

SEXUAL ASSAULT PROTOCOL
IN THE MIDDLE JUDICIAL CIRCUIT
STATE OF GEORGIA
AMENDED ORDER

WHEREAS, the Legislature of the State of Georgia enacted O.C.G.A. Section 15-24-2 requiring the establishment of a Sexual Assault Protocol; and

WHEREAS, the undersigned established a Sexual Assault Protocol Committee pursuant to O.C.G.A § 15-24-2; and

WHEREAS, the Committee met on December 06, 2024, and discussed the Protocol, which was approved by a majority vote, as the protocol for cases of sexual assault in the Middle Judicial Circuit, Eighth District of the State of Georgia. The previous order stated the Committee met on December 06, 2025, but the correct date of the meeting was December 06, 2024.

NOW THEREFORE IT IS HEREBY ORDERED, this document is accepted by the Court as the protocol to be used in responding to, investigating and prosecuting cases arising from an alleged sexual assault and shall be spread upon the minutes and filed with the Clerks of the Superior Courts of Candler, Emanuel, Jefferson, Toombs, and Washington Counties.

SO ORDERED, this 2nd day of April, 2025.



Judge Robert S. Reeves
Chief Judge, Superior Courts
Middle Judicial Circuit

MIDDLE JUDICIAL CIRCUIT SEXUAL ASSAULT RESPONSE TEAM (SART)

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STATEMENT OF PURPOSE: The SART is a coordinated effort among health providers, law enforcement personnel, prosecutors and victim advocates to ensure an effective, consistent, comprehensive, and collaborative response to sexual assault that prioritizes the needs of sexual assault victims and brings responsible persons to justice. When victims are under the age of 16, follow the circuit's Child Abuse Protocol.

SART GOALS

1. Ensure competent, coordinated, and effective intervention;
2. Provide a sensitive and caring response to survivors of sexual assault by all disciplines;
3. Ensure cultural competency;
4. Standardize the collection of evidence to aid in case prosecution;
5. Provide high quality and consistent forensic sexual assault physical examinations;
6. Ensure the provision of medical and forensic follow-up care;
7. Provide crisis intervention and follow-up counseling referrals; and
8. Effectively support the mission of the criminal justice system

USE OF THE PROTOCOL

The SART protocol shall be utilized by all parties who play a role in the treatment of adult victims of sexual assault and the prosecution of offenders within the jurisdiction of the Middle Judicial Circuit, which includes the counties of Candler, Emanuel, Jefferson, Toombs and Washington. These entities include all city police departments, county sheriffs' offices, E-911 services, medical service providers including Sexual Assault Nurse Examiners, victim advocates with the Refuge, victim advocates with Rape Crisis, and the District Attorney's Office.

Each agency operating in the Middle Judicial Circuit governed by the SART protocol shall identify at least one representative to disseminate this protocol to every potential actor who may contribute to a SART response and to report information to SART leadership as requested.

The District Attorney's Office shall provide at least one printed copy of this protocol to each agency and shall also obtain and maintain an acknowledgement by each agency of protocol receipt, acceptance and statement of compliance.

SART LEADERSHIP

Kelly Weathers, Chief Assistant District Attorney
kjweathers@pacga.org/478-206-2909

Donna Moore, DA Victim Advocate Director
donna.moore@pacga.org/478-455-3480

The Refuge Sexual Assault Center (Candler, Toombs, Emanuel)
605 Jackson Street, Vidalia
(912) 538-9936 / sacoordinatorvid@gmail.com

Rape Crisis and Sexual Assault Services (Jefferson, Washington)
1350 Walton Way, Augusta, GA 30901
(706) 724-5200/(800) 656-HOPE Crisis

MONITORING THE PROTOCOL

Each agency representative shall report information to SART leadership as requested. SART leadership, outlined above, **shall meet bi-annually** at a location of mutual convenience to review the effectiveness of the protocol, consider recommendations for improved compliance, and review all pending reports of sexual assault, which shall range from pre-arrest to verdict stage of prosecution. Prior to each meeting, the District Attorney's Office shall identify any law enforcement or medical personnel involved in a sexual assault investigation to be discussed and extend an invitation to the relevant parties.

Meetings of greater frequency to discuss specific case issues are encouraged.

In cases where failure to follow SART protocol are identified, the District Attorney's Office shall undertake to investigate the failure. Measures shall be taken to ensure any party in violation of these standards has a written copy of this protocol and working understanding of SART expectations. This process may also involve a discussion of liabilities consequent to any violation of the Crime Victim's Bill of Rights or any other applicable provision of Georgia law.

Every twelve months, each agency subject to this protocol will be requested to renew acknowledgement of the protocol and endorse its continued compliance therewith.

24-HOUR RESPONSE PROTOCOL - OVERVIEW

When victims report a sexual assault directly to law enforcement, the investigator shall immediately determine the time frame of the allegation and explain to the victim adverse impact any delay in evidence collection may have on the prosecution of the case. Law enforcement shall arrange for a **medical forensic examination** to be performed by contacting the appropriate parties and completing a Forensic Medical Examination Law Enforcement Verification Form and submitting same to the service provider.

