

**Albemarle County, City of Charlottesville &
University of Virginia**

Sexual Assault Response Team (SART)

Standards of Practice/Protocol



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January 2018

The establishment of a coordinated, multidisciplinary response to criminal sexual assault is mandated by Section 15.2-1627.4 of the Code of Virginia (2016). This section requires that the attorney for the Commonwealth shall coordinate the establishment of a Sexual Assault Response Team (SART). Specifically, Section 15.2-1627.4 requires:

The attorney for the Commonwealth in each political subdivision in the Commonwealth shall coordinate the establishment of a multidisciplinary response to criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, and hold a meeting, at least annually, to: (i) discuss implementation of protocols and policies for sexual assault response teams consistent with those established by the Department of Criminal Justice Services pursuant to subdivision 37 d of § 9.1-102; and (ii) establish and review guidelines for the community's response, including the collection, preservation, and secure storage of evidence from Physical Evidence Recovery Kit examinations consistent with § 19.2-165.1. The following persons or their designees shall be invited to participate in the annual meeting: the attorney for the Commonwealth; the sheriff; the director of the local sexual assault crisis center providing services in the jurisdiction, if any; the chief of each police department and the chief of each campus police department of any institution of higher education in the jurisdiction, if any; a forensic nurse examiner or other health care provider who performs Physical Evidence Recovery Kit examinations in the jurisdiction, if any; the Title IX coordinator of any institution of higher education in the jurisdiction, if any; representatives from the offices of student affairs, human resources, and counseling services of any institution of higher education in the jurisdiction, if any; a representative of campus security of any institution of higher education in the jurisdiction that has not established a campus police department, if any; and the director of the victim/witness program in the jurisdiction, if any.

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Mission Statement

The mission of the Albemarle County, City of Charlottesville and University of Virginia SART is to provide survivors of a sexual assault with a competent, consistent, sensitive, and victim-centered multidisciplinary response.

SART Structure: Roles & Responsibilities of Team Members

- Forensic Nurse Examiner
- Area Law Enforcement Officers
- Local Sexual Assault Crisis Center Advocates
- Victim/Witness Advocates
- Commonwealth's Attorneys
- University of Virginia Title IX Office

Forensic Nurse Examiner/Sexual Assault Nurse Examiner (FNE/SANE)

Role

The role of the forensic nurse includes three broad areas: to 1) provide thorough, competent, and compassionate care to patients who have experienced violence; 2) collect evidence and document findings from victims (with the victim's consent) and perpetrators (when requested by the police) in a manner that allows for the use of the evidence and findings in the investigation and adjudication of a criminal case, and 3) testify about the facts of the case as an expert. Forensic nurse examiners provide high-quality, patient-centered care while remaining as objective as possible. Consistent with the Nursing Code of Ethics, the forensic nurse will serve as patient advocate while providing care within the health system. They are not, however, victim advocates outside of the healthcare context. Patient advocacy is part of the nurse's role in all patient care situations, and will not compromise the nurse's ability to provide objective testimony. With the permission of the patient, it is appropriate and encouraged for the sexual assault advocate to be in the examination room to provide emotional support for the patient.

Responsibilities

Standardized Medical Treatment

Health care professionals will provide every victim of sexual assault thorough, compassionate and objective services.

The opportunity to undergo a sexual assault medical forensic examination will be offered to all victims who disclose a sexual assault within 5 days of when the incident occurred. Whenever possible, the examination will be completed by individuals who have specialized training in the examination of victims of sexual assault. Victims who present more than 5 days after the assault will not routinely undergo a sexual assault medical forensic examination.

Victims who present at a medical facility more than 5 days after the assault occurred and/or victims who present within 5 days but decline a sexual assault medical forensic examination must be evaluated and treated for any medical needs. These victims will be advised that they are still entitled to sexual assault advocacy services and law enforcement intervention.

All hospitals and law enforcement agencies shall provide sexual assault victims with information about the local designated sexual assault crisis center, regardless of when or where the incident occurred, or whether or not the victim has reported the incident to police. Additionally, these agencies must afford the victim the opportunity to contact the sexual assault crisis center and to have a sexual assault advocate, and, if desired by the victim and possible, present during any medical treatment or law enforcement interview.

When the Forensic Nurse Examiner is activated, the sexual assault crisis center advocate will be contacted. The sexual assault advocate will explain the advocate's role and the services of the sexual assault crisis center.

