

798-1-81

WHAT HAPPENS AFTER A SEXUAL ASSAULT



Victim Advocacy

COMPLIMENTARY COPY

ACQUISITIONS

FEB 15 1986

NCJRS

Once a rape occurs, the road to emotional recovery is a long one. Understanding your emotional reaction to rape is possible -- but it takes time. Feeling overwhelmed and experiencing despair is normal. Your life has been disrupted. Because of this, making decisions can be very difficult.

This booklet is designed to help you and those close to you have a better understanding about the legal procedures involved and the emotional reactions you may experience. There are no right or wrong answers: The important consideration is you and your recovery . . .

c 1986

HAVEN

No portion of this book can be reproduced without written permission from HAVEN.

CONFIDENTIAL

U.S. Department of Justice
National Institute of Justice

121867

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material in microfilm only has been granted by

HAVEN

(Step by Step Series)

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

CONTENTS

	PAGE
IMPORTANT TERMS _____	1
MICHIGAN'S CRIMINAL SEXUAL CONDUCT LAWS _____	2
FACTS VS MYTHS _____	4
YOUR RIGHTS AS THE VICTIM _____	6
EMOTIONAL REACTIONS _____	7
MEDICAL CONCERNS _____	11
MORE PROTECTIONS _____	14
DECISIONS _____	16
IF YOU DECIDE TO REPORT AND PROSECUTE _____	20
LEGAL TERMS _____	26

IMPORTANT TERMS

As a victim of a sexual assault, it is important for you to understand the following terms:

Sexual Abuse: Sexual contact that occurs when one person (the assailant) uses another person (the victim) to fulfill his/her sexual needs.

Sexual Assault: Legal term used to describe sexual abuse. The assailant can be a stranger, neighbor, family member or relative of the victim. The victim can be any age.

Rape: A word commonly used to describe a sexual assault. The legal system does not use the word 'rape'. 'Sexual assault' more clearly states the law's view that the crime is a serious one.

Incest: Sexual activity between family members or relatives. It can involve acts from fondling to sexual intercourse.

Intimate Parts: Parts of the human body which include the genital area, groin, inner thigh, buttocks, anus or breast.

Sexual Contact: Intentional touching of an intimate part, even when covered by clothing, for the purpose of sexual arousal. Sexual conduct can include acts where the assailant forces the victim to manually stimulate the assailant's intimate parts.

Sexual Penetration: The insertion, however slight, of any object into any intimate part of another person's body. Sexual penetration also describes sexual intercourse and oral-genital sex.

Assault with Intent: Attacks in which the assailant was not able to complete the act, but the intention to sexually abuse or assault the victim is clear.

MICHIGAN'S CRIMINAL SEXUAL CONDUCT LAWS

The State of Michigan has passed laws which identify rape and other sexual assaults as crimes of violence. Under the law, men, women and children may all be victims of criminal sexual conduct.

Under the Michigan Criminal Sexual Conduct Act, an assailant is charged with the crime by 'degree'. The Court looks at the nature of the sexual act and the danger to the victim. Also taken into consideration is the victim's age and the seriousness of the emotional and physical damage the victim suffered.

The Criminal Sexual Conduct Act recognizes criminal sexual behavior with four distinct categories of degree:

- First and Third degree criminal sexual conduct involves penetration, that is, intercourse in any form, be it vaginal, anal, or oral. First and Third degree also involves the insertion of an object into the genital or anal opening of a person's body, and/or any intrusion, however slight, into any part of a person's body.
- Second and Fourth degree criminal sexual conduct is recognized as sexual conduct for the purpose of arousal or gratification. This involves the intentional touching of a victim or his/her intimate parts, or the touching of the area of a person's intimate parts through clothing.

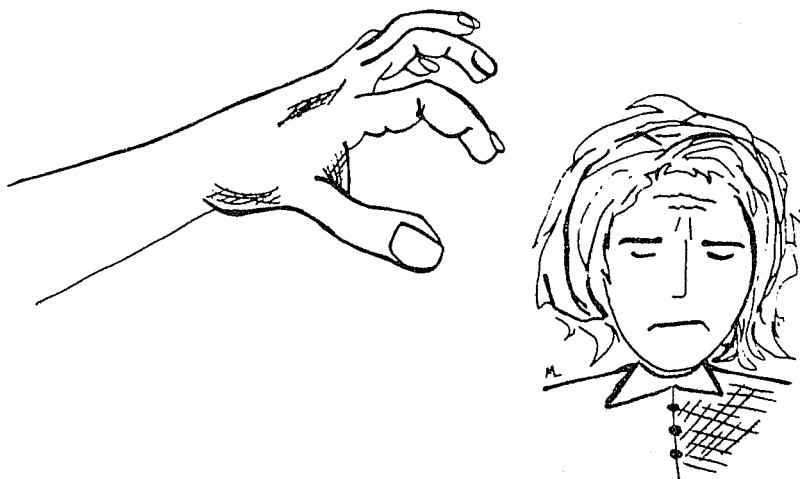
Punishment for the crime of rape ranges from a fine (for non-violent contact in the fourth degree) to life imprisonment under the first degree. The penalties for each crime vary according to the circumstances surrounding the incident (force used, use of a weapon, etc).

The new law respects your right to personal privacy. Any information concerning your previous sexual experience is not admissible as evidence.

This law also takes into account that "resistance" and "corroborating evidence" are not the same as in other criminal proceedings. "Resistance" to the rape is often not utilized by the victim because threats and coercion are often used by the rapist. "Corroborating evidence" is often difficult to gather because rape is accomplished in private and, if witnessed, few persons are willing to testify.