When victims go directly to a medical treatment facility without contacting law enforcement, medical personnel are bound by O.C.G.A. § 31-7-9 to **report to law enforcement** the name and address of the patient, the nature and extent of patient's injuries and any other information believed to be helpful in establishing the cause of the injuries or to identity of the perpetrator.

Additionally, the facility shall notify an **on-call Refuge and/or Rape Crisis victim advocate** of the presence of a suspected victim of sexual assault without providing any identifying information on the patient. Upon arrival of the victim advocate, the facility shall seek patient consent for victim advocacy support. Patients are significantly more likely to accept advocacy support services if the advocate is already present at the facility. This process maintains compliance with the HIPAA Privacy Rules. If the patient declines advocate accompaniment, the facility shall provide the patient with contact information for the Refuge and/or Rape Crisis victim advocate

If advocacy services are provided, the Refuge and/or Rape Crisis victim advocate shall provide the patient with contact information for the District Attorney's Office victim services advocate.

With patient consent, a Sexual Assault Nurse Examiner (SANE) shall **collect biologic samples** in accordance with the currently accepted protocol¹ in order to obtain timely biologic reference samples for analysis at the GBI Crime Lab.

At the conclusion of the sexual assault medical forensic examination, any evidence collected shall be packaged and protected in a manner to ensure the integrity of specimens and appropriate chain of custody of the evidence. All biologic samples collected will be given directly to the case investigator. Pursuant to O.C.G.A. §

¹ National Protocol for Sexual Assault Medical Forensic Examinations Adults/Adolescents, Second Edition, U.S. Department of Justice, Office on Violence Against Women (April 2013) <https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>

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 crime lab within 30 days of collection.**

A victim shall have the right to a forensic medical examination at no cost to the victim regardless of whether the victim participates in the criminal justice system or cooperates with law enforcement. O.C.G.A. § 17-5-72 provides that the cost of such an examination shall be paid for by the Georgia Crime Victims Emergency Fund. If the victim does not cooperate with law enforcement and a forensic medical examination is performed, the investigating agency shall maintain any evidence collected in that connection for not less than 12 months. O.C.G.A. § 17-5-71.

Once law enforcement has identified a suspect, the lead investigator shall notify the appropriate assistant district attorney of the allegations.

Upon development of probable cause that a suspect committed the sexual assault, law enforcement shall apply to the magistrate court for an arrest warrant. In cases of Rape, Aggravated Sodomy, Aggravated Child Molestation and Aggravated Sexual Battery, the Superior Court has exclusive jurisdiction for consideration of any bond. The magistrate may set a bond on all other sex offenses. **Prior to the setting of any bond** for any such sex offense, the magistrate shall notify the district attorney's victim advocate with the name of the defendant, arresting officer, victim and the charge.

When setting bond on any qualified sex offense, the magistrate shall be sure to include a strict no-contact bond condition for the protection and safety of the victim. **Prior to the posting of bond and release** of any person charged with a crime of sexual assault, an agent of the jail shall notify the district attorney's victim advocate. In turn, the district attorney's victim advocate shall notify the victim of the impending issuance of bond or release of the defendant.

After a suspect is arrested, the Magistrate Judge sends a copy of the warrant to the District Attorney. Cases are usually assigned to a specific prosecutor when the warrant is received. The District Attorney's primarily utilizes a vertical prosecution case-assignment system, so that the prosecutor initially assigned the case will follow it through until its conclusion in the office. However, various factors including Assistant District Attorney turn over, legal/personal conflicts, complexity of the case, etc. may occasionally cause a change or addition to the prosecutor initially assigned the case. The latter situation is the exception, but it does occasionally happen. The ultimate assignment of prosecutors to a case is the responsibility of the elected District Attorney who has that legal obligation as part of his official duties.

In every case which appears to be able to be resolved only by trial, as opposed to some other disposition, the prosecutor and advocates make all reasonable efforts to visit the courtroom with the victim when there is no court action taking place in order to acclimate the victim to the courtroom and explain trial procedures in an attempt to raise the comfort level for the victim under admittedly unpleasant circumstances.

Each sexual assault victim is provided the name and phone number of the prosecutor and victim advocates assigned to his or her case, and the staff of the District Attorney's Office is always available to advise and consult with victims, for the date of the incident, to literally decades later when parole issues arise.

The Georgia Code requires that there must be consent to any and all medical procedures (OCGA §31-9-2). Under OCGA §31-9-7, the legal age of consent for medical treatment is 18. However, there are exceptions. For tests and treatment connected with pregnancy, a female can consent regardless of her age or marital status. Under OCGA §31-17-7, any minor can consent without either parent's permission to those medical services, which deal with the treatment of a sexually transmitted disease. Emergency care can be rendered under implied consent.

The District Attorney's office, by and through a victim advocate, shall notify the victim in accordance with the Crime Victim's Bill of Rights. O.C.G.A. §§ 17-17-1, et al.

