

**SEXUAL ASSAULT RESPONSE TEAM (SART)**  
**MEMORANDUM OF UNDERSTANDING AMONG**  
**CHARLOTTESVILLE-ALBEMARLE COMMUNITY RESPONDERS**

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**October 10, 2016**

Pursuant to Virginia Code § 15.2-1627.4, this working agreement (hereinafter, “Memorandum of Understanding” or “MOU”) is recognized as a collaborative commitment among the undersigned officers, agencies, departments and institutions of higher education to directly support a multi-disciplinary, coordinated response to survivors of sexual assault and other forms of sexual and gender-based violence. This commitment is acknowledged by the signature of each participant’s representative.

**All parties agree to:**

- Attend the annual SART meeting and other meetings, as necessary to accomplish the purpose of this MOU;
- Establish and periodically review guidelines for response by the community to sexual assault and other forms of sexual and gender-based violence (hereinafter, referred to as “SART Protocols”), consistent with those established by the Department of Criminal Justice Services pursuant to Va. Code § 9.1-102(37d), including, without limitation: (i) the collection, preservation, and secure storage of evidence from Physical Evidence Recovery Kits (hereinafter PERK) examinations consistent with Va. Code § 19.2-165.1, and (ii) information sharing guidelines consistent with federal and state laws;
- Integrate SART Protocols into their individual responses to incidents of sexual assault and other forms of sexual and gender-based violence, achieving consistent, high-quality, effective responses throughout the Charlottesville-Albemarle community, protecting the confidentiality of survivors of sexual assault in accordance with applicable laws;
- Designate a liaison to actively participate on the SART;
- Promote policies and practices to increase arrest and prosecution rates for sexual assault, including non-stranger sexual assault;
- Participate, as appropriate, in cross-training, education, and prevention efforts with allied professionals, law enforcement personnel, the University of Virginia, other community agencies and institutions of higher education, and representatives from respective Commonwealth’s Attorneys Offices regarding sexual assault and other forms of sexual and gender-based violence;
- Participate in the development and approval of SART Protocols and their annual review; and
- Develop SART Protocols to implement the SART MOU in an expedited manner with a goal of achieving mutual agreement on final SART Protocols within 90 days of the effective date of this MOU. This time frame can be extended upon request of any party to this MOU.

**The Commonwealth's Attorneys agree to:**

- Convene a meeting, at least twice per year, to discuss implementation, review, and refinement of SART Protocols;
- Refer survivors, family members and friends to the Sexual Assault Resource Agency (hereinafter "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, and education regarding options and processes, and to provide court accompaniment throughout the criminal justice system, as appropriate;
- 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 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; and
- Use Forensic Nurse Examiners (hereinafter "FNE") as witnesses during criminal trials.

**The Albemarle County Police Department, Charlottesville Police Department, and University of Virginia Police Department agree to:**

- Refer all survivors to the hospital or other designated health care center and FNE program for medical treatment and/or a forensic exam when the reported incident is acute, *i.e.*, has occurred within the last 72 hours;
- Inform survivors that they are entitled to a forensic exam regardless of whether the survivor has decided to make a report, talk to law enforcement, or cooperate in a criminal prosecution;
- If the survivor is going to the hospital or police station, direct the Emergency Communications Center (hereinafter "ECC") to activate the SART response (including FNE, on-call detective, and SARA);
- Transport or arrange for transport of survivor to the hospital and, once the PERK exam is complete, transport or arrange for transport of survivors to a safe location;
- Allow the survivor privacy during the physical examination by the FNE by not remaining in the room;
- Receive medical/forensic evidence that has been collected from survivors and/or perpetrators;
- Conform department-established policies to SART Protocols regarding interviews of survivors and evidence collection and storage;
- Allow the sexual assault advocate to be present during interviews and other communications with officers/investigators unless the survivor becomes a suspect in a crime, the environment is not safe for the advocate, the advocate is acting inappropriately, or the survivor expresses a wish that an advocate not be present;

- Ensure that an on-call detective (or another law enforcement officer designated by the chief of police) is available to confer with representatives of the University of Virginia at all times, upon request;
- Ensure that a law enforcement officer designated by the chief of police is available to confer immediately with the University of Virginia at all times, upon request, regarding the issuance of a timely warning under the Clery Act for sexual offenses;
- During a pending criminal investigation or prosecution, share information, evidence and records concerning that investigation or prosecution with other SART members when doing so: (i) would not compromise any pending criminal investigation or prosecution, (ii) would not violate any confidentiality laws, and (iii) would further SART's purpose in ensuring the most thorough, accurate, consistent and timely criminal investigation, and the most effective criminal prosecution, of sexual assaults and other forms of sexual or gender-based violence;
- Nothing set forth in this MOU shall preclude any law enforcement agency or law enforcement personnel from disclosing law enforcement records to SART partners to the extent permitted by law.