Act of Violence

Rape is not sex; it is an act of violence against a non-willing victim. The victim is made to feel helpless, humiliated, degraded, and is subjected to pain, often accompanied with torture.



**RAPE IS
A VIOLENT AND BRUTAL
CRIME!**

FACTS VS. MYTHS ABOUT RAPE

Although the criminal act begins the victim's pain, the myths, distortions and stereotypes continue it. It is important to recognize the myths so you can recover, or help someone else recover.

MYTH: Rape is a "sexual act."

Fact: For many it is difficult to separate the idea of "sexual assault" from the idea of "sexual pleasure." If the act is committed when the person is deceived as to the nature of the act (lured) or overcome by duress or threats or if the person is below the age of consent, it is rape. Rape is done by force and without consent -- hardly a "pleasure" by any means!

MYTH: Rape victims "ask for it."

FACT: Recent studies indicate that 1 in 3 girls and 1 in 4 boys will be sexually assaulted by the time they are 18 years old. Rape victims are as young as 1 month and as old as 96, in reported cases.

Rape victims are attractive or plain, thin or fat, in 'seductive clothing' or 'proper dress.' They can be virgins or sexually experienced and of any nationality. They all have one thing in common, however: None of them wanted to be raped and none of them enjoyed it.

MYTH: Rape occurs in "bad" areas of town.

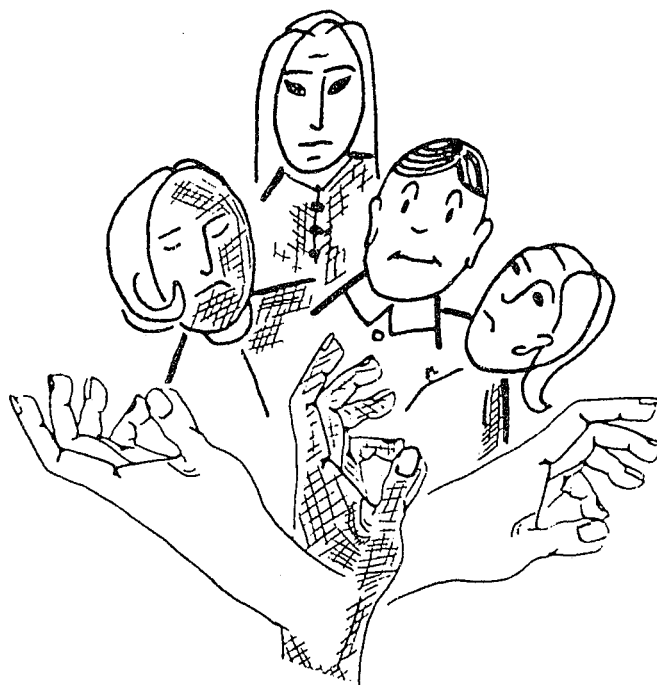
FACT: Rape can occur anywhere. About one-third of all reported rapes take place in the victim's home. Rapes also occur in office buildings, schools, public places, and in the streets. Rapes have been reported in every city and township in Oakland County.

MYTH: You can tell a rapist from appearances.

FACT: Those who rape have different motives. Some are people who rape to express anger and rage. Some commit sex crimes to prove to themselves or to others that they are powerful and they rape to get revenge, conquest, or gratification. For others, it is an impulsive, predatory act performed by someone who sees others as nothing but sexual objects.

A man who rapes is sometimes a total stranger to his victim. Just as likely, however, he is an acquaintance, a date, a neighbor or even a relative. Child victims are especially likely to be assaulted by someone they know. While not a very large percentage of assailants are women, there are women offenders.

Most rapists choose victims of their own race. Most convicted sex offenders are under the age of 35. One study shows that the average age for the rapist's first attack is 16. By the time the rapist is caught and convicted, he/she has committed many crimes.



**THERE IS NO ABSOLUTE WAY
OF KNOWING WHO IS CAPABLE
OF THE ACT OF RAPE!**

Michigan's Crime Victim's Right Act went into effect October 8, 1985. It spells out the specific and detailed rights and protections guaranteed to you, the victim. Upon your request the prosecutor's office is responsible for providing you with a written summary of this legislation.

AS THE VICTIM



YOUR RIGHTS

The legislation provides that you:

- * Can keep your name and address out of the court files and documents.
- * May request a speedy trial of the defendant.
- * May request to be provided a separate waiting area during court hearings.
- * Have legal proceedings explained.
- * Be informed of all court proceedings and their outcome.
- * Be provided information on Victim Compensation Benefits and emergency services.
- * Be provided names and phone numbers for obtaining information on the suspect's bail requirements.
- * Are returned your property not required as evidence.
- * Can receive Court ordered restitution as a result of the crime, if you suffered direct or threatened physical, financial or emotional harm. If the restitution is denied the court is required to explain the reason.
- * Can receive upon your request written notice from the Michigan Department of Corrections concerning any changes in the prisoner's sentence, parole, reduction in sentence, or release from prison.

EMOTIONAL REACTIONS

Recovering from a sexual assault doesn't mean forgetting the assault: It means being able to enjoy life again -- to work, to play, and enjoy sex. It will take time, patience, and courage.

During the next month to possibly a year, you will be experiencing many fluctuating emotions. The experience of being a rape victim has different meanings for each victim. Most speak of having varying degrees of depression and anxiety. You may experience one, or several of the reactions, or they may recur. Knowing what lies ahead can make it easier and assure you that your reactions are normal.