Upon resolution of the criminal case, by plea, verdict or dismissal, the District Attorney's office shall notify the investigating agency with a copy of the sentence or dismissal. Before any case shall be approved by the District Attorney for dismissal, the assistant district attorney shall make diligent effort to meet with the victim and discuss the proposal for dismissal. If the victim disagrees with the assistant district attorney's proposal for dismissal, the District Attorney shall be available to meet with the victim to consider the matter further.

LAW ENFORCEMENT

The Role of Law Enforcement

Law enforcement officers and detectives play a crucial role in overcoming the psychological hurdles, which confront a victim, and then obtaining the victim's cooperation in the assault investigation. Since a victim's ability to cope with the crime and its aftermath may prove critical to the ultimate success of criminal prosecution, it is imperative that law enforcement agencies treat the victim of sexual assault with the utmost compassion while skillfully guiding the victim's potentially uncomfortable journey through the criminal justice system.

Investigators must remain sensitive to the individuality of each victim and the massive impact a sexual assault may have upon the victim and the victim's family and friends. An investigator should consider not only the particular assault suffered by each victim, but the victim's age, physical abilities and culture.

Summary of Expectations

Investigating officers will work with victim advocates to ensure a victim centered response to the investigation and proper notification of case updates to victims. Additionally, law enforcement officers will operate under the guidelines established by The Georgia Crime Victim's Bill of Rights (O.C.G.A. § 15- 17-1) and adhere to best practices as outlined in the Georgia Sexual Assault Team Guide.

- Determine if a crime has occurred;
- Identify, apprehend and interrogate suspect(s);
- Interview victim with an offender focused and trauma informed approach, which includes allowing an advocate to be present;
- Interview witnesses;
- Recognize, collect and preserve evidence;
- Authorize collection of potentially relevant biological specimens on suspects;
- Maintain chain of custody of evidence;
- Timely submit sexual assault evidence collection kits to GBI crime laboratory regardless of whether a suspect has been identified, per GBI recommendations;
- Review GBI Crime lab reports as soon as possible after they are released to investigating agency, per GBI recommendations;
- Arrest where probable cause exists;
- Prepare case reports with investigative summaries, including a copy of all digital evidence (audio, video, photographic, cell phone, social media) and provide to the District Attorney's Office **within 30 days of arrest of suspect**;
- Supplement case materials to the District Attorney's Office every 30 days thereafter when additional evidence is documented;
- Assist the District Attorney's Office in the prosecution of cases; and
- Provide articulate testimony and evidence in court.

Best Practices – Step by Step

The first law enforcement officer to reach a sexual assault victim is usually a uniformed officer. This officer, as with others who investigate the case, should quickly develop a positive rapport with the victim while initiating the gathering of evidence.

A. Immediate Response

- The responding officer should first address the victim's physical and medical needs. Emergency first aid should be offered, if necessary, while awaiting an emergency medical response unit.
- The responding officer should be calm, sympathetic and understanding. To increase the victim's emotional comfort and security prior to a transfer to a medical facility/ Sexual Assault Center, the officer should explain to the victim the actions anticipated on the victim's behalf, including a physical examination.
- The officer should also ask the victim to refrain from washing, showering, brushing teeth, using a mouthwash, smoking, eating, chewing gum, breathe mints, hard candy, drinking, douching, urinating, or defecating to prevent the loss of valuable physical evidence. The evidentiary importance of preserving personal clothing and articles from the crime scene should be explained. Even if a victim had bathed or douched, the officer should nevertheless proceed to transport the victim to the appropriate medical facility.
- The responding officer should also ask the victim some questions about the sexual assault. Not more than two officers should conduct questioning in the greatest privacy available, and questioning should be limited in scope to crucial information immediately needed by law enforcement.
- The crime scene will be processed per the investigating agency's operating policy.
- If the responding officer proceeds to the medical facility/ Sexual Assault Center where the victim is taken, the officer should:
 - Remain at the medical facility/ Sexual Assault Center until the investigating law enforcement officer(s) has arrived; and
 - Thoroughly brief the investigating law enforcement officer(s) on any information about the victim, the assault, the assailant, and the crime scene, which the officer has obtained. These briefings should take place in a private setting where other patients or hospital personnel cannot overhear confidential information.

B. Delayed Reporting

Forensic evidence may remain for a general time period of up to 120 hours in the victim's body or there may be evidence of tearing or other internal abrasions. For this reason, the victim should be encouraged to seek medical care.

C. The Medical Examination and Law Enforcement

Law enforcement officers should not be present during the medical examination of sexual assault victim, unless there is a specific evidentiary or investigative necessity that requires their attendance. Any person, particularly a sexual assault victim, deserves a personal examination free of unnecessary, non-medical strangers.

D. The Investigator's Role in Sexual Assault Cases

The primary investigator in a sexual assault case has a critical role in the successful prosecution of the case. The physical and emotional health of the victim must be considered at each stage of the investigation.