**The University of Virginia agrees to:**

- 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 the policies of the Virginia Criminal Injuries Compensation Fund (hereinafter “CICF”); 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.

**The Forensic Nurse Examiner Program agrees to:**

- Promote a reasonable response time from the time the call is received to the time the FNE arrives at the hospital or the University of Virginia Elson Student Health Center (during regular business hours);
- Conduct medical/forensic examinations for sexual assault patients in accordance with best practices and all protocols and procedures approved by the FNE Program;
- Address patient safety and medical care needs;
- Notify SARA that a patient has been transported or has arrived;
- Encourage/support use of SARA advocates for sexual assault patients and obtain patient permission before introducing the patient to a SARA advocate;
- Maintain chain of custody of forensic evidence and transfer to a law enforcement agency, officer, or to the Division of Consolidated Laboratory Services;
- Collaborate with the local law enforcement agency(s) to obtain an adequate supply of PERKs;
- Be available to criminal justice professionals to review the case when authorized by law; and
- Maintain contact and communication with criminal justice and other professionals as authorized by law.

**The Sexual Assault Resource Agency agrees to:**

- Dispatch, upon request of the survivor, a person calling on behalf of the survivor, law enforcement, or FNE, a trained sexual assault advocate to the hospital, University of Virginia Elson Student Health Center, or law enforcement agency location to provide accompaniment, emotional support, and information to survivors, family members, and friends;
- Provide crisis intervention, advocacy, therapy, criminal justice information and support, and court preparation and orientation for survivors, as appropriate;
- Coordinate the above services for survivors, family members, and friends with the local Victim/Witness Program, as appropriate;
- Refer survivors to the hospital or the University of Virginia Elson Student Health Center (during regular business hours), as appropriate; and
- During medical exams, police interviews, and court accompaniments, stay strictly within the role of providing support to the survivors.

**The Victim/Witness Programs agree to:**

- Provide referrals to area resources, such as SARA;
- Provide advocacy, criminal justice information and support, courtroom assistance, and court preparation and orientation, as appropriate;
- Coordinate the above services for survivors, family members, and friends with SARA as appropriate;
- Provide assistance in petitioning for protective orders;
- Facilitate the provision of separate waiting areas for survivors and witnesses of crime;
- Provide assistance in the filing and processing of claims with CICF, in obtaining return of the survivor's property when collected as evidence, and in seeking restitution of economic loss;
- Upon request of the survivor, provide notification to friends, relatives and employers of the occurrence of the crime, provide intervention with employers, notices of court dates, and status of release of defendants or prisoners from custody;
- Assist survivors in submitting a Victim Impact Statement;
- Ensure that survivors have reasonable notification of upcoming hearing and/or trial dates; and
- Ensure the survivor meets with the Commonwealth's Attorney, as appropriate, prior to hearings and/or trial.

This agreement shall be effective on DATE and shall remain in effect until any party terminates their commitment in writing. The agreement shall be reviewed annually. Any modifications to the agreement must be mutually agreed upon by all parties, documented in writing, and acknowledged by a signature of each agency's representative.

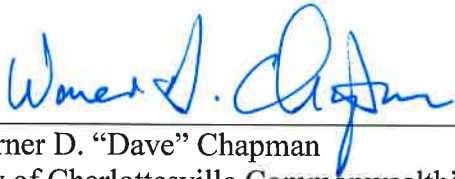
**Signatures of Agency Representatives:**



Robert N. Tracci  
County of Albemarle Commonwealth's Attorney

10-12-14

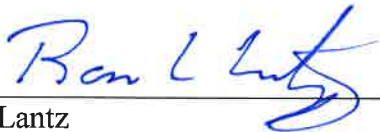
Date



Warner D. "Dave" Chapman  
City of Charlottesville Commonwealth's Attorney

10/13/16

Date



Ron Lantz  
County of Albemarle Chief of Police

10/13/16

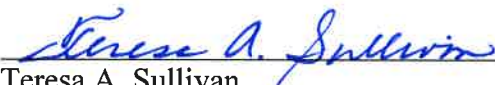
Date



Alfred S. Thomas, Jr.  
City of Charlottesville Chief of Police

10/10/16

Date



Teresa A. Sullivan  
President, University of Virginia

10/13/16

Date



Michael A. Gibson  
University of Virginia Chief of Police

10/13/2016

Date

Susan M. Painter

Susan Painter  
Coordinator, Albemarle County Victim/Witness Program

10-13-16

Date

Maggie Cullinan

Maggie Cullinan  
Director, Charlottesville Victim/Witness Assistance Program

10/12/16

Date

Benjamin Rexrode

Benjamin Rexrode  
Coordinator  
University of Virginia Victim/Witness Assistance Program

10/13/16

Date

Rebecca Weybright

Rebecca Weybright  
Executive Director  
Sexual Assault Resource Agency

10/13/16

Date