3 Basic Stages Victims Experience

Stage 1 . . .

Occurs immediately after the rape and usually lasts about a week. You may report feeling numb, seem to show no real emotions, talk very slowly and not wish to talk about the rape. Or you may have exactly the opposite reaction and feel the need to talk constantly. You are in a state of shock.

Stage 2 . . .

Is one in which you appear to have outwardly adjusted. You begin dealing with practical matters and return to your usual routine. This response is rational and again, self-protective. For some, the harder they try to forget and resume activities, the harder it becomes not to think about it. During this time you may experience nightmares or becoming afraid to be alone.

Stage 3 . . .

Finds you feeling depressed and unable to think about the rape. A touch, or smell, or a person, who reminds you of the rapist may bring back all the memories of the assault. You may question if you will ever feel normal again.

COMMON REACTIONS YOU MAY EXPERIENCE



Fear

During the assault, most victims speak of how fearful they were of being murdered. Afterwards, fear that the rapist will return to seek revenge becomes a real concern for many victims.



Anger

Wanting to get revenge from the rapist is a natural response after being assaulted. It is a common reaction to be angry at the person who assaulted you.

Phobias

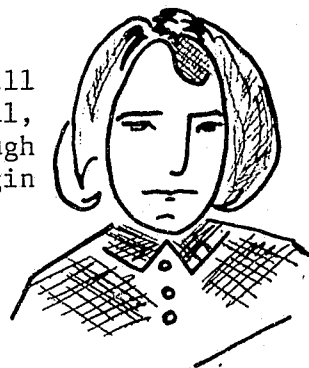
Anxiety and fear about going out or being with other people can be very disturbing. You may act compulsively, look around constantly, wash frequently or develop physical symptoms related to stress, such as rashes, twitches or headaches.

Self Blame & Guilt

You may feel angry at yourself or you may feel as if you did something to provoke the attack. "If only I had . . ." is a common statement. You may find you are very sensitive to others. A remark or look can cause you to believe people are judging you.

Nightmares

Fear of sleep is common. Often your dreams will be about the rape. Reliving the attack is painful, but dreams are a way of helping you to work through the trauma. For some, the nightmares do not begin until months after the rape.



Mood Swings

You feel like you're on an emotional see-saw: One minute calm, the next, close to tears. These mood swings seem to come from nowhere. Mood swings can be an emotional release and a way of coping with trauma.



Flashbacks

Images and memories of the rape are likely to plague you for some time. A sound, a smell, a simple touch on the shoulder, or seeing someone who resembles the rapist can trigger a reminder. You may feel something is the matter with you because you keep reliving the rape, when, in fact all you want to do is forget it. Time helps to lessen flashbacks.

Depression

Depression is the most common reaction. You may feel tired and hopeless, find it difficult to go on some days. Depression is usually most acute the first month but it can continue to be fairly intense for up to six months. Upcoming trial dates or the anniversary of the attack may find you feeling depressed.



Fear of Sex

Questioning whether you will ever enjoy sexual relations again is normal. You will -- but it will take time. At first you may not have any interest in sexual activity. Give yourself time to adjust.

Things That Can Help...

- * Don't suffer in silence. Reach out for help!
- * Ask a friend or family member to stay with you for a few days.
- * Get a roommate.
- * Try to plan your days. Make lists of the things you wish to get done.
- * Travel, if possible. A change of scenery can do wonders.
- * You may wish to change your surroundings. Many rape victims rearrange the furniture, or some move.
- * Pamper yourself, give yourself extra treats.
- * Write down your feelings.
- * Take a self defense class.
- * Think positive! You survived by doing what was necessary to do.

Telling Family and Friends

Determining who to tell about the rape is often difficult. Questions from family and friends may indicate their lack of understanding about the nature of a sexual assault and what it was like for you. They may not want to talk about it for fear it will be painful for you.

We suggest that you have them read this booklet and encourage them to call the 24 hour crisis line for answers to their questions on how best to support you. Your family and friends can be your strongest support system -- if they know and understand what is happening. Remember: It is your decision about what to tell and to whom.

MEDICAL CONCERNS

The Importance of Medical Care

Seeking medical care is IMPORTANT because:

1. You may be in shock and not aware of the extent of your injuries. Often general body aches result from the tension following an assault. A medical exam can set you at ease. It can assure you that you are not injured or can provide treatment if you are.
2. Often rape victims will skip the next monthly menstrual period. Stress is usually the reason, but many victims are worried they may be pregnant. While there is less than a 3% chance of the rape resulting in a pregnancy, a hospital exam can ease your fears. Some hospitals suggest taking (DES) the "morning after pill" to prevent pregnancy. Discuss the possible side effects with the doctor.
3. Rapists often have venereal disease. You can have venereal disease without having any symptoms. It is important to be tested. You must be tested twice in order to be completely protected. You will be tested during the first exam and again six weeks later.

Assistance with the Medical Costs

Don't let the fear of not being able to afford a medical exam stop you from going to the hospital. You need to be checked for injuries. The police or the county prosecutor's office has applications to apply for financial help. The claim is sent to the State Board of Crime Victims Compensation. The important requirement is that you make an official police report within 48 hours to be eligible for the benefit. You have one month to send in the claim.

Hospital Procedures

Hospital emergency room staff know that it is very difficult to undergo a physical exam and answer questions after the attack. The procedures are designed to help insure all your medical needs are covered. Knowing what the procedures involve can make this easier for you.

While at the hospital, you have the right to:

- * Have all the procedures explained to you.
- * Ask that only medical personnel be in the examination room.
- * Ask that you be given time if you are experiencing flashbacks or intense pain.
- * Ask that a friend, family member, or advocate be with you.

