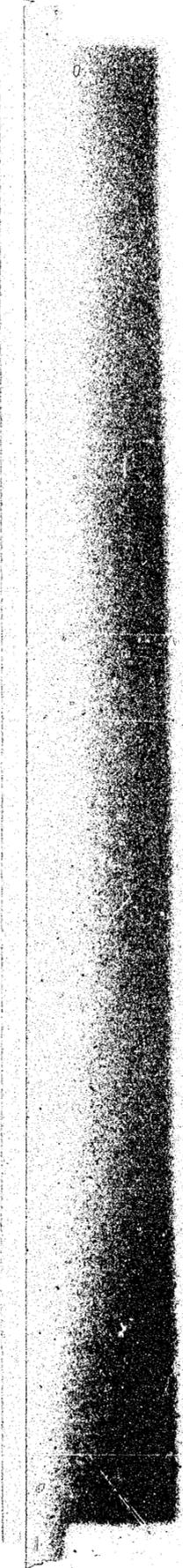


SEXUAL ASSAULT BOOK FOR VICTIMS

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CRIMINAL SEXUAL ASSAULT A HANDBOOK FOR VICTIMS

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FOR IMMEDIATE POLICE ASSISTANCE,

CALL: _____

FOR IMMEDIATE TELEPHONE
COUNSELING AND SUPPORT,

CALL: _____
Local Rape Crisis Center

FOR IMMEDIATE MEDICAL ATTENTION,

CALL: _____

HOSPITAL EMERGENCY DEPARTMENT,

CALL: _____

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INTRODUCTION

Sexual assault is one of the most frightening crimes that can be committed against a person. It is a crime of violence. Rape, forcible sodomy, incest, child molestation, and attempts at all of the above are types of sexual assault offenses. Sometimes these assaults are committed by strangers, sometimes by people you know, and sometimes even by family members.

Although one may not be required by Virginia law to report alleged sexual assaults to the police, victims are many times the only witnesses to whom the criminal justice system may look in trying to apprehend and punish or appropriately handle such offenders. Reporting the attack to the police and prosecuting offenders is **very** important in order to prevent more sexual assaults.

This booklet has been written to help Virginia citizens understand the police, medical, and legal procedures that they might experience as victims of sexual assaults. Because each case is unique and each locality has different procedures for handling cases, the way in which your case is handled may be slightly different from this outline. The procedures for handling juveniles may vary. This booklet tells you what you may expect.

CHECKLIST

If you have been attacked, there will be people to help you through this crisis. You can take the first step in helping yourself by doing some things right away. The case may be almost worthless without evidence of the attack. Try to remember the following steps:

- **DO NOT wash yourself or your clothes.** Do not douche, wipe after urination, comb your hair, or even put on make-up. You could be destroying valuable evidence of the attack.
- **DO NOT touch or move anything at the scene of the crime.**
- **DO call the police.** Immediate reporting is important for you to be helped and for your attacker to be caught.
- **DO give an accurate description of the attacker to the police.**
- **DO call a friend if you wish or your local rape crisis center for support.**

INTRODUCTION

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- **DO call a friend if you wish or your local rape crisis center for support.**

A VICTIM'S CHOICE

Following the attack, you have three choices. You may decide to report or not to report the crime to the police. In addition, you have the option of reporting the attack anonymously by calling the police and giving them a description of your attacker and where and when the attack took place without giving your name or address. Although no one can be arrested as a result of an anonymous telephone call, the police will be aware that an attacker is in a certain area. They can be on the lookout for possible attacks by the same person.

Since the reporting of sexual assaults to the police and the prosecution of offenders are necessary to prevent more assaults, we urge you to report the crime. **If you report the assault to the police, remember that the decision to continue the legal proceedings by the Commonwealth's Attorney may rest in your hands.**

INITIAL POLICE REPORT

Within minutes after you call the police,* a police officer should arrive at the scene of the crime. The police officer will listen to your account of the incident and ask you basic questions about the attack. **Try to give the police a complete description of your attacker.** Remember, you will probably be the only one who can identify him/her. If you do not understand why a question is being asked, have the police officer explain.

The police officer may call in an investigator to examine the scene of the crime for evidence. It is important that you **DO NOT MOVE ANYTHING at the scene.** This detective will follow you through the rest of the investigation. If you wish, counselors specially trained to handle sexual assault cases may be called in to help you and your family and friends through this crisis.

The police will arrange transportation for you to the nearest hospital. **Take an extra change of clothing with you to the hospital.** The clothes you were wearing at the time of the attack will be sent to a laboratory for examination and will be saved as evidence for the trial.

*The term "police" may refer to local police departments, sheriffs' departments, or Virginia State Police.