Every victim of sexual assault has the right to consent or decline a sexual assault medical forensic examination. The victim has the right to refuse any portion of the exam. No sexual assault medical forensic examination will be performed without the consent of the victim, regardless of the wishes of the victim's parents, guardian, or spouse. The FNE or other health care provider who is examining and providing care for a victim of sexual assault is responsible for obtaining appropriate written consents and continually validating verbal consent with the victim throughout the examination and evidence collection process.

In the situation where the victim is unable to consent due to temporary mental incapacity, usually no medical forensic examination will be done until the victim is able to personally consent to the exam. In exigent circumstances, however, the examination may take place so that evidence will not be lost. A capacity reviewer (typically an attending physician) will document the patient's lack of capacity and the need for the exam, per Va. Code § 54.1-2970.1. *Individual incapable of making informed decision; procedure for physical evidence recovery kit examination.* Such examinations will be handled as anonymous. In cases where the victim is unable to consent due to permanent mental incapacity, the consent of the victim's medical proxy will be obtained prior to the initiation of the examination. For purposes of this document, "medical proxy" refers to the individual designated by the patient or recognized by the health care facility as able to consent to care for that patient.

All victims of sexual assault will have the opportunity to discuss their medical condition, treatment options and medical referral plan privately with the FNE or other health care provider before or during the course of treatment.

The FNE or other health care provider is responsible for documenting information pertaining to the victim's complaint of sexual assault, obtaining a pertinent health history, performing the sexual assault medical forensic examination, ensuring that necessary medical treatment is provided, providing patient education, and making all necessary referrals for follow-up care. All victims receive information about prophylaxis for sexually transmitted infections in accordance with the latest protocol from the Centers for Disease Control and Prevention. All appropriate prophylaxis is offered at the time of the examination. In the case that post-exposure prophylaxis for HIV is warranted and desired every attempt will be made to provide the patient with at least a 5 day supply of medication upon discharge and as well as assistance with obtaining appropriate follow-up care. Emergency contraception, if appropriate, will also be offered and provided at the time of the examination, if desired.

At the conclusion of the sexual assault 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.

The FNE or other health care provider and/or advocate will ensure the patient has a safe place to go and means to get there safely.

Sexual Assault Forensic Evidence Kits

The local police departments will provide the Virginia Victim Physical Evidence Recovery Kits (PERK) and Examination Forms to every emergency healthcare facility. Kits will be kept on-site and may only be used for sexual assault medical forensic examinations.

Every sexual assault medical forensic examination should be completed using the Virginia Victim PERK and Examination Form, regardless of the jurisdiction in which the crime is reported to have occurred. The kit is also used in cases when the victim does not wish to report to law enforcement, but wishes to have her/his evidence collected.

The healthcare provider conducting the examination will make the determination as to which items of evidence should be collected in each case, based upon the history and circumstances of the incident as reported by the victim.

In anonymous reporting cases, when the victim elects not to report the sexual assault to a law-enforcement agency at the time of the examination, the healthcare provider shall inform the victim that the PERK shall be forwarded to the Division of Consolidated Laboratory Services of the Virginia Department of General Services (Division) for storage as an anonymous kit. The healthcare provider shall inform the victim of the length of time the anonymous kit will be stored by the Division, a minimum of 2 years, and how the victim can have the anonymous kit released to a law-enforcement agency at a later date. The healthcare provider shall forward the anonymous physical recovery kit to the Division in accordance with Division-established policies and procedures.

In all other cases, a healthcare provider shall notify the appropriate law enforcement agency that a kit has been collected from a victim of a sexual assault who has elected to report the offense, and the law-enforcement agency, after receiving such notice, shall collect and take possession of the kit.

Examination Facilities

Each participating facility will employ measures to ensure the safety and security of all forensic equipment used as part of the sexual assault medical forensic examination. This forensic equipment may only be used by a FNE who is conducting a medical forensic examination as part of the SART. The forensic records will be stored in the victim's medical record.

A victim who is seen at a participating facility will not be charged any fee for services that are directly associated with the sexual assault medical forensic examination. These services include: routine medical screening, medications for prophylaxis of some sexually transmitted infections, pregnancy tests and emergency contraception, supplies, equipment, and use of space. Pursuant to Federal law and to the policies of the Crime Injuries Compensation Fund (CICF)¹, certain types of federal insurance may be charged prior to billing CICF.

Victims requiring emergency health care services beyond the scope of the forensic examination will be charged according to hospital policy for any services provided. Victims will be informed of CICF services.