The clothing worn during the attack will be kept for evidence. The lab will be looking for fibers and stains. If you have already changed, please put the clothing in a paper bag (not plastic) to give to the police or hospital. You will be asked if you have doused or showered. If you have, it is o.k. If you have not, it is to your advantage to wait until after the exam.

Hospital emergency rooms use a special 'Rape Kit' when a victim is examined within 48 hours of the attack. Careful collection of evidence protects you in the event that you decide to prosecute. Frequently, victims feel differently several days after the attack. The 'Rape Kit' ensures that all medical evidence is documented.

IMPORTANT: Even if it is beyond the 48 hours since the attack it is still important for you to be checked for injuries.

The Rape Kit

The examination procedure for completing the information in the kit is as follows:

- General medical history taken
- Date of last menstrual period
- Time of last intercourse if within 24-36 hours of the assault
- Current medication & contraceptive, if used
- Physical exam to assess injuries
- Treatment for injuries
- Pelvic & rectal exam

Lab test includes:

- blood samples
- saliva samples
- a variety of swabs - which may include oral, anal and vaginal swabs
- pregnancy test
- pubic hair combings
- pulled hair from head & pubic follicles area (this helps to identify the offender because all hair follicles are different)
- test on the clothing you wore
- scrapings from under your fingernails (you may have scratched the assailant and have important evidence from your scratches)
- venereal disease test

Note: You can still prosecute without having had a medical exam.

MORE PROTECTIONS

Handling Threats

Sometimes the family and friends of the assailant harass the victim to get the victim to drop the case. There are laws that apply to these situations. Here are some important tips to remember:

1. Take threats SERIOUSLY! Call the police immediately, ask for the investigating officer and report any threats. Provide as much information as you can. If a prosecutor has been assigned, call him/her after phoning the police.
2. DOCUMENT INCIDENTS: Write down telephone calls, including anonymous and silent calls. Save written messages and write down any encounters with the assailant or others who act in his/her behalf. Write down the date, time, and what was said.

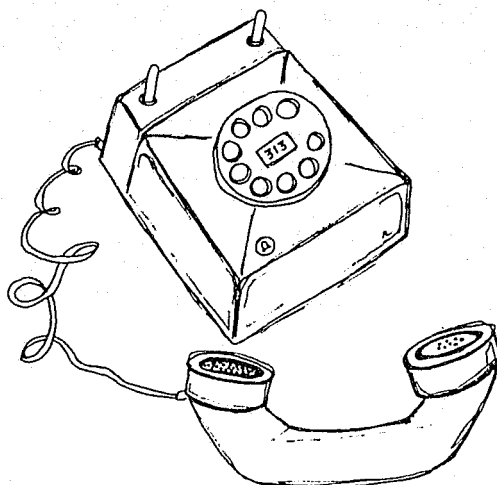
Remember: Documentation and Witnesses Help

By reporting the incidents to the police and the prosecutor, they may be able to:

1. Have the police make a warning visit to the accused.
2. Have the judge warn the accused at the arraignment hearing or trial.
3. Have the prosecutor present the threats and harassment incidents as evidence at the trial.

The Telephone

The telephone company may be able to help. Contact Michigan Bell about:



1. Temporarily or permanently changing your phone number.
2. Installing a tracking device. The device records the origin of the call. The caller does not need to talk in order for the call to be traced and length of the conversation does not matter.

Your Home

Make your home more secure.

1. Post the police department number by your phone.
2. Have a police officer inspect your home. He/she may be able to make suggestions about extra safety precautions
3. Establish a signal system with your neighbors. Ask them to be on the look out for any unusual happenings or suspicious persons. Have them write down descriptions, automobile license plate numbers. They may also be able to take pictures.
4. Increase your personal security when going out. Designate the time that you expect to arrive at your destination and when you expect to return home.

DECISIONS

Decisions, decisions: Only you can decide the next course of events. You have been the victim of a serious crime that violated the most personal parts of your mind and body. In addition to the task of recovering your emotional health, there are legal concerns. Here are some options for you to consider:

Remain silent...

This is not a recommended course for you to consider. Denying the rape will only hurt you later. Don't let this fester in your mind for years to come!

Report the Crime...

This involves going to the police station to report the crime -- You will be asked questions and will be on record as having filed a legal report concerning the crime.

3rd Person Report...

This is a report of the crime made by another person or organization to the police.

Report and Prosecute...

This is to institute legal proceedings against the accused rapist in a court of law. The State (prosecuting attorney's office) will represent you in court.

If you decide to Report the Crime...

The decision to report is often difficult. It is not easy to be asked the same questions repeatedly. It may seem like the police are doubting your word, but they are trying to make sure your memory is clear and record the facts accurately.

Even having made the report you are not obligated to press charges or to prosecute if you don't wish to. Keep in mind that if you don't at least report the crime, there is no chance of the rapist being caught. With a report, the police are informed and will be watching the area more closely.

The sooner you report the crime, the better the chances are of obtaining and collecting the physical evidence that builds a strong case.

Once the decision to report has been made, the following people will become involved:

The Responding Officer is responsible for interviewing the victim and writing the initial report of the crime. The focus will be on describing the assailant, where the crime happened, when and how long the assailant was with you, as well as information needed to determine what evidence may be available (finger prints, etc.). Victims frequently recall details more vividly a few days after the initial report, so it is important to write things down as they come to you. This is true even if it seems trivial to you, because a trained professional may be able to see a pattern.

