charges filed, and ability to go forward in superior court

#### Evidence Collection Guidelines

- Photograph crime scenes before any evidence is removed with attention to disturbed and unusual areas
- Seize any physical evidence including, but not limited to, fingerprints, objects and materials that potentially contain bodily fluids such as condoms, bedding and towels, victim and suspect clothing, fluids, etc..., & ensure evidence is adequately preserved for testing (refrigerate where required).
- If drug-facilitated sexual assault is suspected, note and document evidence of alcohol/drug-related evidence
- If the suspect is identified, have the suspect examined as soon as possible to obtain physical evidence from the suspect's person collected by consent of the suspect or by search warrant

#### Preservation of Evidence Guidelines

- Evidence shall be properly maintained & stored including refrigeration of bodily fluids as required to maintain the integrity of the samples.
- Evidence shall be submitted to the Division of Forensic Sciences of the Georgia Bureau of Investigation within 30 days of collection pursuant to O.C.G.A. §35-1-2. Also pursuant to OCGA § 35-1-2, law enforcement officials shall take possession of evidence from a forensic medical exam no later than 96 hours of being notified.
- State or local investigating agencies shall maintain & properly preserve any physical evidence collected as a result of a reported sexual assault that contains biological material, including but not limited to, stains, fluids, hair samples that relate to the identity of the perpetrator of a reported sexual assault for 30 years from the date of arrest or seven years from completion of sentence, whichever occurs last, and if no arrests, then for 50 years. (See O.C.G.A. §17-5-71)
- if the victim chooses not to report the alleged sexual assault to law enforcement at the time of evidence collection the investigating law enforcement agency shall maintain & properly preserve any physical evidence collected as a result of such reported sexual assault that contains biological material, including but not limited to, stains, fluids, hair samples that relate to the identity of the perpetrator of the reported sexual assault, for not less than 12 months from the date any such physical evidence is collected
- Departmental policies may require evidence be held for longer periods than required by Georgia law



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