

# What Happens Next? Resources for Support, Questions, and Information

After a traumatic event like sexual assault, figuring out what to do next can seem daunting. There are so many unknown people and procedures that may make the process seem overwhelming. Understanding a few steps in the process and identifying people who will help you can remove some of the unknowns, and can help you feel more prepared should you choose to file a complaint with law enforcement.

## At the Hospital: Medical Care and Sexual Assault Medical Forensic Examination

You have the right to seek and receive medical care even if you choose not to be involved with a police investigation. Sexual assault can impact your health. Forensic medical examiners or nurses will evaluate for injuries, provide health resources, and give medication to prevent pregnancy and sexual transmitted infections. While at the hospital or clinic or when reporting the crime to police, you have the right to ask for a sexual assault forensic examination.

In addition to attending to your health care needs, the medical examination includes collecting physical evidence from your body for preservation in a sexual assault forensic examination kit (commonly called a sexual assault kit or rape kit) if you want evidence collected. The medical provider will preserve possible DNA evidence, take photographs of injuries, ask you questions, and may conduct other medical tests that can be used later in court should you choose to file a complaint with law enforcement.

**1. Who may go with you or meet you at the hospital or clinic?** Any friend, family member, or support person you designate may be with you during this process.

### **2. Do you have the right to a victim advocate?**

Depending on your jurisdiction, you may have the right to have a Sexual Assault Victim Advocate with you during the sexual assault examination. This person may sit with you while you wait for the sexual assault examiner to conduct the examination. The advocate may also be with you during the examination process, which can be very lengthy. It is important for you to feel supported during this process. You do not have to disclose anything about your story to the advocate if you do not want to, and a

community-based advocate will explain to you whether the information you share is confidential. The advocate is there to support you and to provide information about next steps if you choose to move forward, or to seek additional assistance.

**3. Who may perform the exam?** Medical professionals usually perform sexual assault forensic exams; these professionals have been trained about the best ways to care for victims of violence, evaluate injuries, and collect and document evidence. If your case should go to trial, they may be called to testify as witnesses. These professionals may be known by the following titles:

- **Sexual Assault Nurse Examiners (SANEs):** Registered nurses who receive specialized education and fulfill clinical requirements to perform the exam.
- **Sexual Assault Forensic Examiners (SAFEs) and Sexual Assault Examiners (SAEs):** Other health care professionals who have been trained to complete the exam.

**4. What happens during the SAFE kit exam?** The following steps outline the general process for the exam. Remember, you may stop, pause, or skip a step at any time during the exam, and you may communicate your desire to do so to the examiner or to your advocate, who may voice your concerns. **The exam is entirely your choice.**

- **Immediate care:** If you have injuries that need immediate attention, those will be taken care of first. Let the medical professional know whether you think drugs or alcohol were a factor in your assault and ask for a blood or urine toxicology test to determine if any traces of substance could be found in your body.
- **Health history:** You will be asked about your current medications and other factors pertaining to your health history. Some questions—such as those about recent consensual sexual activity—may seem very personal, but they are designed to ensure that DNA and other evidence collected from the exam can be connected to the perpetrator. You will also be asked about the details of what happened to you to help identify all potential areas of injury and all places on your body or clothes where evidence may be located.

- **Head-to-toe examination:** This part of the exam is based on your specific experience, which is why giving an accurate health history is important. The full-body examination usually includes internal examinations of the mouth, vagina, and anus. It may also include taking samples of blood and urine, swabs of body surface areas, and sometimes hair samples. The trained professional performing the exam may take pictures of your body to document injuries and the examination. With your permission, the examiner may also collect clothing items, including undergarments. Any other forms of physical evidence that are identified during the examination—such as a torn piece of the perpetrator’s clothing, a stray hair, or debris—may be collected and packaged for analysis.
- **Follow-up care and reporting:** You may be offered prevention treatment for sexually transmitted infections (STIs), pregnancy prevention (Plan B), and other forms of medical care that require a follow-up appointment with a medical professional. Depending on the circumstances and where you live, the exam site may schedule a follow-up appointment for you. You may also ask about resources in your community that offer follow-up care for survivors of sexual assault. If a victim advocate is not available, someone from the exam site may be able to provide information or resources about your reporting options.

## At the Police Station: The Law Enforcement Process

If you choose to report, you will meet with a law enforcement officer to file a complaint. You may meet with the law enforcement officer at the hospital—if you choose to report immediately—or later at a police station or in your home if the police department can send a detective to interview you. If you go to a police station or call the non-emergency police department number to report the assault, you have the right to ask for the specialized sexual assault unit and to speak with an officer specially trained to investigate sexual assault cases.

**1. Can you request a victim’s advocate?** Depending on your jurisdiction, you may have the right to have a sexual assault victim advocate be with you during the law enforcement interview process. The advocate will escort you to the station if needed, and support you during the law enforcement interview.

Share what you remember about the assault. It is understandable if you are nervous about sharing information about drug or alcohol use, but it is best to be forthcoming with law enforcement.

