

STATE OF ALASKA
 Department of Law - Criminal Division
 Victim-Witness Assistance Program



**INFORMATION FOR VICTIMS
 OF SEXUAL ASSAULT**

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There is a person in the District Attorney's Office who can answer your questions and provide assistance to you.

What is Sexual Assault?

Sexual assault is when someone, without your consent, touches or penetrates you sexually. Touching, such as rubbing a breast, vagina, penis or buttocks, even if it is through clothing, is called "sexual contact." Intercourse, oral sex or insertion of an object or body part into the vagina or anus is called "sexual penetration." Sexual contact or penetration occurs if the offender touches or penetrates your body, or if you have to touch or penetrate the offender's body.

Another sexual assault crime occurs when a person has sexual contact or penetration with you while you are incapacitated because of drugs, medication or alcohol and, therefore, unable to give your consent.

It is also a crime to have sexual contact or penetration with someone who is mentally impaired and not able to understand what he or she is doing or the consequences of their conduct.

FACTS ABOUT SEXUAL ASSAULT

You are not alone. The U.S. Department of Justice estimates that 130,000 sexual assaults occur in the United States each year, or more than 350 per day.

It doesn't matter how old you are, where you live, or your cultural background - you can be a victim of sexual assault. Sexual assault victims are both male and female, of all ages and from all walks of life.

Don't be confused if the offender is "respected" or well liked in your community. If the person had sexual contact or penetration with you without your permission, it was a crime. Sexual offenders may be from any class, culture, profession or educational level.

Nothing you did and nothing about the way you looked makes you responsible for what happened to you. The motive for sexual assault is the need to feel powerful and in control. It is a myth that sexual assault occurs because of uncontrollable sexual urges or a lack of sexual opportunities. Studies have shown that most offenders have a consenting sexual partner, and are often married.

You can be sexually assaulted by a friend, a date, a spouse, or a stranger. Approximately 80% of sexual assaults are committed by someone the victim knows.

You may need counseling, a medical evaluation and treatment, or other assistance. You can get help by calling a sexual assault or domestic violence program in Alaska. To find the telephone number of the program nearest you, go to <http://www.andvsa.org/ak.htm>.

HOW YOU MAY FEEL AND WHO YOU CAN CALL FOR HELP

People react differently in times of crisis. You may find it helpful to review the following in case you are having, or develop, these symptoms at a later date. Realize if you do that the symptoms are most likely a result of the sexual assault.

Common Reactions to Sexual Assault (sometimes immediate - sometimes delayed)

Psychological:

- Guilt, shame and embarrassment
- Confusion
- Anger
- Helplessness
- Depression
- Fear and anxiety
- Self-blame for the assault
- Nightmares or flashbacks
- Feeling you are no longer in control of your life
- Not wanting to talk about the sexual assault
- Denial - pretending it didn't happen

Physical:

- Changes in appetite
- Sleeping difficulties
- Stress-related illness
- Alcohol/drug dependence

Social:

- Isolation and withdrawal
- Difficulty trusting
- Interpersonal conflicts
- Decline in academic or work performance

About Sexual Relationships: You may need time before resuming sexual relationships. When you do, you may find yourself:

- Feeling general dissatisfaction
- Fearing or disliking sex
- Having flashbacks of the assault

These reactions can subside over time. Be patient with yourself.

SAFETY PLANNING

You may want to use some or all of these ways to protect yourself and to feel more secure:

Personal Security:

- Change your daily schedule and the route you take to work, school and stores.
- Remove residential address and telephone number from checks.

It is important to talk about the sexual assault and your feelings. Advocates are available throughout Alaska at sexual assault and domestic violence programs to help you through difficult times and to assist in your recovery process.

- Get an unlisted and unpublished telephone number and an answering machine to screen calls.
- Choose carefully who gets personal information about you, such as your home address and phone number.

Home Security:

- Change or improve locks on doors and windows, and keep them locked.
- Use window bars, poles to wedge against doors, or an alarm system.
- Replace wooden doors with metal doors.
- Keep a light on all the time.
- Install an outside lighting system that lights up when a person is coming close to your home.
- Get a smoke detector and fire extinguisher
- Tell neighbors you trust to call the police if they hear suspicious noises coming from your home.
- Identify visitors before opening doors.
- If you have a telephone, ask that a friend call you at least once a day.
- Keep your purse and vehicle key in a place where you can get them so you can leave quickly.
- Have someone stay with you if you live alone, or go stay with family, friends, or at a sexual assault program shelter.

Car Security:

- Keep the doors locked at all times.
- Park your car in well-lit, public areas.
- Get gas cap and hood locks.
- When traveling, plan ahead and know where you can get help, such as police stations.
- Be alert. If you feel threatened, drive to a police or fire station, or a busy shopping center.
- Try not to travel alone.
- Get a cell-phone so you can make emergency calls at any time. Keep emergency phone numbers with you.