TREATMENT

IT is very important that you see a doctor as soon as possible after the attack. You may have injuries you are unaware of. If you are reporting, proof of the crime may require evidence that can only be collected by a medical examination. However, medical care and treatment can be given regardless of whether or not you report the attack and is necessary for treatment of venereal disease and pregnancy.

AT THE HOSPITAL

Depending on the type of attack you experience, a pelvic examination may be necessary to check for injury and to confirm penetration. This examination will be held in a private room. You may be allowed to have a family member or friend present in the room with you during the examination as long as he/she does not interfere in any way with the medical personnel. A hospital staff member or police officer of the same sex as you should also be present during the examination to serve as a witness and to help you. The doctor's duty at this point is to help you by treating your physical injuries and by collecting evidence and NOT to determine if a sexual assault has occurred.

A Physical Evidence Recovery Kit (PERK) will be used to make sure that the evidence needed to build a strong case is found and preserved in the correct way. A report will be made on the injuries you received and swabs will need to be taken from the vaginal or rectal areas and your mouth. Samples of your head and pubic hair will be taken and also samples will be collected from under your fingernails, in case you scratched your attacker.

Many times female victims are concerned about possible pregnancy. At your request, tests will be given to decide if you were pregnant **before** the attack. In addition, birth control information can be furnished to you by the doctor treating you.

Make sure that you are tested for signs of venereal disease. These tests will only reveal if you had one of these diseases **prior** to the attack. It takes 5 or 6 days for gonorrhea to be detected from the test, so it is important that you be tested 5 or 6 days after the attack to see if you contracted gonorrhea from your attacker. Syphilis develops in 6 weeks, therefore, you should have a blood test six weeks after the attack to check for syphilis. You can arrange for the tests through your own doctor or at free public health clinics.

MEDICAL COSTS

If you have called the police to report the attack, certain costs for the medical examination for collecting evidence will be paid for by the state. In addition, county hospitals in some jurisdictions will treat sexual assault victims free of charge, whether or not they wish to report the assault. Check with your local hospital or rape crisis line. If you have suffered any injuries or financial hardships as a result of the attack, you may be eligible for compensation of the costs not covered by any other sources. For information, contact:

**Division of Crime Victims Compensation
P. O. Box 1794
Richmond, Virginia 23214
Telephone (804) 786-5170**

RAPE CRISIS CENTER

A community rape crisis center is staffed by a group of dedicated volunteers who provide emotional support and counseling for victims of sexual assault on a confidential basis. They are a source for information on pregnancy, birth control, venereal disease, and for medical and legal information. In addition, they can refer you to free counseling agencies, local health clinics, and legal aid offices.

More importantly, they operate an emergency 24-hour telephone service for crisis situations such as yours. While all localities may not have rape crisis centers, virtually all areas are serviced by a crisis hot line telephone service. If you contact the center, they will call the police to report the attack for you **only if you want them to**. If not, they can arrange transportation for you to the nearest hospital for immediate medical care. They are prepared to send a trained counselor to be with you and your family during the period after the attack, during the police procedures, and during the trial. Your local rape crisis center could prove to be an invaluable aid to you and your loved ones following the assault.

FOLLOW-UP INVESTIGATION

At some time after the physical examination, the investigator will conduct a personal, in-depth interview with you. If you wish, ask the investigator if a friend or relative may be present with you during the interview. This is one of the most important steps of the investigation. Though the questions the investigator asks may be confusing or embarrassing, remember he is only trying to prepare the best possible case for the trial.

At this time, photographs of any injuries you received during the attack may be taken. These could be very useful in court to prove that you were injured since all signs of your injuries may disappear by the time of the trial.

If you did not know your attacker, you may be asked to look at pictures of known sex offenders who fit the description you gave to the police. These "mug shots" may help you identify the attacker.

If you identify someone as your attacker, a warrant for his arrest will be obtained by the investigator, in most cases. Once a suspect is arrested, the investigator may have you view a line-up of five or six people to see if you can identify your attacker.

The investigator will keep you informed of the progress on the case. **Remember, it is your responsibility to contact him if you remember any more information about the attack or your attacker.**

COURT PROCEDURES

The prosecution of an offender may be a long process because of the length of time necessary for a thorough investigation, the time involved in analyzing evidence, the large number of cases handled by some courts, and other necessary delays in preparing a case for trial. Court procedures for young offenders being tried as juveniles may differ from the following procedures.

PRELIMINARY HEARING

Once an arrest is made, a preliminary hearing will be scheduled. The Commonwealth's attorney in your area or his/her assistant will be assigned to prosecute your case for the Commonwealth and should contact you in a short time to let you know the status of the case. You will be the Commonwealth's most important witness in all the proceedings.

