

# DALTON POLICE DEPARTMENT

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<i>Subject</i> <b>Whitfield County Child Abuse Protocol</b>		
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## I. Policy

It is the policy of the Dalton Police Department to report and investigate all crimes against and abuse of children in compliance with the Whitfield County Child Abuse Protocol and to provide representation for the Department to the Whitfield County Child Abuse Protocol Committee.

## II. Purpose

- A. The Child Abuse Protocol is a written document outlining in detail the procedures to be used in reporting, investigating and prosecuting cases arising from alleged child abuse and the methods to be used in coordinating treatment programs for the child, family, and perpetrator.
- B. The purpose of the Protocol shall be to *ensure coordination and cooperation* between all agencies involved in a child abuse case so as to *increase the efficiency of all agencies* handling such cases, to *minimize the stress created for the allegedly abused child* by the legal and investigatory process, and to *ensure that more effective treatment is provided* for the child, family, and perpetrator, including counseling. O.C.G.A. §19-15-2(f).
- C. The Whitfield County Child Abuse Protocol Committee has established the current protocol as a recommendation and procedural document outlining the duties and responsibilities of signatory agencies and their personnel for handling child abuse cases from initial disclosure, reporting, investigation through prosecution and including treatment, prevention and follow-up. The mission of the signatories to it is to protect children who have been, or are alleged to have been abused by ensuring that the needs of the child are given priority over system or agency needs.
- D. Each represented agency is committed to the goals and purposes of this Protocol and to a process of continuous review and refinement to update the Protocol as needed to insure the best possible service to the children of Whitfield County.
- E. The Protocol members recognize that no protocol can purport to offer a comprehensive set of guidelines for the infinite number of circumstances that agency personnel face daily. When faced with situations not specifically covered

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by this protocol, members are urged to use this protocol in conjunction with agency supervision and their own judgment to provide for the safety and welfare of the children of Whitfield County.

### III. Confidentiality

- A. Pursuant to Georgia law, Committee meetings, including sub-committee meetings such as Team Review and Child Fatality Review (see sections VII-B-4 and VIII below) are not opened to the public and discussions held and statements made at such meetings are confidential and generally may not be disclosed outside of such meetings or to non-members.
- B. Members or persons presenting information to the Committee or sub-committees are provided legal protections from being compelled to testify in civil or criminal proceedings and information developed in such meetings is generally not subject to Open Records requests. A member of a protocol committee shall not be civilly or criminally liable for any disclosure of information made at such meetings. See O.C.G.A. §19-15-6.
- C. Certain materials prepared in accordance with this Protocol, including specifically recorded interviews with child victims are subject to the confidentiality provisions of O.C.G.A. §§49-5-40 & 41 and unauthorized disclosure of the same may result in criminal penalties.

### IV. Annual Report

The protocol committee shall issue a report no later than the first day of July each year. Such report shall evaluate the extent to which investigations of child abuse during the 12 months prior to the report have complied with the protocols of the protocol committee, recommend measures to improve compliance, and describe which measures taken within the county to prevent child abuse have been successful. The report shall be transmitted to the county governing authority, the fall term grand jury of the judicial circuit, the panel, and the chief superior court judge. See O.C.G.A. §19-15-2(i).

### V. Definitions

Child Abuse is defined in Georgia law in both the mandated reporter statute (O.C.G.A. §19-7-5) and in the Juvenile Code. Specific crimes of child abuse also appear in the criminal code. Because signatories to this agreement work with different parts of the law, we cite the definitions for the purpose of this agreement. Additional terms defined for the purpose of the protocol appear at the end.

- A. The Reporting Law (O.C.G.A. §19-7-5)
  - 1. "Abused" means subjected to child abuse.
  - 2. "Child" means any person under 18 years of age.
  - 3. "Child Abuse" means:

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- a. Physical injury or death inflicted upon a child by a parent or caretaker thereof by other than accidental means; provided, however, that physical forms of discipline may be used as long as there is no physical injury to the child;
- b. Neglect or exploitation of a child by a parent or caretaker thereof;
- c. Endangering a child;
- d. Sexual abuse of a child;
- e. Sexual exploitation of a child.

However, no child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be an "abused child."

4. "Endangering a child" means:
  - a. Any act described by subsection (d) of OCGA §16-5-70 relating to cruelty to children in the third degree;
  - b. Any act described by OCGA §16-5-73 relating to children being present during the manufacture of methamphetamine;
  - c. Any act described by subsection (l) of OCGA §40-6-391 relating to endangering a child by driving under the influence; or
  - d. Prenatal abuse, as such term is defined in OCGA §15-11-2
5. "Sexual abuse" means a person's employing, using, persuading, enticing, inducing, or coercing any minor who is not that person's spouse to engage in any act which involves:
  - a. Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
  - b. Bestiality;
  - c. Masturbation;
  - d. Lewd exhibition of the genitals or pubic area of any person;
  - e. Flagellation or torture by or upon a person who is nude;
  - f. The condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude;

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- g. Physical contact in an act of apparent sexual stimulation or gratification with any person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts;
- h. Defecation or urination for the purpose of sexual stimulation; or
- i. Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure.

"Sexual abuse" shall include consensual sex acts when the sex acts are between minors if any individual is less than 14 years of age; provided, however, that it shall not include consensual sex acts when the sex acts are between a minor and an adult who is not more than four years older than the minor.

- 6. "Sexual exploitation" means conduct by a child's parent or caretaker who allows, permits, encourages, or requires that child engage in:
  - a. Prostitution, as defined in O.C.G.A. section 16-6-9, or
  - b. Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in O.C.G.A. section 16-12-100.