Workplace Security:

- Walk with another person when leaving work.



Protective Order:



If you were penetrated, or the offender is related to you or has lived with you, get a protective order from the court, and report any violations of the order to the police.

V.I.N.E. System (to check jail custody status):



V.I.N.E. stands for Victim Information and Notification Everyday. VINE is a free, anonymous, computer-based service that offers prisoner custody status information:

- You may call from any touch-tone phone, any time, to find out if an offender is in jail.
- You may register so the system will call you if the offender's custody status changes by being released, transferred, or escaping.

The telephone number for VINE to check the offender's custody status or to register for notification is 1-800-247-9763, then follow the prompts.

Do not depend solely on the VINE service for your protection. If you feel you may be at risk, take precautions as if the offender has already been released.

If you have any questions regarding the VINE System, please contact the Alaska Department of Corrections at 907-269-7426.

HOW SEXUAL ASSAULT CASES ARE HANDLED IN THE CRIMINAL JUSTICE SYSTEM

Some people find the criminal justice system confusing. This section explains what happens in sexual assault cases.

Report: You, or someone else, report the crime to the Village Public Safety Officer (VPSO), a city police department or the Alaska State Troopers and an investigator is assigned to the case.



Investigation: The police interview you. Depending upon the type of sexual contact and the date it occurred, the officer may ask that you be examined by a medical person to determine if hairs, semen, or injuries are present. The officer may also take clothing, bedding, or other items for testing. The officer sends these items to the crime lab in Alaska for analysis. The police officer also gathers other information, including statements from witnesses and the offender and prepares a report.

District Attorney: The district attorney reviews the report prepared by the police to decide if there is enough evidence to charge the offender.

If the district attorney does not file charges, it is because the attorney does not have enough evidence to prove the case to a jury. The decision not to file is not made because the attorney does or does not believe you. Even if the case is not prosecuted, the report remains with the police department. This report may become very important in the future to convict this offender if more evidence is uncovered or if the offender sexually assaults someone else.

Can you, the victim, drop charges? No. The district attorney files charges, and only the district attorney can drop the charges. This

is because sexual assault is a crime against society as well as against you. Being convicted of a crime teaches offenders that there is no place for violence in our communities. As part of the sentence, the district attorney can ask the judge to order the offender to attend a sex offender treatment program to change violent behavior.

Preliminary Hearing or Grand Jury: If the crime is a felony (most sexual assault cases are), the district attorney must show to a group of citizens (called a grand jury) or to a judge (at a preliminary hearing) that there is enough evidence to bring the case to trial.

At a preliminary hearing (rarely done in sexual assault cases), there will be a judge, a district attorney, a defense attorney, and the offender. It is open to the public. The defense attorney is allowed to ask questions.

At a grand jury proceeding (commonly done in sexual assault cases), there will be 12 to 18 grand jurors (they are citizens just like you) and a district attorney. There is no judge, no defense attorney, no offender, and it is not open to the public. The vast majority of sexual assault cases are reviewed in the privacy of a grand jury where witnesses, one at a time, are asked questions. When it is your turn, the district attorney will ask you questions, then the grand jurors may ask you questions. Your contact person in the District Attorney's Office will tell you the grand jury date. The district attorney and, most likely your contact person, will meet with you before you testify to explain your role in court and to tell you the questions that will be asked.

Arraignment: At the arraignment the offender (now called a "defendant") appears before the judge. The judge explains the charges and asks the defendant to enter a plea. If the plea is "guilty" or "no contest" (sometimes called "nolo contendere"), the judge sets a date for sentencing. If the plea is "not guilty" (this happens in nearly all cases), the judge will set a date for trial. You do not have to attend the arraignment. Your contact person will tell you the trial date or the sentencing date.



Change-of-Plea Hearing: If the defendant originally pleads "not guilty," the defendant can change his or her plea to guilty or "no contest" at any time. Most defendants do change their plea, which cancels the trial. You do not have to attend a change of plea hearing.

Trial: If the defendant does not plead guilty or "no contest," a jury trial (a jury consists of 12 people) will be held and you will testify. To make you as comfortable as possible and to refresh your memory, the district attorney or your contact person will meet with you shortly before the trial.

Delays: A judge at the request of the district attorney or the defense attorney may grant a "continuance" (changing a court proceeding to a later date). Continuances may also occur because of the judge's or attorneys' schedules, evidence analysis requests, and legal arguments about the evidence. Because delays are common, it is best if you can mentally prepare for them. Tell your contact person about any dates you may be unavailable for court.

Presentence Report: If the defendant is found guilty or pleads guilty, and if the crime is a felony, the judge will set a sentencing date and order a presentence report. The sentencing date is

usually scheduled two to three months away to allow time for the presentence report to be prepared.