¹ Also known as the Virginia Victims Fund.

Area Law Enforcement Officers

Albemarle County, City of Charlottesville & University of Virginia Police

Role

The law enforcement officer's role is to protect and serve the public, identify and apprehend perpetrators, investigate crimes, recognize, collect and preserve evidence, and prepare investigative reports. Criminal complaints are reviewed by the local magistrate's office and/or Commonwealth's Attorney's office to determine whether criminal charges should be filed and the method of placing charges, either through warrants or direct indictments.

Law enforcement officers evaluate sexual assault cases in the context of criminal and procedural statutes contained in the Code of Virginia. Virginia and federal case law are also considered when investigating and preparing a case. Their objective is to obtain a factual history, identify the perpetrator, collect and preserve evidence, and prepare a case of possible prosecution.²

Responsibilities

Charlottesville – Albemarle County – University of Virginia Police Departments

The First Responding Law Enforcement

Responding to an area within the city or county or a medical facility

1. Meet with the reported victim and provide support, safety and scene security.
2. Assess the victim for medical needs and any other immediate needs.
3. Using the trauma-informed reference guide, the officer will conduct a brief initial interview to determine if a crime has been committed. In addition, the officer will attempt to identify the location of the crime, potential suspects, and witnesses.
4. The officer should refrain from making comments related to the potential prosecution of the case that may tend to discourage a victim from reporting the crime or cooperate with the investigation.
5. If a sexual assault has occurred and the victim is going to the emergency department or police station to report, the officer will notify the on-duty supervisor. The on-duty supervisor will notify the investigations supervisor to determine law enforcement response.
6. If requested, provide transportation for the victim to the University of Virginia hospital, for a physical examination and or any medical treatment necessary.

² Virginia Department of Criminal Justice Services, *Sexual Assault Response Teams (SART): A Model Protocol for Virginia, 2011, page 13*

7. If possible, meet with the FNE and SARA Advocate prior to any physical examination of the victim and provide a brief overview of the incident, if investigator is not available.
8. The officer will not remain in the room during the physical examination.
9. The officer will brief the responding on-call investigator of all information obtained during the investigation.
10. If an investigator does not respond to the incident, the officer will describe the procedure of a criminal investigation and ensure that the victim is provided with the appropriate victim rights information in accordance with the officer's respective departmental policy and/or procedures.

The Responding Investigator

1. Investigator will be briefed by the appropriate law enforcement officer, or on-duty supervisor.
2. With reference to the trauma informed reference guide, inform the victim of the need to ask direct and detailed questions concerning the incident; inform the victim of the investigative procedures, to include the need to collect physical evidence, arranging a prompt interview, the retrieval of relevant articles, objects, clothing, etc.
3. The investigator/detective will tell the victim of their right to have an advocate or other support person with them during the interview. In instances of a delayed report not initiated at the hospital, investigators will offer the services of an advocate when they contact the victim to set up an initial interview.
4. When the sexual assault examination begins, the investigator will not remain in the examination room. When the examination is completed, the FNE or other medical personnel will contact ECC and a law enforcement officer will return to collect any evidence from them.
5. The investigator will obtain a briefing from the FNE or other medical personnel concerning the results of the physical examination.
6. Evaluate the evidence and submit it to the Department of Forensic Science.
7. Provide the victim with contact information of the department and the investigating officer. If an officer has not done so already, the investigator will ensure that the victim is provided with the appropriate victim rights information in accordance with the investigator's respective departmental policy and/or procedures.
8. The Detective should maintain contact with the victim, victim's advocate, and Victim/Witness throughout the investigation.

9. Assist and consult with the Commonwealth's Attorney's Office as needed.

Law Enforcement Role in Collection of Evidence from a Crime.

1. Note any evidence of alcohol and/or drug consumption whenever a sexual assault is suspected.
2. In the event a suspect is identified and evidence collection is needed, evidence technician may be contacted to collect such evidence. Evidence collection may be conducted via consent by the suspect or by a search warrant obtained by law enforcement. In the event that an evidence technician is not available to perform a suspect exam, the involved law enforcement personnel will conduct the exam and collect physical evidence.
3. Law Enforcement will not ask the victim to submit to a polygraph test.

Law Enforcement's Role with Reluctant Victims

A victim may want to make law enforcement aware of the assault, but not cooperate with an investigation. In the event a victim refuses to cooperate with an investigation or requests that no investigation to take place, law enforcement personnel should refer the victim to SARA to discuss their options. SARA will offer support, information, and other services, including local, state and national referrals.