**B. The Juvenile Code (O.C.G.A. §15-11-2)**

- 1. "Child" means any individual who is under the age of 18 years for the purpose of this protocol. The juvenile code defines child by age differently under different circumstances but for the purposes of this protocol, a child is a person under the age of 18 years.
- 2. "Abuse" means:
  - a. Any non-accidental physical injury or physical injury which is inconsistent with the explanation given for it suffered by a child as the result of the acts or omissions of a person responsible for the care of a child;
  - b. Emotional abuse;
  - c. Sexual abuse or sexual exploitation;
  - d. Prenatal abuse; or
  - e. The commission of an act of family violence as defined in Code Section 19-13-1 in the presence of a child. An act includes a single act, multiple acts, or a continuing course of conduct. As used in this subparagraph, the term "presence" means physically present or able to see or hear.

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3. "Emotional abuse" means acts or omissions by a person responsible for the care of a child that cause any mental injury to such child's intellectual or psychological capacity as evidenced by an observable and significant impairment in such child's ability to function within a child's normal range of performance and behavior or that create a substantial risk of impairment, if the impairment or substantial risk of impairment is diagnosed and confirmed by a licensed mental health professional or physician qualified to render such diagnosis.
4. "Sexual abuse" means a caregiver or other person responsible for the care of a child employing, using, persuading, inducing, enticing, or coercing any child to engage in any act which involves:
  - a. Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
  - b. Bestiality;
  - c. Masturbation;
  - d. Lewd exhibition of the genitals or pubic area of any person;
  - e. Flagellation or torture by or upon a person who is nude;
  - f. The condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude;
  - g. Physical contact in an act of apparent sexual stimulation or gratification with any person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts;
  - h. Defecation or urination for the purpose of sexual stimulation; or
  - i. Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure by a licensed health care professional.
5. "Sexual exploitation" means conduct by a caregiver or other person responsible for the care of a child who allows, permits, encourages, or requires a child to engage in:
  - a. Prostitution, in violation of Code Section 16-6-9; or
  - b. Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, in violation of Code Section 16-12-100.

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6. "Prenatal abuse" means exposure to chronic or severe use of alcohol or the unlawful use of any controlled substance, as such term is defined in Code Section 16-13-21, which results in:
  - a. Symptoms of withdrawal in a newborn or the presence of a controlled substance or a metabolite thereof in a newborn's body, blood, urine, or meconium that is not the result of medical treatment; or
  - b. Medically diagnosed and harmful effects in a newborn's physical appearance or functioning.
7. "Dependent Child" means a child who:
  - a. Has been abused or neglected and is in need of the protection of the court;
  - b. Has been placed for care or adoption in violation of law; or
  - c. Is without his or her parent, guardian, or legal custodian
8. "Neglect" means:
  - a. The failure to provide proper parental care or control, subsistence, education as required by law, or other care or control necessary for a child's physical, mental, or emotional health or morals;
  - b. The failure to provide a child with adequate supervision necessary for such child's well-being; or
  - c. The abandonment of a child by his or her parent, guardian, or legal custodian.

C. Other Terms Defined for the Purpose of this Protocol

1. "DFCS/DFACS" – The Whitfield County Division of Family and Children Services.
2. "Law Enforcement" – Any of the several local law enforcement agencies including the Whitfield County Sheriff's Office, the Dalton Police Department, the Tunnel Hill Police Department, the Varnell Police Department, the Cohutta Police Department and the Dalton State College Public Safety Department. Note however that only the Whitfield County Sheriff's Office and the Dalton Police Department currently conduct child abuse investigations. Other local law enforcement agencies should refer reports to one of those two agencies as appropriate. Note also that the Georgia Bureau of Investigations (GBI) may by invitation of local law enforcement or the District Attorney assist in or lead a child abuse investigation however reports of abuse should not be made directly to the GBI.

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3. “District Attorney” – The Office of the District Attorney for the Conasauga Judicial Circuit, comprised of Whitfield and Murray Counties, or the elected District Attorney for said office or an assistant district attorney acting on behalf of the District Attorney.
4. “VWAP” – The Victim/Witness Assistance Program which is part of the District Attorney’s Office. Provides advocacy services to victims and victims’ families including early notification prior to arrest of the offender.
5. “MDT” – The Multi-Disciplinary Team is a group of professionals representing various disciplines who work collaboratively to promote a thorough understanding of case issues and assure the most effective system response possible. The purpose of interagency collaboration is to coordinate intervention so as to reduce potential trauma to children and families while preserving and respecting the rights and obligations of each agency to pursue their respective mandates. The full team consists of representatives from law enforcement, child protective services (DFCS), prosecution (District Attorney’s Office and VWAP), the GreenHouse, mental health, medical, including the Whitfield County Health Department, the school systems, and juvenile court. The full team meets at the GreenHouse monthly to review cases and ensure that children are receiving proper services and support from all member agencies. For purposes of making prosecution decisions, a core sub-set of the team consisting primarily of law enforcement, DFCS, prosecution, the GreenHouse and Juvenile Court meets monthly at VWAP to review cases with a primary focus on the criminal investigation and prosecution of the case.
6. “The GreenHouse” – A non-profit child advocacy center serving the citizens of Whitfield and Murray County, formerly a part of the District Attorney’s Office but operating independently as of January 1, 2014. Provides forensic interviews, advocacy and therapy for victims and victims’ families.
7. “Disclosure” – Information concerning child abuse provided by a victim or other person to a mandated reporter or other person who makes a report pursuant to O.C.G.A. §19-7-5, prior to such report. See “Report”, below.
8. “Report” – An oral or a written report concerning child abuse made to DFCS, Law Enforcement or to the District Attorney by a mandated reporter or other individual pursuant to O.C.G.A. §19-7-5
9. “Investigative Interview” – a preliminary and limited interview with a child conducted by law enforcement and/or DFCS for the purpose of determining the nature of the disclosed abuse, identifying the victim and suspect, determining jurisdiction, and to ensure the child’s safety. Less than a full or forensic interview (see below), the purpose of an investigative interview is not to obtain all of the facts and details but only those necessary to make the initial determinations set forth above and to make sure that the report did not result from the misinterpretation of an ambiguous statement from a child who was not in fact disclosing abuse.