An investigator will usually be summoned to the medical facility/ Sexual Assault Center where the victim has been taken. The investigator should respond immediately to the facility. The investigator should conduct a brief

interview with the victim and should document the facts of the investigation and, if necessary, request the medical facility or Sex Assault Center record the interview with both audio and video equipment.

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 locate the suspect;
- Attempt to explain to the victim what is being done on the victim's behalf; and
- Inform the victim that another interview may be conducted at a later time.

The victim's interview should be video/audio recorded. Notice to the victim shall be accomplished by discussing the interview process prior to beginning, and obtaining written consent for the interview to be recorded.

The investigator may consult with the victim advocate to explain the actions being taken by the police and to seek their cooperation and assistance in future contacts with the victim.

Transportation arrangements will be made to a safe location for the victim, with the guidance of the advocate.

The investigative personnel should verify that the chain of custody on the evidence obtained at the medical facility/Sexual Assault Center is correctly inventoried and prepared for transfer to the crime lab if appropriate. Investigators should confirm with an evidence custodian that the evidence is transferred to the lab in a timely manner.

E. Victim Follow Up

The primary law enforcement officer will keep in touch with the victim as needed and as is applicable for the investigation process. The primary law enforcement officer should refer the victim to Victim Advocates as determined necessary by the investigator.

F. The Case Report

The primary investigation officer in a sexual assault case has the crucial responsibility of compiling all the information learned through the investigation. 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.

If the victim or perpetrator is suspected to be military personnel, it is the responsibility of law enforcement to notify OSI as soon as possible. Law enforcement may do so by having dispatch to contact the on call OSI agent.

If the suspect is identified, the primary law enforcement officer shall determine if the suspect is currently under sentence and, if so, shall notify the Department of Community Supervision or other supervising entity, of the circumstances of the case so that a parole or probation hold can be evaluated and requested.

Once an arrest is made, a suspect must be indicted within 90 days or that suspect becomes entitled to setting of bond by the Superior Court Judge. For this reason, law enforcement shall provide the District Attorney's Office a casefile **within 30 days of suspect arrest**. The parties understand an investigation may be on-going at this point in time and supplemental case materials from law enforcement to the District Attorney will follow. This 30 day deadline is designed to facilitate timely Grand Jury presentation.

MEDICAL / FORENSIC SERVICES

The Role of Medical/Forensic Services

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.

For incidents occurring in Toombs, Emanuel and Candler Counties, medical forensic examinations shall be performed at The Refuge Sexual Assault Center, 605 Jackson Street, Vidalia Ga, 30474.

For incidents occurring in Washington or Jefferson Counties, medical forensic examinations shall be performed at Washington County Regional Medical Center or Jefferson Hospital, depending upon availability of a Sexual Assault Nurse Examiner (SANE). If there is no available SANE, arrangement shall be made for the examination to be performed at the closest medical facility with a qualified SANE in attendance.

Medical forensic exams should be made available if a patient chooses to report, chooses not to report, or chooses to report anonymously. Medical forensic examinations shall be performed by a Sexual Assault Nurse Examiner (SANE), trained in performing such exams.

Summary of Expectations

- Provide medical assessment and treatment of any injuries;
- Inform patient of reporting mandate and forensic examination options;
- Contact sexual assault crisis center advocate to respond to the hospital;
- Obtain patient consent for examination, evidence collection and records release;
- Gather patient medical forensic history;
- Obtain event history through a joint or coordinated interview with law enforcement officer and sexual assault crisis center advocate;
- Perform the medical forensic examination as outlined below;
- Refer patient for counseling if sexual assault crisis center advocate is not available;
- Provide patient with information and referrals for STIs and/or pregnancy;
- Upon discharge, arrange for medical and forensic follow-up appointments;
- Follow up as needed for additional treatment and/or collection of evidence;
- Provide testimony at trial.

Best Practices – Step by Step

A. *Conduct of the Medical Forensic Examination*

- A SANE will perform the examination and assessment;
- Medical forensic examinations and biologic evidence collection should be completed as quickly as possible after a report is received;
- Medical forensic examinations and biologic evidence collection shall be conducted in accordance with Georgia Bureau of Investigation (GBI) procedures using a GBI Sexual Assault Evidence Kit. It is also recommended that medical forensic exams be conducted in accordance with the National Protocol for Sexual Assault Medical Forensic Examinations.
- Best practices include:
 - Conduct a Wood's Lamp examination (based on event history);
 - Use forensic photography to document any injuries or findings;
 - Collect foreign materials, stains and secretions. Label, package, and seal;
 - Conduct ano-genital examination (based on event history);
 - Collect oral, vaginal, penile, and anal samples (based on event history);
 - Document examination findings in forensic nurse or medico-legal report;
 - Collect drug and alcohol toxicology samples (based on event history);
 - Evaluate and treat prophylactically for sexually transmitted infection (STI);

- Collect evidence at the direction of law enforcement;
- 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;
- Complete appropriate authorizations relating to the examination;
- 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.

B. Collection of Biological Evidence

The SANE will collect biologic samples at the request of a patient, 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 a minimum of 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 screen.