Probation officers prepare presentence reports to help the judge at sentencing. The report contains information about the defendant's background, the crime, a sentencing recommendation and usually a "Victim Impact Statement." The probation officer will ask to talk to you to get information for the victim impact statement. If you talk to the probation officer, he or she will most likely ask:



- How the crime hurt you and your family (emotionally, physically and financially) and affected your life.
- What you think should happen to the offender (jail, counseling, having to stay away from you and your family, paying you for your out-of-pocket expenses not covered by insurance, etc). If you did lose money because of the crime, the probation officer will ask for the amount so he or she can request restitution for you. Restitution is when the court orders the defendant to pay you for your loss.

The probation officer sends copies of the completed presentence report to the judge, the district attorney and to the defense attorney (who will read the report with the defendant). The report is confidential and it is not available to the public. Some sections of the report are available for you to read if you ask your contact person prior to sentencing. Those parts are:

- The summary of the offense as explained by the probation officer,
- The defendant's version of the offense,
- The summary of your statements in the report, and
- The sentence recommendation made by the probation officer.

You will receive a "Victim Right to Notification" form from the probation officer. If you want to know when the offender will be released from prison, fill out the form and return it to the probation officer. If you choose to request the notification, keep in mind that you will need to notify the Department of Corrections if you change your address or phone number.

Sentencing Hearing: The sentencing hearing is when the judge decides the defendant's punishment. In deciding the sentence, the judge considers the presentence report and recommendations from the district attorney, the defense attorney, the defendant and you. You may express your views to the judge, either in writing or in person at the sentencing hearing (you may do this in addition to giving the "Victim Impact Statement" to the probation officer). You are not required to attend the sentencing but many victims and family members have said it was helpful to see and hear how the case ends. If you choose not to attend, your contact person can tell you what happened.



Appeals: The defendant may appeal the sentence and conviction. If the defendant appeals, you have no responsibility during the entire appeal process except to keep

your contact person informed if you move so he or she can let you know the result. The appellate court may take one or two years to decide the case. The district attorney wins the vast majority of appeals. For that reason, try to allow the burden of the appeal process to rest with the district attorney while you spend the waiting period taking care of yourself in your recovery process.



YOUR LEGAL RIGHTS AS A VICTIM OF SEXUAL ASSAULT

A separate brochure (available from the district attorney's office) outlines your general rights as a crime victim, but some rights and protections are unique to you as a sexual assault victim. Those unique rights and protections are:

- **The right not to be contacted by anyone working for the defendant.** The defense attorney, or someone working for the defense, usually contacts victims for an interview. If you want to avoid contact from the defense attorney, fill out the enclosed "Notice to Defense Representatives of Request Not to Be Contacted." Give the completed form to your contact person in the district attorney's office. He or she will give it to the defense representatives.
- **Protection from your name appearing in court documents.** Your initials will be used instead.
- **Protection regarding your past sexual conduct.** Your past sexual conduct is protected, which means the defense attorney can not bring it into the trial without special hearings occurring where the district attorney would argue to protect your right to privacy. You would be informed if such hearings take place.
- **Protection regarding communications between you and your counselor or advocate from the sexual assault or domestic violence program.** Communications between you and a professional counselor are confidential and neither the district attorney nor the defendant has a right to your counselor's records.
- **If penetration occurred in your case, you have the right to request that the defendant be tested for HIV:** If the defendant has been charged and you want the defendant tested, tell your contact person in the district attorney's office. The district attorney will file a petition asking the judge to order the test. A judge or magistrate reviews the petition and orders the test if he or she feels it is warranted. You will receive a copy of the test results. If you have not received the results within a month of making your request, call your contact person in the District Attorney's Office to find out what has caused the delay.

WHAT YOU NEED TO KNOW ABOUT SEXUALLY TRANSMITTED DISEASES (STD) AND HIV:

Having someone knowledgeable to talk to about HIV and STD can help you understand your options. Your personal physician can help you to make the decisions that are best for you. You may also call 1-800-478-AIDS for information about where to get free, confidential HIV testing.

You may already have been treated with medications to prevent common STD after the assault. If you can't remember, you should ask your doctor or nurse. If you weren't treated, you may want to be tested for STD (a simple physical examination is required to collect specimens to test for STD, since most STD tests are not blood tests) and treated if the tests show you are infected.



HIV: Currently, no preventive treatment for HIV is generally given after an assault. Blood tests for HIV infection detect antibodies to HIV, and these antibodies may take from a couple of weeks to six months after infection to develop.

If the defendant is tested for HIV, his test results will show if he is infected, unless he was only recently infected. Even if the defendant is infected, that does not mean the defendant has infected you. The only way you can know if you are infected is to be tested for HIV yourself, generally three to six months after the assault.

Things to Remember

- **It is not your fault you were sexually assaulted.**
- **You are not in this alone.**
- **You may need counseling.**
- **The pain of the assault and your fear will lessen over time.**
- **You will have some good days and some bad days--- all together they move you forward toward healing.**
- **Take it a day at a time.**
- **Be patient with yourself.**



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