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10. “Forensic Interview” – a recorded interview designed to elicit a child’s unique information when there are concerns of possible abuse or when the child has witnessed abuse or violence against another person. A forensic interview is conducted in a supportive and non-leading manner by a professional trained in the National Child Advocacy Center Forensic Interview model. Interviews are remotely observed by representatives of the agencies involved in the investigation. Forensic interviews are generally done in a single session but may be extended over multiple shorter sessions as appropriate to the child’s age, maturity and other circumstances.
11. “SANE” – A Sexual Assault Nurse Examiner (SANE) is a qualification for forensic nurses who have received special training to conduct sexual assault evidentiary exams for victims of rape or other sexual assaults. The sexual assault examination is commonly referend to as a SANE Exam.

## VI. Identification of Mandated Reporters & Responsibility Thereof

- A. MANDATED REPORTERS – Reports of abuse come from many sources. Certain individuals are mandated by law under O.C.G.A. §19-7-5 to report any such abuse which they have reasonable cause to believe has occurred. These individuals are:
  1. Physicians licensed to practice medicine, physician assistants, interns, or residents;
  2. Hospital or medical personnel;
  3. Dentists;
  4. Licensed psychologists and persons participating in internships to obtain licensing pursuant to Chapter 39 of Title 43;
  5. Podiatrists;
  6. Registered professional nurses, licensed practical nurses, or nurses’ aides;
  7. Professional counselors, social workers, or marriage and family therapists licensed pursuant to Chapter 10A of Title 43;
  8. School teachers;
  9. School administrators;
  10. School counselors, visiting teachers, school social workers, or school psychologists certified pursuant to Chapter 2 of Title 20;
  11. Child welfare agency personnel, as that agency is defined pursuant to Code Section 49-5-12(a), including any child-caring institution, child-placing agency, children's transition care center, or maternity home.

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12. Child-counseling personnel;
13. Child service organization personnel including volunteers as defined by O.C.G.A. §19-7-5(b)(5); (please note that all public and private school personnel, whether listed separately above or not, including paraprofessionals, bus drivers, cafeteria workers, etc., are included in the definition of child service organization personnel)
14. Law enforcement personnel; or
15. Reproductive health care facility or pregnancy resource center personnel and volunteers.

Any person, other than one specified above, who has reasonable cause to believe that suspected child abuse has occurred may report or cause reports to be made as provided by O.C.G.A. §19-7-5.

Persons, mandated or otherwise, reporting abuse pursuant to O.C.G.A. §19-7-5, shall in so doing be immune from any civil or criminal liability that might otherwise be incurred or imposed, provided such report is made in good faith.

#### B. PRIVILEGE

1. Suspected child abuse which is required to be reported by any person pursuant to this Code section shall be reported notwithstanding that the reasonable cause to believe such abuse has occurred or is occurring is based in whole or in part upon any communication to that person which is otherwise made privileged or confidential by law;
2. Provided, however, that a member of the clergy shall not be required to report child abuse reported solely within the context of confession or other similar communication required to be kept confidential under church doctrine or practice. When a clergy member receives information about child abuse from any other source, the clergy member shall comply with the reporting requirements of this Code section, even though the clergy member may have also received a report of child abuse from the confession of the perpetrator.

#### C. REPORTING – The information provided below is general in nature. Some specific situations are outlined in more detail in Section E, below.

1. **WHEN TO REPORT** – Mandated reporters are required to make a report immediately and in no case later than 24 hours from when the reporter has reasonable cause to believe that abuse, as defined in section V, has occurred.
2. **TO WHOM TO REPORT**
  - a. Any reports of child abuse shall be made to the Whitfield County Department of Family and Children Services (DFCS), or to the

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appropriate law enforcement agency for the jurisdiction where the abuse is believed to have occurred, or to the District Attorney

- b. DFCS only investigates cases where the alleged perpetrator is a known or unknown parent, guardian, foster parent, custodian (a person standing in the place of a parent), caretaker, stepparent, adoptive parent or is an employee of a public or private residential home, facility, school or day care center as to any reported act or incident arising out of the employment. Reports to DFCS should be made by calling 855-GA-CHILD (855-422-4453) or for mandated reporters with pre-approved access, a web portal and e-mail address is available. Contact DFCS for more information or to obtain access to those reporting methods.
  - c. In all other situations, the initial report should be made to the law enforcement agency with jurisdiction where the abuse is believed to have occurred. Reports to law enforcement should be made by calling 911.
  - d. While reports may legally be made to the District Attorney, all such information reported will merely be passed along to the appropriate agency (DFCS or law enforcement) so it is preferred that reports be made directly to those agencies. If a reporter is unable to make a report to such agency for any reason, reports may be made to the District Attorney by calling 706-876-1300. Please note that as of January 1, 2014, the GreenHouse Child Advocacy Center is no longer part of the District Attorney's Office. Reports should not be made to the GreenHouse.
3. INFORMATION TO INCLUDE IN A REPORT – In making a report, it is important to give as much factual information as the reporter can obtain, e.g. names, ages, addresses of the child and their family and everything the reporter knows about the suspected abuse, including any evidence of previous injuries. If the report is made orally, the agency may request that such oral report be followed by a written report including such information.
- D. PENALTIES, LIABILITY & IMMUNITY OF MANDATED REPORTERS – It is recognized that under O.C.G.A. §19-7-5 any mandated reporter who knowingly and willfully fails to report a suspected case of child abuse is guilty of a misdemeanor. Any other person who has reasonable cause to believe abuse has occurred, while not required to report such abuse, may do so and is encouraged to do so in fulfillment of their moral and social responsibility as an individual citizen in this community. Any person or organization that reports a case of child abuse or participates in judicial proceedings resulting from making a report is immune from civil or criminal liability, if the report was made in good faith.
- E. SPECIFIC SITUATIONS – The following local procedures are established to implement the statutorily required reporting requirements with greater specificity as required in certain identified circumstances:

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1. Whitfield County and Dalton Public Schools:

- a. If the disclosure of the abuse occurs or is observed at school, the staff member involved shall notify the principal or designee immediately. The principal or designee shall, immediately, report or cause a report to be made of the abuse to DFCS and/or law enforcement as appropriate and as provided above.
- b. DFCS caseworkers and/or law enforcement representatives will conduct interviews with the child. School personnel shall avoid any investigative interviews prior to or subsequent to the interviews by DFCS and law enforcement. Prior to conducting an interview on school property, DFCS and/or law enforcement shall meet with the school counselor and/or principal to determine if it is appropriate or necessary to invite a school staff member to be present during the interview with the student or to notify the student's parent(s) or guardian(s) prior to the interview.
- c. If and only if directed to do so by DFCS and/or law enforcement, reasonable efforts shall be made by the school officials to notify the parents or guardians of the child prior to the interview

2. Day Care Centers and other Child Care Providers:

- a. If the disclosure of child abuse occurs or is observed at a day care center or other child care provider the same should be reported immediately to DFCS and/or law enforcement as provided above. No attempt should be made to interview or question the child further in connection with the disclosure nor should the child's parents be notified unless such notification is requested by the DFCS or law enforcement investigator.
- b. Once DFCS and/or law enforcement investigators respond, the investigator(s) will determine whether or not it would be appropriate for center staff to be present during any investigative interview with the child, whether that interview should take place at the center and whether and when the child's parent(s) or guardian(s) should be notified.
- c. Center staff should cooperate fully with DFCS and law enforcement to facilitate the investigation.
- d. It is recommended that each child care center notify its children's parents or guardians of the center's policy regarding investigative interviews resulting from child abuse allegations.

3. Medical Professionals:

Doctors and other medical professionals may become aware of suspected abuse through verbal interactions with a child patient, when a parent or

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guardian brings a child in for an examination in reference to disclosed or suspected abuse, or otherwise during the course of providing services to the child or family. In such event, no medical examination should be conducted and any medical examination in progress should be ended. The abuse should be reported to law enforcement by calling 911 and making a report as set forth in section VI-C, above. Law enforcement will determine if further medical examination is appropriate in accordance with section VII-B-3, below and the Conasauga Sexual Assault Response Team (SART) protocol and advise the family accordingly.

4. Magistrate Court:

When Magistrate Court personnel become aware of abuse, either through a civilian warrant application or otherwise, such abuse should be reported as provided in section B above so that the abuse may be properly investigated by DFCS and law enforcement. Except in extraordinary circumstances, no arrest warrant should be issued except by application from a certified peace officer. See section VII-B-5 below concerning warrants and arrest of offenders.

5. Juvenile Court:

- a. If child abuse is disclosed to or comes to the attention of Juvenile Court staff, such staff member, shall immediately report such allegation to the Department of Family and Children Services for immediate investigation, in accordance with section VI-C above.
- b. If child safety is an issue, DFCS will act in accordance with Section VII-A-4 below to and Juvenile Court staff will assist.
- c. The Juvenile Court Intake Officer to whom the abuse is reported, shall contact a Juvenile Court Judge to obtain legal authorization for the child victim to be taken into immediate protective custody if requested by DFCS.
- d. When a child who is alleged to be a dependent child is taken into custody, a preliminary protective hearing shall be held promptly and not later than 72 hours after child is placed in foster care as provided in subsection (a) of Code Section 15-11-145, provided that, if the 72 hour time period expires on a Saturday, Sunday, or legal holiday, the hearing shall be held on the next day which is not a Saturday, Sunday, or legal holiday.
- e. Reasonable notice of the preliminary protective hearing, either oral or written, stating the time, place, and purpose of the hearing, shall be given to the district attorney's office, the child, and, if the child's parents, guardian or other custodian cannot be found, the court shall forthwith, appoint a guardian ad litem. At the commencement of the hearing, the court shall inform the parties of the contents of the complaint, the nature of the proceedings and the parties' due

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process rights including their right to counsel and to appointed counsel if they are indigent persons.

- f. If the child is alleged to be dependent and is not released at the preliminary protective hearing, a petition under Code Section 15-11-150 shall be made by any person who has actual knowledge of the abuse or is informed of the abuse, and shall be presented to the court within five (5) calendar days of the detention hearing. The adjudicatory hearing, which is a formal evidentiary hearing, must be set not later than ten (10) calendar days after the petition is filed.
- g. If deemed appropriate and in the child's best interest by the Juvenile Court Judge, A Court Appointed Special Advocate (CASA) may be assigned if the child is found to be deprived dependent and placed in the temporary legal custody of the Department of Family and Children Services.

## VII. Whitfield County Procedures

### A. INITIAL RESPONSE TO REPORT

#### 1. REPORTS GENERALLY

All reports of child abuse should be taken seriously and investigated appropriately however the specific requirements of this protocol, including joint investigations, forensic interviews, team review, etc. as set forth in this section shall only apply directly to verified disclosures of child sexual abuse or exploitation and to serious physical abuse. Member agencies investigating other types of abuse, if they deem it appropriate on a case-by-case basis, may choose to follow protocol and may request assistance from other member agencies including requests for forensic interviews, team review, or other services but are not required to do so.