The Investigating Detective will contact you within two days to write a more detailed description of the crime. You will be asked to remember as much as you can about what was said to you during the attack and the sexual acts involved. You may want to bring a friend or support person with you at this time.

Questions can be embarrassing and at times make you angry. You may ask for an explanation of why the information is needed. Take your time to respond in your own words. At the end of the

interview you will be asked to sign the report. You should read it and clarify any points you feel need more explanation before signing this statement.

With your description of the assailant, the police will begin to look for the suspect. You will probably be asked to look at some police mug shots at the police station or a police artist may work with you to develop a composite drawing of the assailant.

If you decide to Make a Third Person Report...

You may decide, for any number of reasons, that you do not wish to make a formal report. You have the option of remaining anonymous while helping prevent another person falling victim to this rapist. You can file what is called a "third party report." Rape crisis centers can take the report or you can call the police department in the area the rape occurred and give a description of the assailant and any other information pertaining to the crime. This information can then be compared with other sexual assaults reported in the area.

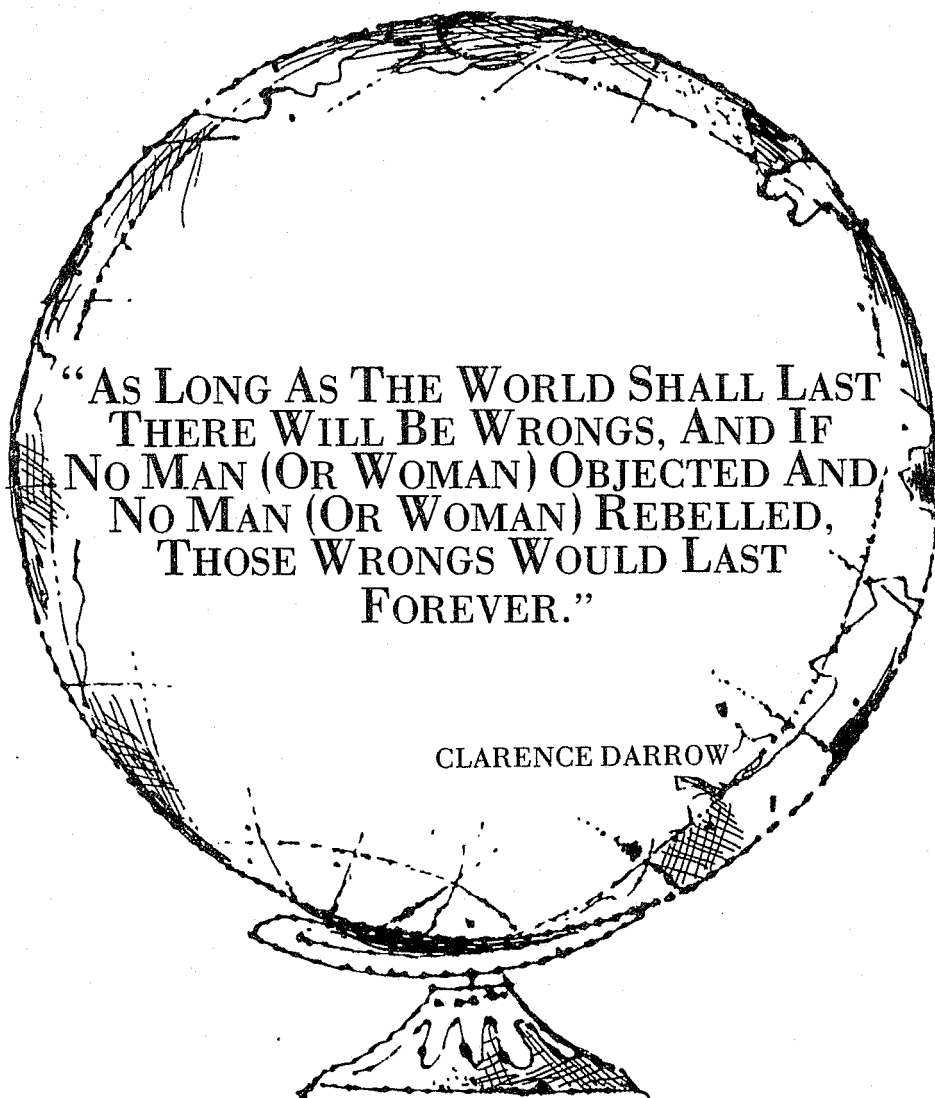
A police report of a rape incident is important. In profiles of those who rape, the only consistent fact that appears is that once a rapist has begun assaulting, the rapist continues raping, and frequently follows a certain pattern of attack.

The Line-Up

Once a suspect is in custody, you will be asked to view a line-up and identify the assailant from a group of people. Seeing and hearing the assailant can bring back a rush of dreaded feelings, so try to take a friend, family member, or advocate with you. Victims report that being prepared for the events surrounding a line-up made the trauma easier to bear.

The Polygraph Test

The accused will be asked to take a polygraph test, which he may deny, but under the law, the police cannot ask you to take the polygraph. It is an option open to you and one you may wish to explore more fully with an advocate (a support person) or the police. They will explain the procedure so you can decide if you wish to request a polygraph test.



“AS LONG AS THE WORLD SHALL LAST
THERE WILL BE WRONGS, AND IF
NO MAN (OR WOMAN) OBJECTED AND
NO MAN (OR WOMAN) REBELLED,
THOSE WRONGS WOULD LAST
FOREVER.”

CLARENCE DARROW

IF YOU DECIDE TO REPORT AND PROSECUTE...