The victim should be encouraged to seek medical attention at a health care facility. The officer should explain that there might be a need for treatment of injuries, sexually transmitted diseases or possible pregnancy.

Law enforcement may pursue a written waiver of prosecution or written request to stop the investigation from the victim in the event the victim chooses to no longer pursue the matter criminally. Law enforcement should however note in the written report or investigative report the reason(s) the victim elected not to cooperate or have the incident investigated.

Law Enforcement's Role with Storing Evidence

1. All law enforcement agencies have agreed to store evidence, including PERK, for a minimum of 120 days in the event a victim has not made a determination whether or not they choose to pursue the matter criminally.
2. After the 120 day period, the evidence may be destroyed, but the decision to destroy such evidence will be left to the individual law enforcement agency.
3. An anonymous or blind PERK will be handled by the medical facility in accordance with state law. See Va. Code §19.2-116.

Sexual Assault Resource Agency Advocate

Role

The role of the Sexual Assault Resource Agency, (SARA) Advocate is to provide support from first contact until deemed necessary. The SARA Advocate's sole purpose is to provide support to the survivor and is not contingent upon an active criminal case. During health care exams, police interviews, and court accompaniments, it is imperative that the SARA Advocate stay strictly within the role of providing support to the survivor, as any further involvement could have a negative impact on the investigation/legal process.

Responsibilities

The SARA Advocate will:

1. Immediately respond to University of Virginia Hospital, Elson Student Health Center, or law enforcement agency to provide accompaniment when the FNE calls the Google voice number of the on-call advocate.
2. Provide emotional support and crisis intervention services at the hospital, law enforcement agency, SARA office, or other designated site to survivors, family members and friends.
3. The SARA Advocate will stay strictly within the role of providing support to the survivors.
4. Communicate with Victim/Witness Advocates to ensure seamless support to the survivor if the survivor reported.
5. When appropriate, the advocate will provide information about:
 - Reporting to law enforcement
 - Health care consideration
 - Victim/Witness services
 - CICF
 - Other community services as needed
 - Other services offered by SARA

If survivor declines services from SARA Advocate, the advocate will:

1. Ensure the survivor receives brochures and information about SARA services and the phone number for the survivor to follow up if they choose to do so.
2. Check in with the forensic nurse/law enforcement before departing.

SARA Advocate Safety Policy

It is the SARA policy that if anytime a SARA Advocate accompanies a survivor to the hospital, police station, or any other accompaniment situation; if the survivor becomes suicidal, homicidal, or violent; or if the SARA Advocate feels unsafe for any reason, the advocate is to alert the appropriate individuals that additional help is needed, and the SARA Advocate is to remove her/himself from the situation immediately.

SARA Advocate Inclement Weather Policy

Based on the decision of the Executive Director, SARA will not require a staff advocate to respond to a SART intervention if the staff advocate feels it is unsafe to travel. In lieu of face to face advocacy, the staff advocate will speak to the victim on the phone if possible, and provide support services and information as required. If activated by the FNE or law enforcement, the SARA Advocate will immediately return the call and communicate that travel is not possible.

Victim/Witness Advocates Albemarle County/City of Charlottesville/University of Virginia

Role

The role of the Victim/Witness Advocate is to provide advocacy and support to the victim/survivor throughout the criminal justice process. Victim/Witness Advocates and SARA Advocates coordinate their services to create a more comprehensive response.

Responsibilities

Victim/Witness offers the following services to victims/survivors of sexual assault:

- Assists in navigating the criminal justice system through education, orientation to the courtroom and court procedures, and accompaniment to meetings with the Commonwealth's Attorney and/or law enforcement
- Assists with petitioning for a protective order if appropriate
- Facilitates the application process to the CICF/Virginia Victims Fund to help pay for medical and counseling expenses when needed
- Coordinates the gathering of any restitution information if applicable
- Assists victims in completing Victim Impact Statements
- Facilitates notification of the victim when the offender is released from jail or prison
- Informs the victim of the offender's bond and any bond conditions
- Communicates with and makes referrals to other service providers as needed to assure best practices are occurring
- Participates in SART meetings

In the event of a reported sexual assault, Victim/Witness staff may be called by the police to respond to the hospital, police department or other location. Victim/Witness staff are present to offer emotional support, general information about the investigative process, an explanation of options regarding possible follow up by the police and/or prosecution, safety planning, and referrals to appropriate resources, most specifically to SARA.