#### 2. REPORT RECEIVED BY DFCS

When the Whitfield County Division of Family and Children Services (DFCS) receives a report of child abuse, the Child Protective Service (CPS) worker shall make an assessment to determine if there is reasonable cause to believe such report is true, and whether the report contains any allegation or evidence of serious physical abuse or child sexual abuse.

If so, the CPS worker will contact the appropriate law enforcement agency with jurisdiction where the abuse occurred immediately to request a joint investigation. A copy of the referral will be provided to the law enforcement agency within 24 hours.

#### 3. REPORT RECEIVED BY LAW ENFORCEMENT

When a law enforcement agency receives a report of child abuse, the agency shall make an initial assessment to determine the validity of the

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reported abuse, and whether the report contains any allegation or evidence of serious physical abuse or child sexual abuse.

If so, then the law enforcement agency will contact DFCS to request a joint investigation. A copy of the initial report will be provide to DFCS within 24 hours.

#### 4. ADDITIONAL RESPONSIBILITIES UPON INITIAL REPORT

- a. Regardless of which agency receives the initial report, DFCS shall determine whether and to what extent any immediate action needs to be taken to insure the safety of the child. If so, DFCS shall contact the appropriate law enforcement agency where the child is located and request assistance stabilizing the situation. This may or may not be the same agency which will assist in the joint investigation.
- b. DFCS shall then determine whether to take custody of the child or to develop a safety plan utilizing a safety resource for temporary custody of the child pending further investigation. If DFCS takes custody of the child:
  - i. The DFCS worker shall obtain a verbal or electronic order of removal pursuant to O.C.G.A. §15-11-132 from the Juvenile Court and shall follow up as required by that code section to obtain a written order.
  - ii. DFCS shall identify an emergency foster home or other appropriate emergency placement.
  - iii. DFCS shall insure that a preliminary protective hearing in Juvenile Court will be conducted within 72 hours.
- c. Any law enforcement agency involved in the initial response to a report or in the joint investigation shall determine whether and to what extent any immediate action needs to be taken to insure the safety of the child. If so:
  - i. Appropriate agency personnel shall proceed to the scene if not already on scene in order to stabilize the situation.
  - ii. The agency shall notify DFCS concerning the immediate safety needs of the child if DFCS is not already on scene.
  - iii. If necessary, and if probable cause exists to support such arrest, the alleged offender may be arrested to insure the safety of the child even though in most cases, arrest and prosecution will follow after the investigation and team review of the case (see section B-5 below).

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- iv. In the event of an arrest prior to team review, the District Attorney's Victim/Witness Assistance Office shall be notified as soon as possible so that the offender's case can be appropriately handled through first appearance and initial bond hearing.
- d. If the child's safety demands that the child be taken into immediate custody, the agency shall take custody of the child and immediately notify DFCS and provide all information necessary to support removal of the child. The agency shall turn custody of the child over to DFCS as soon as practical under the circumstances.

## 5. REPORT RECEIVED BY THE DISTRICT ATTORNEY

When the District Attorney's Office receives a report of child abuse, the Office shall as soon as possible forward all information provided in the report to DFCS and to the law enforcement agency with jurisdiction where the abuse occurred and request that the report be assessed and if appropriate, a joint investigation conducted as set forth in sections 1 and 2 above.

## B. INVESTIGATION & PROSECUTION

### 1. JOINT INVESTIGATION

Law Enforcement and DFCS should, whenever possible and appropriate, conduct joint interviews with all relevant witnesses including all outcry and reporting witnesses, custodian(s) of the child, the alleged offender, etc., provided however that child victims and witnesses should not be subjected to multiple interviews but only a single limited investigative interview, if necessary. When the initial disclosure and information provided by the mandated reporter is sufficient to confirm the disclosure of sexual abuse or serious physical abuse, no investigative interview should be conducted. Child witnesses and victims should be referred for forensic interviews at the GreenHouse Child Advocacy Center. See section B-2, below. When joint interviews are not possible, information obtained by one agency during a witness interview should be shared with the other agency or agencies as soon as practical.

The investigating law enforcement agency should collect all relevant evidence including physical evidence from the location(s) where alleged abuse occurred or other relevant locations, photographs of relevant locations and items, 911 recordings, medical records and any and all other relevant evidence and materials. Where required by law, search warrants should be prepared, sworn out and executed in order to obtain such relevant evidence. Where appropriate, physical evidence should be submitted to the Georgia Bureau of Investigations Department of Forensic Sciences (Crime Lab) for further examination.

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## 2. CHILD FORENSIC INTERVIEWS

Subjecting children to multiple interviews by various agencies often results in additional unnecessary trauma to the child. In order to minimize further trauma to the child, a forensic interview should be scheduled at The GreenHouse once a disclosure and initial verification by law enforcement and/or DFCS has occurred.

The GreenHouse will only schedule a forensic interview at the request of law enforcement, the District Attorney's office, or Department of Family and Children Services. The GreenHouse maintains a collaborative partnership with these agencies, but is a standalone, non-investigative, non-government entity.

Member agencies wishing to schedule forensic interviews should contact The GreenHouse by telephone for that purpose. A copy of the initial law enforcement report should be provided to The GreenHouse prior to the start of the forensic interview.

Forensic interviews will be conducted by a forensic interviewer who has received training from a nationally recognized forensic interviewing program. Interviews at The GreenHouse will not be conducted by a detective or investigator who does not have his or her forensic interview training completion certificate on file at The GreenHouse due to accreditation requirements.