The purpose of this hearing is to decide whether or not the Commonwealth has enough evidence to justify holding the person charged under arrest. **Be sure that you have set up an appointment with the Commonwealth's attorney or his/her assistant BEFORE the preliminary hearing to find out exactly what is happening in your case.** You may be asked to testify at this hearing. If the judge decides that there is enough evidence to hold the person charged under arrest, the case goes to the Grand Jury.

GRAND JURY

The Grand Jury reviews the evidence once again and decides if the evidence presented is strong enough to formally charge the accused person of the crime. You may be asked to appear before the Grand Jury but you will not be cross-examined. If the evidence is determined to be strong enough, then an indictment will be returned at this time.

TRIAL

Once an indictment has been returned, an arraignment will be set up to inform the suspect of the charges against him, and to allow him to enter a plea. If he pleads guilty, usually no evidence need be presented and the judge sets the date for sentencing. If he pleads not guilty, then the judge will order a trial.

During the proceedings of your case, the defense attorney who represents the accused may try to get in touch with you. You are **NOT** required to talk to him. You should ask the Commonwealth's attorney handling your case what you should do if the defense attorney contacts you. **DO NOT SIGN ANYTHING** without first talking to the Commonwealth's attorney.

Your case will be tried before a jury unless the accused, the Commonwealth's attorney, and the court waive a trial by jury. You will receive a subpoena letting you know when the trial will be held. It may take several months before the case comes to trial. **Until the trial, let the investigator and the Commonwealth's attorney know where you can be reached.** They may want to prepare you for the trial. Since the type of questions asked in a trial may vary from case to case, your Commonwealth's attorney will be best prepared to tell you what to expect.

At the trial, the Commonwealth's attorney will ask you simple questions, knowing what your answers will be. **It is important that you testify HONESTLY from your own knowledge and memory.** The defense attorney will cross-examine you. These questions may be more difficult and confusing, but try to remain calm. Do not get angry; only answer the questions asked. If you do not feel that a certain question or a certain line of questioning is proper or you don't understand a question, ask the person who asked it to repeat or reword the question.

After all the evidence is presented, the jury (or judge, in some cases) will decide if the suspect (defendant) is guilty or not guilty. To

find the defendant guilty, the jury must be sure, without any reasonable doubts, that the evidence proves that the defendant is guilty.

PLEA BARGAINING

A plea bargain is an agreement between the Commonwealth's attorney and the defendant in which the defendant agrees to plead guilty to the charges or one less serious. Therefore, there is no trial and you do not have to testify. The Commonwealth's attorney may feel that there is not enough evidence to find the suspect guilty of a serious sexual assault charge. A conviction of some kind, even probation, gives the court a certain amount of control over the suspect that would be lost if he is found not guilty.

Generally, you will be contacted by the Commonwealth's attorney before any plea bargain is decided upon. If you are not satisfied with the plea bargain, you should ask for a full explanation.

YOUR RIGHTS¹

As the victim of a sexual assault, you have a right to expect certain things. During the police proceedings, you have the right:

- to be treated with dignity and respect by all police personnel.
- to a fast response to your call by the police.
- to a private interview.
- to no unnecessary trips to the police station.
- to a complete investigation of your case.
- to find out general information about your case.
- to transportation to the hospital or other medical help.

¹Adapted from "It Could Happen to Me: A Handbook for Rape Victims" published in April, 1978 by the Women's Victim Advocacy Program, YWCA.

If a police officer violates any of the above, report the matter to the police agency's administrator _____.

During the legal proceedings, you have the right:

- to a complete consultation with the Commonwealth's attorney before the preliminary hearing.
- to adequate notice of court dates.
- to be treated as a reliable witness.

If any of the above are violated, report the matter to: Commonwealth's Attorney _____.

During the medical procedures, you have the right:

- to choose where you will receive medical treatment.
- to be treated with dignity and respect by all medical personnel.
- to have a friend present during the entire wait and examination as long as he / she does not interfere with the medical proceedings.
- to a private examination.
- to the complete and orderly collection of evidence.
- to an objective and professional medical record.
- to all necessary information about possible medical treatment (such as penicillin, birth control methods, and later treatment).

If any of the above are violated, report the matter to:

**Virginia State Board of Medicine
Professional Building
505 Washington Street, Suite 200
Portsmouth, VA 23704**

or

The Chief Executive Officer of the hospital where you received treatment.

THE IMPORTANCE OF YOUR COOPERATION

As the victim, you are the primary witness and therefore the most important part of the case. Without your assistance, it would be almost impossible to convict the offender. The police and court officers realize how difficult it is for you to go through these police, medical, and court procedures and they appreciate your cooperation. With your help, they are protecting both your interests and those of the community. We hope that this booklet has helped you understand the procedures you have gone through and has made this traumatic experience a little easier.