With the victim's consent, Victim/Witness staff may accompany the victim to any interviews or meetings with investigators. Victim/Witness will provide the victim with information regarding any court proceedings and, with the victim's consent, will accompany the victim to any meetings with prosecutors.

In the event that a sexual assault is reported, but Victim/Witness is not asked to respond at the time of the report, staff will obtain information about the assault and the victim's information through a daily review of police reports and/or communication with police personnel. Victim/Witness will follow up by contacting SARA and will then provide services as noted above.

If Victim/Witness is the first member of the SART to be made aware of a sexual assault and the victim does not wish to report the incident to police, Victim/Witness staff will provide appropriate referrals (including referral for timely health care attention such as sexually transmitted infection prophylaxis and emergency contraception if within 5 days of the assault) referral to SARA, and other referrals as indicated), and an explanation of options to the victim. Additionally, if a victim decides to file a report with the police, Victim/Witness will notify the Investigations supervisor and/or the on-duty shift supervisor as well as SARA.

Commonwealth's Attorney: City of Charlottesville and County of Albemarle

Role

The role of the Commonwealth's Attorney's Office is to enhance criminal accountability for sexual assaults, and prosecute felony cases and, when appropriate, misdemeanor cases.

Responsibilities

- Convene a meeting, at least twice per year, to discuss implementation, review, and refinement of SART Protocols.
- Refer survivors, family members, and friends to SARA for crisis intervention, advocacy, and therapy services, as appropriate.
- Refer survivors, family members, and friends to the Victim/Witness Program for information about victims' rights, assistance with filing for victim's compensation, education regarding options and processes, and to provide court accompaniment throughout the criminal justice system, as appropriate;
- Make available at all times an attorney to consult, advise, and liaise with SART partners;
- Ensure that an attorney is available to the University of Virginia for consultation at all times, upon request. Principal topic areas for consultation include, but are not limited to, whether the reported behavior is a criminal offense; whether the behavior, if criminal, constitutes a felony or a misdemeanor; and, if criminal, the degree to which the reported behavior presents a significant and articulable threat to the health or safety of a student or to any other member of the community;
- Provide educational outreach and training on prevention and all reporting options, including to law enforcement and the University of Virginia, for sexual assault and other forms of sexual and gender-based violence throughout the community;
- Allow a sexual assault advocate, unless declined by the survivor, to be present during interviews by law enforcement. Advise the victim of his/ her right to have a support person and advocate present during interviews and in court;
- Ensure adult sexual assault cases will be assigned to one prosecutor for vertical prosecution in order to reduce trauma to the victim. The prosecutor will provide the victim with a business card and the preferred time and method of contact. The prosecutor is responsible for responding to victim inquiries as soon as possible;
- The prosecutor will advise the victim of his/ her rights regarding HIV/ hepatitis B or C testing of the defendant;
- During the pendency of a case, prosecutors will keep victims and witnesses apprised of the progress of the case, and the dates and results of critical hearings. Prosecutors will discourage unnecessary or frivolous continuances. If a continuance motion is granted, the

prosecutor will explain the reason for the continuance, and seek mutually agreeable dates for hearings that are rescheduled. In addition, prosecutors will arrange for interpreting services for victims and witnesses when necessary;

- The Commonwealth's Attorney will bring to the attention of the court the views of the victim on bail decisions, continuances, plea bargains, dismissals, sentencing, and restitution. The victim will also be informed of the status of the case including any charging decisions, the reduction of charges, plea offers, dismissal, or other possible case dispositions. The prosecutor will coordinate with the investigator the prompt return of the victim's property if it is no longer needed as evidence;
- In order to prepare the victim for court, the Commonwealth's Attorney should also discuss the case with the SARA advocate (if involved) prior to the trial date; and
- The Commonwealth's Attorney's Office agrees to use FNEs as witnesses during criminal trials;