All interviews at The GreenHouse will be recorded. Per O.C.G.A. §49-5-40 & 41, copies of the forensic interviews conducted at The GreenHouse will only be released to the agency requesting the interview and to VWAP.

## 3. MEDICAL

When a child has been injured as a result of abuse appropriate medical care should be made available to said child including emergency medical care.

Refer to the Conasauga Sexual Assault Response Team (SART) protocol for procedures to authorize and conduct sexual assault examinations for the collection and preservation of evidence.

## 4. TEAM REVIEW

- a. The Team – Team Review is a meeting of the Multi-Disciplinary Team (MDT) consisting of representatives from law enforcement, child protective services (DFCS), the District Attorney's Office (including VWAP), the GreenHouse, as well as mental health and medical professionals including the Whitfield County Health Department, the school systems, Juvenile Court and others who provide a coordinate response designed to increase the effectiveness of investigations while reducing the stress and risk of

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secondary traumatization to children. The full team will meet monthly at the GreenHouse for the purpose of reviewing cases to ensure that children are receiving proper services and support from all member agencies. A core-subset of the team consisting primarily of law enforcement, DFCS, the District Attorney's Office (including VWAP), the GreenHouse and Juvenile Court will meet monthly at VWAP for the specific purpose of reviewing and assisting the criminal investigation and to make prosecution decisions. Team Review at VWAP includes all sexual abuse and serious physical abuse reports and investigations. The specific individuals representing the various agencies and professions may change as needed on a case by case basis and may include any member of the full team. The balance of this section refers specifically to the Team Review which occurs at VWAP.

- b. Purpose - The Team Review process was established in order to improve investigative outcomes in cases of child abuse, to better coordinate system response and services to child victims and their families, and to reduce the trauma experienced by child victims and their families once abuse is disclosed and reported. Team members collaborate with each other, share information and insights on individual cases, and attempt to reach consensus regarding the investigation and prosecution of criminal charges against the offender as well as the providing of services to the victim and family while keeping the best interest of the child at the forefront.
- c. Scheduling – Generally, the law enforcement agency investigating the case should contact VWAP to add the case to the Team Review schedule once the investigation has proceeded past the initial assessment phase. However any team member may request that a case be considered by the team by calling VWAP. All team members having involvement or information about a specific case should be present and involved in the team review of that case. Team Review should meet at least once per month. Review of cases may take place over multiple team meetings as needed to complete the investigation including any additional investigative work recommended by the Team.
- d. Recommendations – At the conclusion of a Team Review for a specific case, the Team may close the review as Founded, Unfounded or Undetermined. For Founded cases, the Team may recommend criminal prosecution or not depending on the facts and circumstances and the best interests of the child however all decisions regarding prosecution are ultimately up to the District Attorney. Each member agency is likewise ultimately responsible for its own area of operation.
- e. Confidentiality – Deliberations which occur at Team Review including specific statements made by team members should not

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be shared outside the Team except as may be agreed to by the team in advance on a case-by-case basis however this will not prohibit individual team members from discussing cases outside of Team Review as needed to further the investigation, prosecution or to better provide services to the child.

## 5. ARREST

- a. Timing of Arrest - Because of the serious nature of child abuse allegations and the potential for reputational and other harm to individuals accused of but not prosecuted for allegations of child abuse, it is generally preferable that no arrest be made until a case has been to Team Review (see section 4, previous), and the Team has closed the case founded with a recommendation for prosecution. In such cases, the law enforcement agency may swear out an arrest warrant or the case may be presented to a Grand Jury in order to obtain an indictment warrant as appropriate. Exceptions to this general preference include:
  - (1) When an offender confesses to law enforcement concerning the allegations
  - (2) When necessary to insure the safety of the child victim
  - (3) When it appears that the offender may flee the jurisdiction before the completion of the investigations, or
  - (4) When any other circumstances as determined by the investigating law enforcement agency necessitates an earlier arrest.
- b. Probable Cause – Under no circumstances should an alleged offender be placed under arrest or a warrant for arrest sought unless supported by probable cause as determined by the investigating law enforcement agency.
- c. Notification – When an arrest is made the law enforcement agency should notify the District Attorney and the Victim Witness Assistant Program as soon as possible so that the victim’s family may be notified and so that preparations can be made for first appearance and bond hearings. Any information, opinion or judgment that law enforcement has and which would be helpful to the District Attorney or to the Court at a bond or first appearance hearing should be conveyed to the District Attorney.
- d. Bail – Magistrate Court may consider bail and conditions thereof for persons arrested for child abuse except for cases where the maximum penalty is life in prison or a death sentence, or when an accusation or indictment has already been filed in Superior Court, or in cases where the accused has already appeared on the charge

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before a Superior Court Judge. See O.C.G.A. §17-6-1(a) as modified by local rules pursuant to O.C.G.A. §17-6-1(h). Additionally, Magistrate Court should defer consideration of bail to Superior Court when requested to do so by the District Attorney in order to facilitate victim notification and input as required by the Georgia Crime Victim's Bill of Rights, see O.C.G.A. §17-15-1, et. seq.

- e. Juveniles - In child abuse cases involving an allegation of murder, voluntary manslaughter, rape, aggravated sodomy, aggravated child molestation, aggravated sexual battery, and armed robbery if committed with a firearm, and the alleged perpetrator is 13 to 17 years of age, law enforcement should consult with the District Attorney before swearing out an adult warrant pursuant to O.C.G.A. §15-11-560 or seeking a juvenile petition.