A GLOSSARY²

Accused—See Defendant.

Alleged Attacker—See SUSPECT or DEFENDANT.

Appeal—A review of the trial record by a higher court to see if any legal mistakes were made.

Arraignment—A court hearing where the defendant is told about the charges against him and his rights to have a lawyer and a trial.

Artist Sketch—A picture that an artist draws of the attacker from the victim's description.

Anal Sex—A penis is put into the rectum of another.

Bench Trial—A trial where the defendant does not want a jury and asks the judge to hear the case and decide if he is guilty.

Commonwealth's Attorney—The attorney representing the victim and the state in criminal cases.

Corroborating Witness—A person who is able to give information that agrees with the victim's or attacker's statement about the attack.

Cross-Examination—The question asked of the victim by the defense attorney during the trial.

Cunnilingus—To put one's mouth on the female sex parts.

Defendant—A person who is charged with a crime.

Defense Attorney—The lawyer for the defendant.

Evidence—Testimony and objects that help to prove either the victim's or attacker's statements.

Eye Witness—A person who saw a crime take place.

Fellatio—To put one's mouth on the male sex parts.

Felony—A serious crime—lesser crimes are misdemeanors.

Gonorrhea—A kind of venereal disease (V.D.) contracted while having sexual relations with someone who is already infected.

²Adapted from "Forcible Rape: Medical and Legal Information" published in October, 1977 by the National Institute of Law Enforcement and Crime Justice, Law Enforcement Assistance Administration, U.S. Department of Justice.

Grand Jury Hearing—A legal process where citizens sitting as a jury decide if there is enough evidence to bring the defendant to trial.

Hung Jury—A jury whose members cannot agree that the defendant is guilty or not guilty.

Incest—Sexual intercourse between closely related individuals who are forbidden, by law, to marry.

Indictment—An accusation in writing found and presented by a grand jury, legally called together and sworn, charging that a person has committed some act or offense.

Jury—A group of people from the community who listen to the trial and decide if the defendant is guilty.

Lie Detector Test—See POLYGRAPH EXAM.

Lineup—A group of five or six people who are viewed by a victim or witness to attempt to identify the person who committed a crime.

Menstrual Extraction—A method of removing the menstrual blood from the body to end a possible pregnancy.

Molest—To meddle with or fondle unjustifiably, often as a result of abnormal sexual motivation.

Morning-After-Pill—A medicine that a woman can take for five days to prevent a pregnancy.

Mug Shots—Pictures of people who have been arrested for a crime.

Oral Sex—To put one's mouth on another person's sex parts.

Penis—The male sexual organ.

PERK Kit—A kit for medical personnel that includes the tools and instructions necessary to collect and preserve the physical evidence of the attack.

Personal Recognizance—The release of an arrested person on his promise that he will return to court.

Police—As used in this report includes local police departments, sheriffs' departments, and Virginia State Police.

Polygraph Exam—A test that uses a machine to measure changes in a person's heart rate, breathing rate and blood pressure while questions are asked.

Preliminary Hearing—A legal process where the judge decides if there is enough evidence to send the defendant's charges to a grand jury.

Prosecutor—The lawyer (attorney) for the community (state) who represents the interest of the general public in court.

Rape—The forced entry of the male penis into the female vagina against a person's will.

Rape Crisis Line—A phone number to call where someone is trained to help you cope with the attack and answer your questions.

Semen—The milky fluid that carries the sperm.

Sentencing—A legal process where the attacker hears what his punishment will be.

Sodomy—A term used to describe oral or anal sex.

Subpoena—The legal paper that requires a person to appear in court.

Suspect—A person who is believed to have committed a crime.

Syphilis—A kind of venereal disease (V.D.) contracted while having sexual relations with someone who is already infected.

Testimony—Statements made in court by a person who promised to tell the truth.

Vagina—The opening in the female that leads to the reproductive parts.

Venereal Disease—Diseases contracted while having sexual relations with someone who is already infected.

Verdict—The decision a jury or judge makes at the end of the trial about whether the defendant is guilty.

Victim Compensation Agency—A public office that gives money to victims of violent crimes.

Warrant—A legal document issued by a judge or magistrate that authorizes the arrest of person(s). The warrant must be sworn to by the individual who brings the complaint.

IMPORTANT PHONE NUMBERS

Police Department:

Emergency number _____

Investigative Division _____

Detective's name _____

**Hospital Emergency
Department** _____

Personal Physician _____

**Commonwealth's
Attorney's Office** _____

Attorney's name _____

Public Health Clinic _____
(for V.D. and pregnancy tests)

Rape Crisis Center Hot Line _____

Counselor's name _____

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