The criminal justice system of our country perceives all crime as a crime against society and feels responsible for righting the social wrong. It is, in fact, you who has been assaulted. Because of this, you have a very personal interest in the successful prosecution (a lawsuit) of this case.

Once you have identified a suspect, the police officer takes the case to the prosecutor's office to seek a warrant to arrest that person. Because the police want to present a case that is supported with good evidence, they may take what seems like much time. It could be up to a month or more before the actual arrest is made. You will be notified of the arrest.

The county prosecutor (a public official who conducts criminal prosecutions on behalf of the State or people) will represent you in all legal proceedings. The accused is the defendant. You are the main witness for the State. It is the prosecutor's job to represent the evidence, so it is very important to tell him/her all details of the assault as completely and honestly as you can. Your feelings and opinions are important throughout the proceedings.

Once the arrest has been made, the defendant (the accused) will be arraigned (or charged) in District Court and a preliminary hearing will be scheduled. A defendant charged with a felony may not plead guilty in District Court, but must be bound over to Circuit Court before the case can be resolved.

There are two formal stages in the prosecution involving a sexual assault which will require you to give testimony. There are, however, several other stages which may require you to be interviewed or to give testimony.

Formal stages

A preliminary hearing at the District Court.

A jury trial and sentence hearing at the Circuit Court.

Informal stages

Prosecutor's office - warrant request

District Court - warrant authorization

District Court - arraignment

Circuit Court - pre-trial conference

Court of Appeals - appeal of verdict.

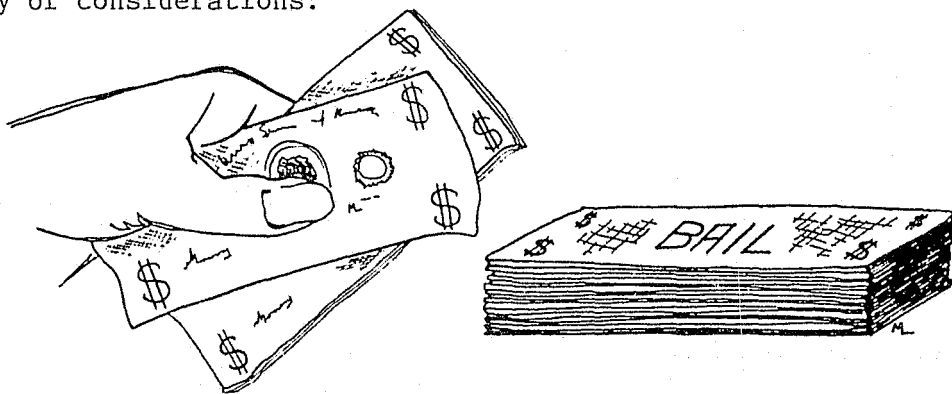
Other Terms

ARRAIGNMENT (the act of calling a person before a court to answer to a complaint)

The defendant (the accused) makes an initial appearance in court within 24 hours of the arrest to hear formal charges against him/her. Bail, if any, is set, and the defendant is advised of the right to counsel (right to have an attorney). You do not need to attend this hearing.

BAIL (money or credit deposited with the court to get a person temporarily released)

The purpose of bail is to insure that the suspect will appear at future court hearings, and to protect society if the arraignment judge feels the subject is a danger to society. In determining the dollar amount for the bail, the judge regards a variety of considerations:



A suspect may be free on "personal recognizance." A 10% bond, one-tenth of the bail amount required, must be paid. Sometimes the court will accept collateral, a house for instance, as bail.

It is not uncommon for the suspect to be 'free on bond' and released to the community. However, the stipulation that the defendant's bond can be revoked if he/she harasses the victim can be a condition of the bond. Remember: a suspect is innocent until proven guilty by a jury of his peers.

District Court

Within 12 days of the arraignment, you will be asked to appear in court. The prosecutor will meet with you earlier in the day to go over the testimony (statement of facts). If you have any concerns or have had any threats or harassment from the suspect or others urging you to drop the charges, be sure to mention this to the prosecuting attorney.

You will testify under oath as to what happened at the time of the assault. The defense attorney (the accused's legal counsel) will then cross-examine you. While giving testimony it is important to:

ask to have a question re-stated if you don't understand the question

speak clearly

state that you do not remember if you cannot recall what happened

Once the evidence (facts) is introduced and the cross-examination is over, the judge will rule if he finds sufficient evidence the crime was, in fact, committed and the person accused of the crime should stand trial for that crime. The case will then be bound over (sent to) Circuit Court for a jury trial.

Note:

If you do not come forward and testify at this preliminary hearing, the case will be dismissed and all charges of the crime will be dropped!

Circuit Court

At this arraignment the defendant enters a plea (a statement) of 'guilty' or 'not guilty.' If the defendant pleads 'guilty' and the plea is accepted by the court, the defendant will be sentenced by the judge at a later date. Because the defendant has accepted responsibility for the crime, you will not have to testify. If the defendant pleads 'not guilty,' a court date will be scheduled for a jury trial. This can be within six months, if the defendant is in jail (held without bond) or it can take up to a year.

Plea Bargaining

The agreement between the prosecutor and the defense that recommends a disposition (arrangement) of the case to the court is called plea bargaining. It may involve the defendant agreeing to plead 'guilty' to the offense charged or to a lesser degree of the charge in order to receive less than the maximum sentence given for that crime. Pleas may be entered any time from the time the crime was reported up until the jury trial. The judge is not obligated to accept the plea, but usually will if everyone agrees.

If you feel strongly about the plea, speak to the prosecutor and let your opinions be known. You have the right to have all of the proceedings explained to you.