## 6. PROSECUTION

- a. The District Attorney shall be available to provide legal advice to law enforcement upon request during the course of the investigation and prior to any arrest.
- b. Upon arrest of a suspect, the District Attorney will make appropriate recommendations concerning bail and conditions thereof at first appearance and bond hearings before Magistrate Court and/or Superior Court as appropriate.
- c. After team review, the District Attorney will make the final determination about prosecution and specific charging decisions and when appropriate, will prepare the appropriate charging document (accusation or indictment). For cases that must be presented to the grand jury, the District Attorney will schedule the case before the grand jury, notify and/or subpoena the appropriate witness(es) to appear before Grand Jury, generally being the lead law enforcement investigator on the case, and present the case to Grand Jury.
- d. The District Attorney will represent the State of Georgia in all criminal proceedings arising out of the case including the negotiation and taking of guilty pleas, bench or jury trials and direct appeals.
- e. The District Attorney will coordinate with the victim advocate(s) involved in the case to make sure that the parents or guardians of the child victim are kept informed and involved in the prosecution process and that their rights under the Georgia Crime Victims Bill of Rights are protected. See Advocacy, below, for more details on the duties of child advocates, both within the District Attorney's Office Victim Witness Assistance Program and when employed by other member agencies.

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## 7. ADVOCACY

- a. Victim advocates from various agencies including the District Attorney's Office, The GreenHouse, and Juvenile Court provide services and support to child victims and non-offending family members in their respective areas of operation. Advocates from different agencies working on the same case should coordinate with one another to best serve the victim and to avoid duplication of effort or confusion arising from overlapping areas of responsibility.
- b. District Attorney's Office – Advocates employed by the District Attorney's Office are on call to respond to the Hospital to meet with the family and/or victim when law enforcement requests a SANE exam be conducted and are present with the victim during the exam if needed. Mandated Crime Victims Bill of Rights information, Crime Victims' Compensation forms, and other court related documents are explained and given to the victim to complete. Once a case goes through Team Review and is referred for prosecution, DA Advocates work with the assistant district attorney assigned to the case to prepare the child and other witnesses for court, prepare Victim Impact Statements, etc. DA Advocates are present with the victim during all stages of the court process.
- c. The GreenHouse – The Child Advocate at The GreenHouse provides support to the victim and family at the time of the forensic interview and afterwards assisting with community resources, therapy referrals, and other services for the non-offending caregiver and family members, including completing required center release of information and video forms and other documents maintained as part of the center's records.
- d. Juvenile Court – A Court Appointed Special Advocate (CASA) may be assigned if the child is found to be dependent and placed in the temporary legal custody of the Department of Family and Children Services by the Juvenile Court Judge.

## C. THERAPY

1. If a treatment referral is indicated, The GreenHouse Child Advocacy Center or other trained child therapists will provide therapy and counseling services. When the victim does not reside in Whitfield or Murray County, The GreenHouse will seek out a provider of Trauma Focused Cognitive Behavioral Therapy located near the victim and non-offending caregiver's residence.
- b. Therapists will be provided with the history of abuse at Team Review along with information about the child's living situation, community, and any court proceedings. Therapists or a designated staff member of The GreenHouse will provide updates regarding therapeutic progress of the victim and, when applicable, his or her non-offending caregiver(s).

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## VIII. Child Death Investigations

- A. The chairperson of the Child Abuse Protocol Committee shall establish a subcommittee composed of members of the committee to include, but not limited to, the county coroner or medical examiner, district attorney or designee, department of family and children's services representative, juvenile court representative, county board of health representative, and other members as deemed necessary to serve as the Child Fatality Review Subcommittee.
- B. When a medical examiner files a report regarding the death of any child with the director of the division of forensic services of the Georgia Bureau of Investigation pursuant to Code Section 45-16-24, that medical examiner simultaneously shall transmit a copy of that report to the committee of the county in which such child resided at the time of death.
- C. When the committee receives a report regarding the death of any child, the chairperson of the committee shall assign that report to the Child Fatality Review Subcommittee. The Subcommittee shall meet and review the report within 10 days after receipt and conduct its own investigation. Within 20 working days of the initial meeting, the subcommittee shall investigate and prepare a report stating:
  - 1. The circumstances leading up to death and cause, of death;
  - 2. Detail any agency involvement prior to death, including the beginning and ending dates and kinds of services delivered, the reasons for initial agency activity, and the reasons for any termination of agency activities;
  - 3. Whether any agency services had been delivered to the family or child prior to the circumstances leading to the child's death;
  - 4. Whether court intervention had ever been sought;
  - 5. Conclude whether services or agency activities delivered prior to death were appropriate and whether the child's death could have been prevented; and
  - 6. Make recommendations for possible prevention of future deaths of similar incidents for children who are at risk for such deaths.
- D. Within 15 days following the completion of its report, the subcommittee shall transmit a copy to the Department of Human Resources, and the Statewide Child Abuse Prevention Panel.
- E. The subcommittee shall also transmit a copy of its report, within 15 days following its completion, to the Conasauga District Attorney, if the report concluded that the child died as a result of:
  - 1. Sudden Infant Death Syndrome when no autopsy was performed to confirm the diagnosis;

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2. Accidental death when it appears that the death could have been prevented through intervention or supervision;
  3. Any sexually transmitted disease;
  4. Medical causes which could have been prevented through intervention by an agency or by seeking medical treatment;
  5. Suicide of a child in custody or known to the Department of Human Resources or when the finding of suicide is suspicious;
  6. Suspected or confirmed child abuse;
  7. Trauma to the head or body; or
  8. Homicide.
- F. The subcommittee shall issue an annual report by July 1, 1994 and in each year thereafter, specifying the number of reports received and the number of reports prepared, within the previous 12 months. The annual report shall be published at least once in the legal organ of the county, with the expenses paid by the county. A copy of the annual report shall be transmitted to the judiciary committees of the House and Senate by July 15, 1994, and in each year thereafter.