All biologic evidence collected at the request of a patient who chooses not to initiate and participate in and/or cooperate with a law enforcement investigation shall be labeled as Jane or John Doe. All documentation turned over to law enforcement will have Jane/John Doe as the victim's name. The documentation completed by the advocate and billing forms will have the victim's legal name.

C. Requests for Medical Forensic Examinations

With the consent of the patient, medical forensic examinations can be performed at the request of (1) a law enforcement agency, (2) the District Attorney's Office, (3) the medical examiner or coroner's office, (4) a hospital, (5) pursuant to a court order, or at the patient's request pursuant to O.C.G.A. 17-5- 72. Medical forensic examinations may be requested 24 hours a day by using the following procedure:

First Report. The victim usually makes the first report of a sexual assault to a dispatch or communications center. Dispatch or communications staffers are critical in aiding the victim to regain control and composure after an assault.

If the victim is the caller the dispatcher should:

- Obtain the victim's name and location immediately;
- Determine if victim is currently safe and whether immediate medical attention is needed;
- Dispatch appropriate law enforcement units, and, if necessary, emergency medical help;
- Assure victim help is coming, and instruct not to eat or drink, bathe, urinate, douche;

- Ask victim if they are still wearing the same clothing they were wearing during the assault. If they are, tell the victim not to change and come as they are. If they are not wearing the same clothing, instruct the victim to leave the clothing as is;
- Advise victim not to move or touch anything and not to disturb items used as weapons.

Once law enforcement determines that Rape Crisis or The Refuge Sexual Assault Advocate and a SANE Nurse will be needed, law enforcement will inform the dispatcher to notify The Refuge Staff at 912-538-9935 or Rape Crisis Staff at 706) 724-5200.

VICTIM SERVICES

The Role of Victim Advocate

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

Summary of Expectations – The Refuge / Rape Crisis Victim Advocate

- Be available to victims and families 24 hours a day, 7 days a week via a 24-hour crisis line staffed by trained community advocates;
- Provide services to victims and families sensitive to the unique barriers and special considerations diverse victims encounter in reporting sexual assault crimes;
- Provide options to victims so that they may make informed decisions;
- Advise all sexual assault victims of their right to have a sexual assault examination and evidence collection conducted at no expense;
- Provide care from first contact until victim decides support is no longer needed;
- Accompany victims (at victim direction) during investigative procedures;
- Ensure victim has access to follow-up counseling until the psychological issues are resolved;
- Assist victims with logistical problem solving (e.g., childcare, employer relations, schools and teachers, family members, etc.) to accommodate appointments;
- Advocate for qualified health care providers trained in forensic sexual assault physical examination procedures to perform the examination;
- Arrange for a change of clothing through family or friends, as well as a safe place for the victim to go after leaving the medical center.
- Support 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
- Maintain victim confidentiality;
- Offer services to non-reporting victims & assist should the victim decide to report;
- If a victim attends any court proceeding, a victim advocate from The Refuge Sexual Assault Center and/or Rape Crisis may accompany the victim.
- Victims may also work with systems-based victim advocates if the case progresses through the criminal justice system to the point of prosecution.

Summary of Expectations – The DA Victim Advocate

- Provide sexual assault victims with courtroom assistance, such as explaining the court process and accompanying victims to court hearings;
- Provide victims' rights information and answer any questions about those rights;
- Notify victims regarding legal proceedings and the status/location of defendants;
- Accompany victims (at victim direction) during court hearings and interviews;
- Assist with completing paperwork to apply for victims' compensation;
- Assist in the development of a Victim Impact Statement;
- Refer victims for counseling services;
- Assist victims with logistical problem solving (e.g., childcare, employer relations, schools and teachers, family members, etc.) to accommodate court appearances;
- Confer with victims about desired case outcomes;
- Notify victims of case outcomes.

PROSECUTION

The Role of the Prosecutor

It is the ultimate legal responsibility of the prosecutor to determine the disposition of any case, including sexual assault crimes. It is the policy of the District Attorney's Office to make such a determination after careful consideration of the feelings and position of the victim, victim's family members and the law enforcement investigator who has had primary responsibility for the investigation.

It is the policy of the District Attorney's Office to explain the reasons for disposition of cases to victims. This is especially important when the disposition is contrary to the victim's wishes. If, after hearing the reasons, a victim is not in agreement with the disposition of the criminal case, he or she always has the option of filing a civil suit against the perpetrator in which the victim will be named party and can direct his or her private attorney as to how to proceed in that action.

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, et seq), which are set out, in part, in the Reference portion of this protocol.

Summary of Expectations

Most crime victims regard a criminal case as their case and expect the prosecutor to pursue the case according to their wishes. Victims of sexual assault, which can include some of the most violent and traumatic cases handled by prosecutors, are no exception to this general rule. This sometimes results in conflict between the victim and prosecutor as to the appropriate resolution of the criminal case. While the victim is primarily concerned only with their individual case and feelings regarding the case, the prosecutor has taken an oath to uphold the Constitution and laws of the United States and the State of Georgia. The prosecutor represents the interests of the people of the State of Georgia (i.e., society as a whole) not merely the interests of the individual victim.