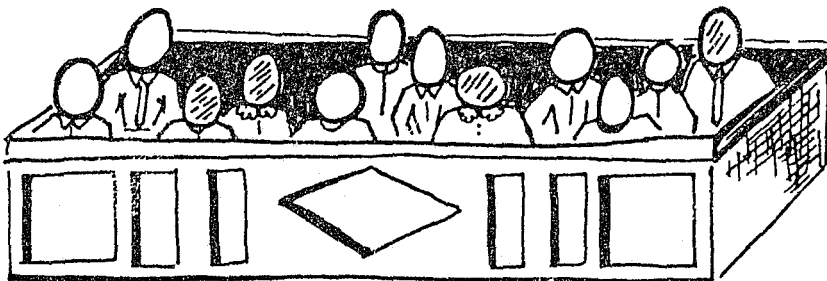


The Jury Trial

The trial can last two to five days, depending on the number of witnesses called to testify. You will not be called to testify until the jury is selected. You will be the first witness for the State (the State works in your behalf) and again you will describe the details of the assault. Then you will be cross-examined by the defense attorney (works on behalf of the accused). You will then leave the court room because you may be called back to testify.

Once all the evidence has been presented, the judge will instruct the jury as to what laws may be used in reaching a decision.

The jury then retires to deliberate (decide) the innocence or guilt of the defendant. The jury must reach a unanimous (everyone agrees) decision for a 'guilty' verdict. If found guilty, the defendant may go to jail before the sentencing hearing or remain free on continuation of bond until the sentencing hearing.



Victim Impact Statement

You have the right to make a written statement relating how the assault has effected your life, including any injuries suffered or financial losses incurred.

Sentencing

If the defendant is found guilty or pleads guilty, the sentencing process begins. A sentence review board will conduct an investigation of the defendant's background. Because the prosecuting attorney also has input, be sure to tell the prosecutor what your views are concerning the sentence. This process usually takes about a month. A sentencing hearing will be scheduled and at that time, the formal decision will be read to the defendant. You are not required to attend, however many victims want to be there. This is your option.



Appeal Process

The defendant has a Constitutional right to appeal (ask the court to look again at the evidence) the 'guilty' verdict. The petition for appeal must be filed within 56 days after the sentencing. A defendant can be free on bond during the appeal process. Appeals are filed quite often, and, like the trial process, can take time. You will not be called to testify at an appeal hearing.

LEGAL TERMS

accused - the person formally charged of the crime but not yet tried for the crime.

acquittal - a court decision, based on either the judge's or the jury's decision that the accused person is not guilty of the crime.

assailant - a person who attacks another person.

bail - money or credit deposited with the court to obtain the temporary release of a defendant from jail while awaiting the trial. (See release on bail, and release on personal recognition.)

bench trial - a trial in which the accused does not want a jury and asks the judge to hear the case and decide on the guilt or innocence of the accused.

bench warrant - order issued by a judge to bring to court an accused person who does not show up at the court hearing. This may also apply to a witness who does not appear in court when ordered to do so.

beyond a reasonable doubt - the degree of proof necessary for a jury or judge to convict an accused person of a crime.

civil court - the court in which one party sues another person or business organization for damages suffered as the result of a crime.

continuance - a delay or postponement of a court hearing. The case will be rescheduled for a later date.

corroborating witness - a person who is able to provide information that supports the statements made by either the victim or the accused.

count - each separate offense listed in a complaint. In a CSC case the accused can be charged with a total of nine separate counts. The prosecutor will list the nine most serious offenses that have the best evidence in order to get a conviction.

defendant - the person who has been formally charged with committing a crime.

defense attorney - the lawyer who represents the defendant in the legal proceedings. In criminal cases the victim is represented by the county prosecutor. Only in a civil case will the victim retain his/her own lawyer.

disposition - the final judicial decision on the case. The judgment can be: acquittal, dismissal, or a sentence handed down upon a conviction.

evidence - testimony and objects used to prove the statements made by the victim and the accused.

forensic hearing - the judge, the prosecutor, or the defense attorney may request that the accused have a psychological examination before proceeding on with the hearing. The purpose is to assess the accused's ability to understand the charges brought against him/her and to assess the accused's mental state to determine if he/she can be held responsible for his/her actions.

hung jury - a jury whose members cannot agree unanimously that the accused is guilty or innocent.

juvenile - a person under 17. If the accused is a juvenile the case will be heard in juvenile court. Under special circumstances a juvenile may be tried as an adult in criminal court.

motion - a verbal or written request made by the prosecutor or the defense attorney. It asks the judge to make a decision about specific points of law that in the particular case are unclear, or one of the parties feels does not apply to the case.

not guilty - a verdict by a judge or jury that a person accused of a crime did not commit it. It can also mean that the evidence presented did not prove beyond a reasonable doubt that the accused committed the crime.

not guilty plea - a formal response by a person accused of committing a specific crime. The accused is saying they did not commit the crime stated in the charge.

plea bargaining - an agreement between the prosecutor and the defense attorney that the defendant will plead guilty to a crime in exchange for some reduction in the original charge, possibly to reduce the charge to just one of the charges. This means if an agreement can be reached the victim will not have to testify in court. You need to tell the prosecutor how you feel about possible pleas.

preliminary hearing - a legal proceeding before a judge in which arguments, witnesses and evidence is presented to determine if there is sufficient cause to hold the accused for trial.