Crime Victim's Bill of Rights Affirmation

1. The victim cooperates in the judicial process by appearing for and participating in interviews and court hearings.
2. The victim will be given information that will contribute to the prosecution of the perpetrator.
3. Access to information facilitates the cooperation of the victim.
4. The Commonwealth's Attorney's office provides:
 - Orientation information about the criminal justice system and the victim's role
 - Notification of any change in the case status and the final disposition of the case
 - Information on responses to witness intimidation
 - Information about available Victim/Witness services to meet victim needs resulting from the crime and referral to other agencies, where appropriate
 - Advanced notice of court hearings including arraignment, disposition hearings, preliminary hearing, trial and sentencing
 - Advanced notice that the victim's attendance in court will not be needed
 - Information about restitution and other forms of recovery and assistance
 - A waiting area separate from the defendant for use during court proceedings
 - Information about directions, parking, courthouse and courtroom locations, transportation assistance and witness fees
 - Assistance for victims and witnesses in meeting special needs, such as child care and transportation when required to make court appearances
 - Assistance in making travel and lodging arrangements for out-of-state victims
 - Information to victims about their legal right to make a statement about the impact of the crime for inclusion in the pre-sentence report or at the time of parole consideration, if applicable

- Notification to victims of the right to make an in-person statement, at the time of sentencing, directly to the sentencing court, concerning the impact of the crime

University of Virginia Title IX Office

In furtherance of the commitments in the University of Virginia section of the October 4, 2016 SART MOU (set forth below), the University agrees to implement the following associated operating procedures:

1. Expedited Review Action Steps:

University receives report through UPD or Office of the Dean of Students (ODOS) of a report of a sexual act or gender-based violence that occurred within the last 72 hours



UPD/ODOS immediately contact the Clery Compliance Coordinator (CCC) or designee who convenes the Expedited Evaluation Panel (including Title IX Coordinator)



As permitted by law, UPD notifies the designated law enforcement officer(s) for the City of Charlottesville or County of Albemarle (as soon as possible but within the first 24 hours). Contact information for the designated officers (name/email/phone) will be provided to UPD and kept current.

2. Temporary Pause in University Title IX Investigation

Upon receipt of an email from a designated law enforcement officer for the City of Charlottesville and/or County of Albemarle to the University's Title IX Coordinator at titleixcoordinator@virginia.edu requesting to pause a Title IX investigation, the University will confirm acknowledgment of the request and temporarily pause any investigation until law enforcement has completed its initial fact-finding.

3. Timely Warning Consultation

As needed, the CCC or designee will contact the designated law enforcement officer of the law enforcement agency responsible for investigating a criminal incident regarding the continuing danger to the community, if any, and any concerns that including specific information in a timely warning may compromise law enforcement efforts.³ Contact information for the designated officer(s) (name/email/phone) will be provided to the CCC and kept current.

From the Final SART MOU, effective October 4, 2016:

The University of Virginia agrees to:

³ This consultation “does not mean that in the event of a serious or continuing threat to [UVA’s] students or employees, [the CCC] should decide not to issue a timely warning. It means that the institution should consider the potential impact on various law enforcement operations as it issues these warnings.” THE HANDBOOK FOR CAMPUS SAFETY AND SECURITY REPORTING, U.S. Dep’t of Educ. 6-14 (June 2016) *available at* <https://www2.ed.gov/admins/lead/safety/handbook.pdf>.

Prohibit acts of sexual or gender-based violence and other forms of Prohibited Conduct as defined by University policy;

Contact the designated law enforcement officer[s] for the City of Charlottesville or County of

Albemarle on an expedited basis (as soon as possible but within the first 24 hours) after receipt of a report alleging that an act of sexual or gender-based violence occurred within the last 72 hours in those jurisdictions and provide as much information as possible during this initial contact to the extent permitted by law;

In administering its legal responsibilities under the Clery Act, the responsible University personnel agree to consult, as needed, with the designated law enforcement officer of the law enforcement agency responsible for investigating a criminal incident concerning the continuing danger to the community, if any, and the potential negative impact on law enforcement efforts;

Assemble a review committee, consisting of at least three persons, including the Title IX Coordinator or designee, an officer of the University Police Department, and a Student Affairs representative, within 72 hours of receiving a report of an act of sexual violence, to determine: (a) whether there is a significant and articulable threat to the health or safety of a student or to any other member of the community; and (b) whether the alleged act of sexual violence constitutes a felony violation as defined by Virginia Code. In making the foregoing decisions, the review committee will consult, as needed, with the on-call Commonwealth's Attorney and appropriate law enforcement representatives without disclosing personally identifiable information;

Immediately disclose all available information (including the names of the parties, any witnesses, and/or any other third parties with knowledge of the reported incident) to the law enforcement agency responsible for investigating the alleged act of sexual violence, when a review committee determines that there is a significant and articulable threat to the health or safety of a student or to any other member of the community;