- Coordinate establishment of a multidisciplinary response to criminal sexual assault;
- Convene at least one meeting annually to discuss the implementation of protocols and policies for SARTs and establish guidelines for the community's response, including the collection, preservation, and secure storage of evidence;
- Provide legal and strategy advice to law enforcement upon request;

- Plan and implement trial strategies through the use of physical, medical and scientific evidence, witness interviews, photo line-ups, medical records, et cetera.

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

DEFINITIONS AND REFERENCE

Definition of Sexual Assault

Sexual Assault does not discriminate among race, sex, socio-economic class or age. Persons may be sexually assaulted by strangers, acquaintances, or members of their family.

Sexual assault is defined as sexual contact or intimacy initiated by one or more persons against another without their consent. This includes instances when victims are unable 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 apply e.g., rape, sodomy and aggravated sodomy, statutory rape, sexual battery, aggravated sexual battery, child molestation, aggravated child molestation.

Sensitivity to the Needs of Victims

Ensuring that sexual assault victims will be treated with sensitivity and compassion requires that victim services, law enforcement, medical, and prosecutorial personnel be aware of the special needs of these victims.

Victims of sexual assault, like victims of other violent crimes, must not only cope with the physical trauma perpetrated against them, but also the emotional and psychological repercussions of the assault. However, because sexual assault, unlike other crimes, is such a complete and violent violation of the most intimate parts of a person's self, the emotional and psychological repercussions of a sexual assault can be devastating. The humiliation and degradation victims may feel often are compounded by feelings of guilt, because society continues to perpetuate the myth that sexual assault victims somehow are responsible for the crime committed against them. For this reason, victims of sexual assault often are reluctant to report the crime, and therefore, must receive immediate support from agency personnel if they choose to report.

While victims of sexual assault may feel guilty, frightened, ashamed, dirty, angry, anxious, embarrassed, or any number of other emotions, it is important to remember that there is no "typical" way for victims to feel, react, or look after a sexual assault. Some victims may appear to be calm while others may look visibly upset or enraged.

Victim confidentiality should be strictly protected. Professional staff should make direct inquiries of the victim regarding how to address the disclosure of confidential information. Assumptions should not be made concerning whether it is appropriate to disclose information to family, friends, employer, about the assault or the victim's sexual preference.

A desired part of the recovery process for the individual is that others begin to view the individual as a survivor rather than a victim. Throughout the protocol, the term "victim" is used to denote a person who has been recently assaulted. "Survivor" is used to describe a person who has begun the recovery process. A goal of affected agencies should be to assist a victim to become a survivor. Giving the victim control over decisions, where deemed appropriate, is an important part of the transition from victim to survivor.

Victim's Rights

In 1995, the Georgia Legislature, at the urging of victim's groups and prosecutors, adopted the Crime Victims' Bill of Rights. The District Attorney's Office of the Middle Judicial Circuit has continuously, since that time, paid

the cost of printing and providing to local law enforcement agencies for distribution, an outline of those rights. Victim's Rights were further expanded by the Georgia legislature in 2010 wherein additional duties were placed upon the District Attorney's Office.

The first requirement for a victim to exercise his or her rights is to be made aware of those rights. The Victim's Rights form (Exhibit 1) is given to the victim by The Sexual Assault Advocate.

Upon initial contact, one of the District Attorney's Victim Advocates attempts to coordinate an immediate face-to-face interview and advises the victim of his or her rights under OCGA. §'17-7-1, et. seq. If, for any reason, the responding officer did not provide the victim rights form to the victim, the District Attorney's Victim Advocate provides that form, as well as a copy of a brochure explaining the criminal process in simple terms.

The District Attorney's and/or the Refuge's and/or Rape Crisis Victim Advocate also explains the availability of victim compensation and is available to assist in completing the form, as well as contacting the Governor's Criminal Justice Coordinating Council division of Victim Compensation in needed. The District Attorney's Office files appeals of adverse decisions on Victim Compensation if the office believes that the denial was made in error. At the initial meeting, as well as subsequent meetings, the District Attorney's Victim Advocate makes reference to support services appropriate to the needs of the victim.

The District Attorney's Office must make a good faith attempt to notify the victim of any proceeding in which the release of the accused will be considered and offer the victim the opportunity to express his or her opinion on the release of the accused pending judicial disposition. If any accused is released on a pre-trial bond, a bond after conviction, or given a probated sentence, the District Attorney's Office requests of the offender to make "no contact with the victim, directly or indirectly," a condition of the release. The District Attorney's Office further notifies the victim of his or her right to notify the office if the accused violates the condition of release or if anyone else subjects them to threats or intimidation. Upon a victim's written complaint of such and/or other evidence produced, the District Attorney's Office can take action to petition the Court to revoke bond or probation and/or bring criminal charges against such individual.

During any hearing or trial, the District Attorney's Victim Advocate makes all reasonable attempts, consistent with Court facilities, to ensure that the victim waits in an area separate from the accused, his friends, and family.