pre-sentence report - a document detailing the past behavior, family circumstances, criminal record or personality of the convicted offender. It contains recommendations from the victim, prosecutor, defense attorney and others having contact with the offender recommending sentencing. It is then submitted to the judge who reviews the report in considering sentencing the offender.

probable cause - the degree of proof needed to arrest and begin prosecution against a person suspected of committing a crime. The evidence presented must be such that a reasonable person would believe that a crime did occur and that the accused is the suspect.

probation - the conditional freedom granted to an offender by the court after a conviction. It spells out for the offender the court's expectations of how they are to act for a specific period of time. Violation means jail or prison for the remainder of the sentence.

parole - the conditional release of a convicted offender from imprisonment before the original sentence has been served. Requirements for parole are listed and supervision by the parole board follows up on the prisoner's behavior.

sentence - the punishment imposed by the court on a person convicted of a crime.

subpoena - a written order by a court officer requiring a specific person appear in a designated court. The time, place and date are listed and orders the witness to be present.

suspended sentence - a court decision to postpone the pronouncing of sentence on a conviction or postpone the beginning of the sentence.

testimony - statements made in court by people who have sworn to tell the truth.

trial - an examination of issues of the facts and evidence concerning a crime. It is for the purpose of determining if the specific crime occurred and that the accused person did in fact commit the said crime.

verdict - the decision of the judge or jury at the end of the trial that the accused defendant is either guilty or not guilty.

witness - a person who has directly seen an event, such as a crime, who has knowledge that is related to the court case.

HAVEN'S SEXUAL ASSAULT COUNSELING SERVICES

* INDIVIDUAL COUNSELING

For adults, children, and families. Appointments available days, evenings & weekends.

* SUPPORT GROUPS

Weekly meetings are held to provide emotional and informational support. Pre-teen, teens, and adult women groups are available. Child care provided for several of the groups.

* REFERRALS

Assistance with other community resources needed.

* 24 - HOUR CRISIS LINE

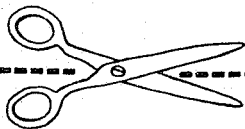
Trained staff and volunteers available to listen and help obtain information.

* LEGAL ADVOCACY

Trained Advocates are available for court preparation and court attendance at hearings.

334-1274

Don't Suffer in Silence!



-----Clip and carry in your wallet for convenience.-----

IMPORTANT NAMES AND PHONE NUMBERS

Hospital: _____

Preliminary Hearing Location: _____

Doctor: _____

Phone #: _____

Date: _____

Police Dept: _____

Time: _____

Officer: _____

Prosecutor: _____

Detective: _____

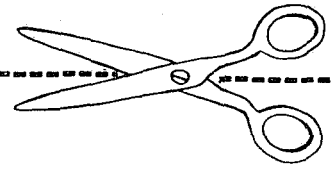
Phone: _____

Phone #: _____

Judge: _____

Assigned Case #: _____

Assigned Case #: _____



Circuit Court 1200 N. Telegraph, Pontiac, MI 48053

Date: _____

NOTES:

Time: _____

Prosecutor: _____

Phone #: _____

Sentencing Date: _____

Defendant's Name: _____

QUESTIONNAIRE

Please help other victims of sexual assault by evaluating this booklet.

Please check the sections below. (✓)

	Very Helpful	Somewhat Helpful	Not Helpful
The Law			
Facts vs Myths			
Victims Rights			
Emotional Reactions			
Medical Information			
Protections			
Legal Steps			
Legal Terms			

What other information should be included in this book? _____

Other Comments _____

Clip and return to:

HAVEN
c/o Victim Advocacy Program
P.O. Box 767, Pontiac, MI 48076

ACKNOWLEDGMENTS

We would like to extend our gratitude to the following individuals and organizations for their support in helping to make this booklet possible.

Judge Edward Sosnick
48th District Court

Judge Fred Mester
Oakland County Circuit Court

Gerald Poisson
Oakland County Assistant Prosecutor

Steve Kaplan, Atty.
U.S. Eastern District Court

Det. Mary Timmons
Oak Park Police Dept.

Sandra Dubin-Frankel
City of Oak Park Probation Dept.

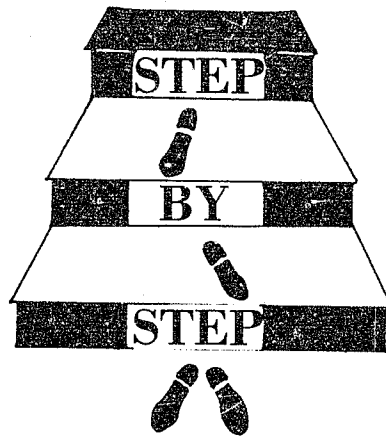
Sharon Wallace, R.N.
Providence Hospital

Joan Abbey
Victim Advocate Coordinator

HAVEN Rape Support Group Members

Printing funded by: D'Arcy Masius Benton & Bowles.

HAVEN's Victim Advocacy Program is funded by Michigan Dept. of Public Health.



WHAT HAPPENS AFTER A SEXUAL ASSAULT

...a booklet designed to help the rape victim through the events following the trauma of being sexually assaulted...

Written by Suzanne Childers
Victim Advocacy
Program Coordinator
Edited by Susan Kay Williams
Illustrations by Maureen Little
Production Carol Tomczak
Susan Kay Williams

HAVEN FOUNDATION...

We believe that all people have a right to a violence-free life. Abusive acts are acts of control and power by the abuser the victim does not provoke, enjoy, or deserve. We believe that victims can, with appropriate support services, regain control of their lives.



Copies of this book can be
obtained through HAVEN (313) 334-1274



United Way