Immediately disclose information to the appropriate Commonwealth's Attorney when the review committee determines that the alleged act of sexual violence constitutes a sex-based felony violation as defined by Virginia Code, Article 7 (§18.2-61 et seq.) of Chapter 4 of title 18.2 of the Code of Virginia. (Such disclosure will exclude the names and any other information that identifies the parties, any witnesses, and/or any other third parties with knowledge of the reported incident, unless this information was disclosed to law enforcement under the health and safety exception outlined above, in which case, the same (non-redacted) information will be disclosed to the Commonwealth's Attorney);

In cases where there is a report to a law enforcement agency, to the extent permitted by law, temporarily pause a University investigation to allow for law enforcement to complete its initial fact-finding and, where possible, communicate and cooperate with the law enforcement agency during the initial evidence gathering phase of the investigatory process;

Encourage survivors to seek immediate medical attention following an incident of sexual assault or exploitation, emphasizing the time sensitivity and potential benefits of a FNE examination;

Train employees about their reporting obligations under federal and state law;

Support survivors in understanding any and all reporting options and strongly encourage that they immediately report any sexual or gender-based violence to the applicable law enforcement agency and offer and provide assistance to survivors seeking to connect with the applicable law enforcement agency;

- Work with SART partners to educate the University community, including students, faculty, and staff, about Prohibited Conduct;
- Ensure billing procedures for forensic exams are compliant with CICF policies; and
- Continue to strengthen relations among University and community agencies for the common goals of eliminating and preventing all sexual assault and sexual and gender-based violence.

Flow Charts will be added at a later time. These are not needed for approval of the MOU.

Policies

Conflict Resolution Policy

An effective SART requires communication, trust, and respect between team members and team member agencies. Conflict, which is a natural and healthy part of the team work dynamic, can lead to new ideas and positive change. If a conflict is handled inappropriately, it can dismantle the team and ultimately have a negative impact on the victim-centered mission of the SART. In the event a conflict arises during a SART intervention, the following guidelines are to be followed:

Responsibility of SART Agency Liaisons

The SART Agency Liaisons are the individuals who consistently represent their respective organization at the SART Meetings and who serve as the primary contact for their organization regarding all SART matters. These individuals are tasked with maintaining open and respectful communication between team agencies at all times.

While addressing a conflict, each team member responding to a SART intervention is professionally responsible for:

1. Maintaining focus on what is best for the victim per the SART Mission statement
2. Maintaining personal versus professional boundaries
3. Communicating in a mutually respectful manner
4. Maintaining confidentiality
5. Ensuring all team members have one another's names if debriefing with a SART Agency Liaison

Conflict Arises that Can Be Addressed At A Later Time

In the event a team member identifies an issue that is in opposition to the Charlottesville/Albemarle SART Mission, and that requires timely but not immediate attention, the team member should address the issue in the following way:

1. If the involved team members are not the SART Agency Liaison, the team members are responsible for debriefing with their SART Agency Liaisons in order to ensure a proper follow up
2. SART Agency Liaisons should communicate directly about the issue in the most appropriate manner, to include email, telephone, or face to face
3. SART Agency Liaisons are responsible for working towards a resolution and following up with their respective involved team members

4. SART Agency Liaisons should decide if the issue needs to be addressed at the next SART Meeting

Cultural Competency Policy

Cultural competence refers to an ability to interact effectively with people of different cultures. Cultural competence comprises four components: (1) Awareness of one's own cultural worldview, (2) Attitude towards cultural differences, (3) Knowledge of different cultural practices and worldviews, and (4) cross-cultural skills. Developing cultural competence results in an ability to understand, communicate with, and effectively interact with people across cultures.

The concept of cultural competence is more than having a brochure translated into another language(s), having a Spanish speaking person on staff, or memorizing how different cultures view sexual assault. All individuals come from a culture that they are born into and from that experience have their own cultural preferences and biases. They have immediate family, extended family, and affiliation in a larger group. Culture includes identification with race, gender, sexual orientation, ethnicity, religion, education level, and socio-economic status.

In American life, all individuals are called on to interact with others from different cultures who also have their own cultural preferences and biases. Beliefs and attitudes about sexuality and violence are a component of a person's cultural orientation. For the responder to sexual assault, whether police or advocate or prosecutor or medical professional, cultural competence is a critical component to the response to a sexual assault. Likewise, the ability to respond and meet the needs of victims with disabilities is also a critical component to the response to a sexual assault.