Prior to disposition of the accuser's case, the prosecutor offers the victim the opportunity to express the victim's opinion on the disposition of the case, including plea or sentence negotiations and participation in pre-trial or post-trial diversion programs. The opportunity is given for both oral opinion and also in the form of a written Victim Impact Statement from the victim.

The District Attorney's Office notifies the victim of all hearing/court dates/post adjudication proceedings, which can affect the custodial status or disposition of the case. This is accomplished by both telephone contact and with written notice when possible. Victims are also notified of appellate/parole decisions and where possible, the prosecutor assists the victim in communicating with both the Department of Corrections (prison system) and Parole Board. The prosecutor's office also assists the victim with enrolling in the 24-hour automated notification system operated by the Department of Corrections to notify the victim of any escapes from custody by the perpetrator.

[O.C.G.A. § 17-17-1, et seq. – Crime Victim's Bill of Rights](#)

Pursuant to O.C.G.A. § 17-17-1 et seq., victims have the right:

- To be treated fairly and with dignity by all criminal justice agencies involved in the case
- To proceedings free from unreasonable delay;

- To reasonable, accurate and timely notice of a court proceeding where the release of the accused will be considered;
- To reasonable, accurate and timely notice of court proceedings or any changes to such proceedings, including restitution hearings;
- To reasonable, accurate and timely notice of the accused's release and/or monitoring program;
- To be present at all criminal proceedings in which the accused has a right to be present;
- To NOT be excluded from any scheduled court proceedings, except as provided in O.C.G.A. § 17-17-1 or otherwise provided by law;
- To a waiting area, during judicial proceedings, that is separate from the accused and his or her relatives, friends and witnesses;
- To be reasonably heard at any scheduled court proceedings involving the release, plea or sentencing of the accused;
- To complete a Victim Impact Statement and have it presented to the court prior to the trial or plea of the accused (O.C.G.A. § 17-10-11);
- To refuse to submit to an interview by the accused, 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).

HB1297 – Victim Access to Forensic Exams

HB1297 (effective May 28, 2008) allows GA to be in compliance with the VAWA reauthorization of 2005 that requires all states to prove in policy and practice that all victims (females ages 12 and up) have access to a forensic exam regardless of whether or not they choose to speak with law enforcement or further the case and that the results of a polygraph or other truth telling device of a victim cannot be the basis for ending an investigation.

If the victim calls 911 dispatch requesting a Sexual Assault Kit, but doesn't want to make a report to Law Enforcement, dispatch is to contact the investigating Law Enforcement Agency. The Refuge Sexual Assault and/or Rape Crisis Advocate and a SANE Nurse will be contacted. Evidence will be collected and labeled with the victim's information by the SANE Nurse and turned over to the responding Law Enforcement Officer. The Criminal Justice Coordinating Council (CJCC) of Georgia will be responsible for paying for all costs associated with the forensic exam and the responding law enforcement agency will be responsible for storing evidence collected from the forensic exam to include but not limited to biological materials such as stains, fluids, or hair samples, for not less than 12 months from the date any such evidence is collected.

If the victim comes to the hospital wanting a Sexual Assault Kit, but doesn't want to make a report to Law Enforcement, the hospital is to contact the Investigating Law Enforcement Agency and The Refuge Sexual Assault and/or Rape Crisis Advocate who will then contact the on-call SANE. This will be processed as a Jane/John Doe report.

The Refuge Sexual Assault and/or Rape Crisis Advocate, Law Enforcement, the victim's family or friends, or the victim themselves will transport the victim to the Sexual Assault Center for the exam after the victim has signed a confidentiality agreement. Evidence will be collected and labeled with the victim's information by the SANE Nurse and turned over to the responding Law Enforcement Officer. The Criminal Justice Coordinating Council (CJCC) of Georgia will be responsible for paying for all costs associated with the forensic exam and the responding law enforcement agency will be responsible for storing evidence collected from the forensic exam to include but not limited biological materials such as stains, fluids, or hair samples, for not less than 12 months from the date any such evidence is collected.

Investigation and Victim Expenses

The cost of medical forensic 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.

A. Financial Resources

There are a number of costs associated with a sexual assault, in particular the costs of collecting evidence; hospital or health provider fees including fees for the physical examination; lab expenses including the collection of specimens, tests for pregnancy and tests to detect the presence of HIV antibodies; medications to prevent sexually transmitted diseases; follow-up; and treatment for any injuries. In addition, there may be costs to the victim of lost wages, and for a family, funeral expenses.

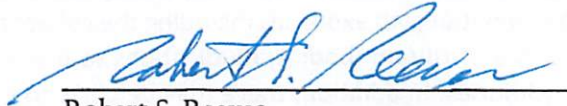
B. Payments for Forensic Exams

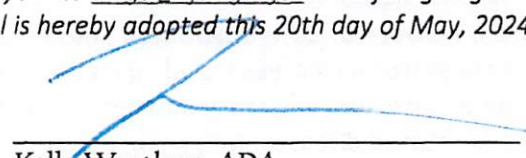
In 2011, HB 503 enacted a mandate requiring the Criminal Justice Coordinating Council (CJCC) of Georgia to pay costs of collecting evidence in rape and aggravated sodomy cases, OCGA §16-6-1 and OCGA §16-6-2.