IX. **Conclusion**

- A. This document reflects a cooperative effort on the part of Dalton and Whitfield County social services, mental health, education, and criminal justice organizations to improve and refine their handling of abused and neglected children in Whitfield County.
- B. The undersigned agency, departmental, and judicial representatives commit themselves and their organizations to the implementation of the procedures as outlined in this protocol. It is understood that the adoption of this protocol is one step of a continuing process of cooperation and coordination to facilitate the effective handling of child abuse cases in Whitfield County in such a way as to minimize trauma to the child and obtain effective remedies to prevent further abuse and neglect.
- C. In order to ensure that written protocol procedures are followed, the signatories to this protocol are committed to continuing as an interagency task force to monitor compliance. The task force will identify critical issues, needs, and resources required to facilitate and enhance the handling of child abuse in Whitfield County.

*This policy supersedes any policies previously issued.*

**BY ORDER OF**

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**CHIEF OF POLICE**

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## APPENDIX A

### COMMUNITY RESOURCES

- A. Whitfield County Division of Family and Children Services (706-272-2834)
  - 1. AFDC
  - 2. Food Stamps
  - 3. Medicaid
  - 4. Child Care
  - 5. Child Protective Services
  - 6. Foster Care
  - 7. Placement / Adoption
  - 8. Pup Services
  - 9. Referral Service
  
- B. Dalton Public Schools (706-272-8766) and Whitfield County Schools (706-278-8070)
  - 1. Kids on the Block
  - 2. Classroom Guidance
  - 3. Mandated reporter training for employees. Re: Child Abuse Reporting
  - 4. School / Family Outreach
  - 5. Teen Maze
  - 6. Darkness to Light – Stewards of Children
  - 7. Positive Behavior Interventions & Support (PBIS)
  - 8. Olweus Bullying Prevention Program
  
- C. Whitfield County Health Department (706-279-9600)
  - 1. Children's Clinic (706-226-2621)
  - 2. Medical Access Clinic (706-226-5446)
  - 3. Living Bridge (706-281-2360)
  - 4. Medbank (706-281-2289)
  - 5. Women's Clinic (706-281-2259)
  - 6. Dental Clinic (706-281-2206)
  - 7. WIC (706-281-2383)
  
- D. Family Support Council (706-272-7919)

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1. First Steps
  2. Kids on the Block
  3. Parents as Teachers Home Visitation
  4. CASA
  5. Nurturing Program
  6. Healthy Families Home Visitation
  7. Camp A.I.M. (Adventures in Me)
  8. Parent Education
  9. Oak Haven Second Chance Group Home
  10. Darkness to Light – Stewards of Children Training
  11. Child Abuse Prevention Training
  12. Cooperative Parenting and Divorce
  13. Grandparents Raising Grandchildren
  14. Mandated Reporter Training
- E. Highlands Rivers Mental Health Center (706-270-5005)
1. Adults, Children and Adolescents Mental Health, Substance Abuse, Intensive Substance Abuse Services (1-800-729-5700)
  2. Crisis Stabilization Treatment Services (706-270-5107)
- F. Group Homes
1. Oak Haven Second Chance Group Home (see D-9 above under Family Support Council)
  2. Georgia Sheriff's Cherokee Estates (706-259-8561)
  3. Northwest Georgia Girl's Group Home (706-226-4862)
  4. Mercy's Door Group Home (706-277-4883) (males and females)
- G. NorthStar Educational & Therapeutic Services (706-271-2684)
- H. Whitfield Parent and Child Center, Inc. (706-278-9515)
- I. Conasauga Circuit DA's Victim / Witness Assistance Program (706-876-1322)
1. Short Term Crisis Counseling
  2. Prosecution Based Court Advocates
  3. Referrals Re: Long Term Counseling
  4. Court Preparation / Victim Impact Statements

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5. Victim Compensation / Restitution
  6. Parole Updates / Liaison
  7. Child Abuse Multidisciplinary Team Review
  8. Domestic Violence Unit & DV Court (706-876-1311)
  9. Sexual Assault Response Team (706-280-5229)
  10. U-Visa I-918 Certifications
- J. Friendship House, Inc. Daycare (706-278-8012)
- K. Whitfield / Dalton Daycare Center (706-278-8991)
- L. Northwest Georgia Family Crisis Center (706-278-5586)
- M. Whitfield County Sheriff's Office (706-278-1233)
1. DARE Program
  2. Neighborhood Watch
- N. Whitfield County Juvenile Court (706-278-6558)
1. Probation Services
  2. Intake Services
  3. Local Interagency Planning Team
- O. Children / Youth Clubs, Agencies, Groups
1. 4-H Clubs ( 706-278-8207)
  2. Big Brothers / Big Sisters (706-278-0702)
  3. Boy Scouts of America ( 706-235-5545)
  4. Girl Scouts – Northwest Georgia (706-226-1435)
  5. Boys and Girls Club of Northwest Georgia
- P. Department of Juvenile Justice (706-272-2343)
1. Regional Youth Detention Center (706-272-2309)
- Q. United Way Resource Line (706-226-4357)
- R. Child Support Recovery Unit (706-272-2326)
- S. Dalton Police Department

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1. Explorer Program
  2. DUI Awareness
  3. Teen Maze
  4. Pedestrian Safety – Kids Who Walk to School
- T. Head-Start – Whitfield County and Dalton City – Family Resource Agency (706-419-7026)
- U. The GreenHouse, Child Advocacy and Sexual Assault Center (706-278-4769)
1. Forensic Interviews (Referrals from Law Enforcement, DFCS, DA only)
  2. Therapy
  3. Advocacy
- V. Hamilton Medical Center (706-272-6000)
1. SANE Sexual Assault Exams
- W. Georgia HOPE – Child Services (706-279-0405)

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