For any professional responding to a sexual assault and/or for any professional who supervises responders or creates policy for a sexual assault response, true cultural competence ensures that victims are heard respectfully and with an open mind, and that responders establish the complete and correct facts of the assault and the victim's circumstances irrespective of the responder's own cultural orientation. As diversity in American society grows, so do the needs of sexual assault victims of different races and cultural groups within society.

Victims may be fearful to report the sexual assault due to a history of distrust of law enforcement officers in their own cultures, a fear of being deported if they report to law enforcement officers in this country, fear of discrimination based on sexual orientation, a fear of retribution from their own family or community if the perpetrator is a member of that community, etc. Optimally, services should be provided in the preferred language of the individual, or at least with a qualified interpreter. Unless exigent circumstances exist, every effort should be made not to use a responder as an interpreter because doing so creates role confusion and may jeopardize the relationship with the victim. Although resources for interpreters are often lacking for many agencies, translation services can be provided without using a responder even if, at minimum, telephone language lines are used.

The Albemarle County and Charlottesville City SART will approach cultural competency in the following ways:

1. Include Cultural Competency training in the SART curriculum;
2. Conduct an annual team-wide analysis of available resources (i.e. interpreters, vehicles for transporting the physically disabled, etc.), in order to identify needs;
3. Invite speakers to present at monthly SART meetings;
4. Form relationships with members of the community that represent diverse identities/groups that can serve in an advisory role for the SART. This also includes accessing the opinions and insight of survivors when possible;
5. Hold an annual Planning District 10 SART Conference where all SART members from the region can attend training and/or participate in focus group discussions related to cultural competency.


The SART recognizes that cultural competency is an on-going process and cannot be addressed by a single class or presentation; therefore, the team will strive to seek out continuing education and make efforts to provide the most holistic services possible to victims.

SART Contact Information

- UVA Forensic Nurse: 434-982-3500, enter code: 1542
- UVA Emergency Department: 434-924-0000
- Sexual Assault Resource Agency: 24-hour Hotline: 434-977-7273
- Charlottesville City Police Department: 434-970-3280
- Albemarle County Police Department: 434-296-5807
- UVA Police Department: 434-924-7166
- UVA Student Health Center: 434-982-3914
- UVA Student Health (Gynecology): 434-924-2773
- Charlottesville City Victim/Witness: 434-970-3176
- Albemarle County Victim/Witness: 434-296-5830
- Albemarle County Commonwealth's Attorney: 434-972-4072
- Charlottesville City Commonwealth's Attorney: 434-970-3176

Additional Community Resources

- Shelter for Help in Emergency (SHE): 24-hour Hotline: 293-8509
- Salvation Army Shelter: 434-295-4058
- Planned Parenthood: 434-296-1000
- AIDS Services Group: 434-979-7714
- UVA Dean On-Call (Dean of Students): 434-924-7166 (Ask for Dean On-Call)
- Region 10 Crisis Line 24-hour Hotline: 434-972-1800
- UVA Women's Center: 434-982-2361



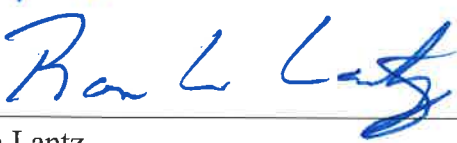
Robert N. Tracci
County of Albemarle Commonwealth's Attorney

11/10/18
Date



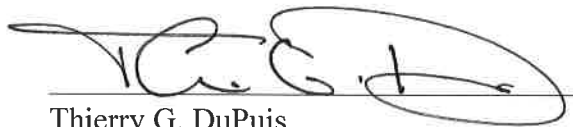
Joseph D. Platania
City of Charlottesville Commonwealth's Attorney

1/10/18
Date




Ron Lantz
County of Albemarle Chief of Police

1/11/18
Date




Thierry G. DuPuis
Interim City of Charlottesville Chief of Police

1-11-18
Date



Teresa A. Sullivan
President, University of Virginia

1/11/18
Date



Michael A. Gibson
University of Virginia Chief of Police

01/11/2018
Date

Susan M. Painter
Susan Painter
Coordinator, Albemarle County Victim/Witness Program

12-9-18
Date

Maggie Cullinan
Maggie Cullinan
Director, Charlottesville Victim/Witness Assistance Program

1/10/18
Date

BJ Rexrode
Benjamin Rexrode
Coordinator
University of Virginia Victim/Witness Assistance Program

1/10/18
Date

Rebecca Weybright
Rebecca Weybright
Executive Director
Sexual Assault Resource Agency

1/11/2018
Date