C. Victims' Compensation Fund

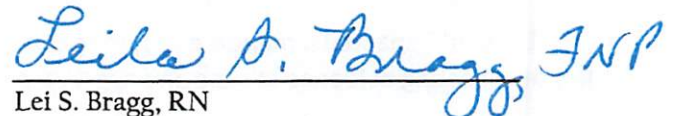
For other medical costs associated with the assault such as the pregnancy test, test for HIV, emergency contraception, and treatment for any injuries, reimbursement can be claimed through the Victims' Compensation Fund, and if application is made and approved payment will be made directly to the hospital or other medical provider, including a Sexual Assault Nurse Examiner. However, if a victim is insured or on Medicaid, then those sources should be sought before the Victims' Compensation Fund is used. If the victim has to pay any part of the bill, then those costs can be claimed from the Victims' Compensation Fund.

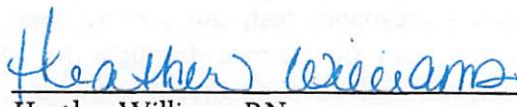
Pursuant to O.C.G.A § 15-24-2, members of the Middle Judicial Circuit Sexual Assault Response Protocol Committee agree to meet annually to review, update and evaluate this Sexual Assault Response Protocol and to submit the updated protocol electronically each year to svrqa@cicc.ga.gov. The foregoing Middle Judicial Circuit Sexual Assault Response Protocol is hereby adopted this 20th day of May, 2024.

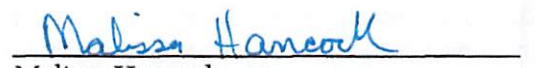

Robert S. Reeves
Chief Judge of the Middle Judicial Circuit

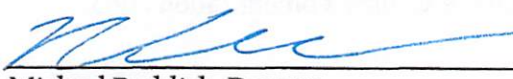

Kelly Weathers, ADA
District Attorney's Office Designee


Betty Dell Williams
Sexual Assault Center Representative

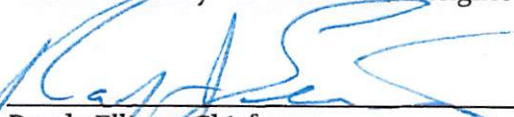

Lei S. Bragg, RN
Health Care Professional

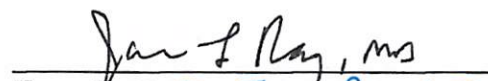

Heather Williams, RN
Health Care Professional (SANE)

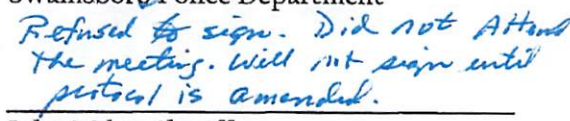

Malissa Hancock
Local Citizen of the Middle Judicial Circuit

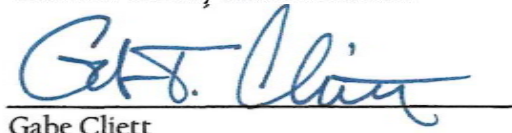

Michael Reddish, Deputy
Emanuel County Sheriff's Office Designee



Shaina Ellington
Emanuel County Magistrate Judge's Designee


Randy Ellison, Chief
Swainsboro Police Department



~~Taryn Scott~~ Dr. James Ray, M.D.
Emanuel County Board of Health



Refused to sign. Did not Attend the meeting. Will not sign until protocol is amended.
John Miles, Sheriff
Candler County Sheriff's Office



Gabe Cliett
Candler County Magistrate Judge


McKinley Lewis
Metter Police Department's Designee

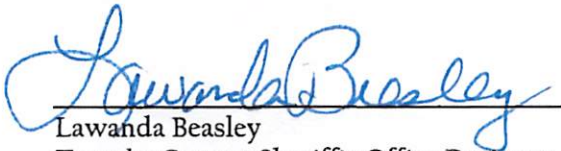

Cindi Hart
Candler County Board of Health



Gary Hutchins, Sheriff
Jefferson County Sheriff's Office


Anita Thompson
Jefferson County Magistrate Judge


Jimmy Miller, Chief
Louisville Police Department


David Gunn
Jefferson County Board of Health



Lawanda Beasley
Toombs County Sheriff's Office Designee


Christopher Morgan VPD #10
Christopher Morgan
Vidalia Police Department's Designee


Eric Burgamy, Deputy
Washington County Sheriff's Office Designee


Wanda Peacock
Sandersville Police Department's Designee


Jack McMillan
Toombs County Magistrate Judge


Kristian Kirkland
Toombs County Board of Health


Calvin Hatcher
Washington County Magistrate Judge


Raven Smith
Washington County Board of Health