**2. What is a law enforcement interview?** You may be asked to speak with one or more law enforcement officers several times throughout an investigation. Depending on your jurisdiction, you may have the right to ask for a consolidated interview with detectives, advocates, the prosecutor, or a combination of these professionals. In some places, you may ask to have your interview recorded to limit the number of times you will recount your story. If some questions seem personal, invasive, or irrelevant, it helps to bear in mind the following:

- Law enforcement officers should to be trained to interview, not interrogate, a victim. Officers should engage with victims in a respectful manner without causing them harm or re-traumatization.
- Law enforcement officers are trained to anticipate common defenses used by perpetrators in sexual assault cases, and some of their questions may anticipate these defenses. The officers need to verify information and gather evidence to fully understand the crime as it happened. They should not discredit your statement based on victim-blaming assumptions or misconceptions.

**3. What is a sexual assault report?** Every police report includes a case tracking number; a description of any physical evidence; written narrative from the officer describing the incident as reported and investigative steps taken; and often, a written statement from the victim. Your statement to law enforcement provides key evidence in describing for the police and the prosecutor what happened. Providing as much information as possible is important, so you should consider including in your statement any of the following details that you can recall:

- **What sensory details do you recall?** Include sensory experiences such as what you saw, smelled, tasted, heard, or felt at the time; include any details of alcohol or drug use—this may show vulnerability and incapacity; if you can, describe what the perpetrator looked like, smelled like, and/or sounded like.
- **What was said/done?** Mention any threats or physical force; any actions or words said that may have coerced you to do something; what “no” looked or felt like for you—“no” is not just a word, your response can include fight, flight, or freeze reactions and each are valid responses to a traumatic event.

- **What happened before?** Did you know the perpetrator before the incident? Did that person encourage you to eat or drink or give you any drugs/medication? Did the person take you to a different location? Were you in a place you could not leave?
- **What happened between the incident and the report?** Do you recall any changes in your general behavior, habits, or routines? Do you avoid places or people? Do you have reoccurring dreams or thoughts? Do you have sensitivity to noises, words, or any sensory experiences that are too overwhelming because of the incident?

## At the Prosecutor's Office: Prosecutorial and Defense Teams

Once you make a formal criminal complaint to law enforcement, you may meet the prosecutor at the police station soon after filing the complaint or at a later date. Depending on your jurisdiction, the prosecutor may go by a different title—such as State's Attorney or District Attorney. The prosecutor represents the state's interest in criminal cases. The prosecutor will work with law enforcement and with you to further determine the next steps for proceeding with a criminal case against the perpetrator.

### The Prosecutor

- Prosecutor's offices often have specialized departments that take sexual assault cases with prosecutors who are specially trained to work these complex cases. The prosecutor will consider all the gathered evidence and determine the next steps to proceed with a criminal case. Keep in mind, the prosecutor requires further information before formal criminal charges can be brought.
- If the prosecutor decides to pursue the case, you may be asked to testify in a grand jury hearing depending on the jurisdiction. This hearing will lay out the evidence the prosecutor's office has to file "an indictment," or "an information," or otherwise to initiate the criminal proceedings against the alleged perpetrator. The prosecutor will be the only one asking questions at the hearing and will work with you to ensure you are prepared.
- You may ask the prosecutor to file for a protective order—or no-contact order—against your assailant, or for any other necessary safety arrangements that a judge can issue. The prosecutor's office will also keep you informed if the perpetrator is released from police custody and if any bail hearings come up to release the perpetrator.

- Additional hearings may follow the grand jury hearing before your case moves on to trial or a plea agreement. The prosecutor should provide you with contact information and keep you well informed of any upcoming hearings as needed.
- A prosecutor will also decide if he/she is unable to proceed with a criminal case. Depending on the jurisdiction, this may be based on whether there is probable cause that a crime occurred (the minimum standard under prosecutor's ethical requirements) or a higher standard of consideration—whether there is a reasonable likelihood of conviction. If the prosecutor decides not to pursue your case, you should receive a clear explanation during a face-to-face conversation about the reasons.

### Victim Advocate

- Depending on your jurisdiction, you may have access to the state's Office of Victims of Crime (OVC) funding for any restitution or financial support to pay for lost material items, temporary housing, transportation costs, and so on.
- Community- and systems-based advocates are both necessary to assist you through the criminal justice process. Each type of advocate provides a specialized support system to ensure your needs are met and can also be critical to the success of the case.
- Find out whether the victim advocate is considered part of the prosecution team. If so, the advocate may not be governed by the same confidentiality rules as a community-based advocate and may be compelled to share any case notes with a defendant in your case.

### The Victim's Rights Attorney

- You have the right to hire an attorney to address civil issues that arise during your sexual assault case. This attorney may represent you in civil court proceedings to protect your rights under state law, such as your state's victim bill of rights.
- You also have the right to retain counsel to represent your interests in cases where your civil rights may be compromised. These include victim depositions, victim polygraphs, image exploitation, rape shield issues, and a variety of other issues in which the state's prosecutor cannot adequately protect the rights of individual victims.

## The Defense Team

- **Defense Attorney:** The defendant may have legal representation. The defense attorney may ask you questions. Defense lawyers are required to identify who they are and whom they represent. You are not obligated to speak with the defense attorney. Be aware that any information you share with the defense attorney may be used in criminal court.
- **Defense Investigators:** The defense team may include an investigator who is sent by the defense counsel to ask witnesses for further information or to gather evidence for the defendant's case. Defense investigators are required to identify who they are and for whom they work (the defense attorney). You are not obligated to speak with the defense investigator. Be aware that any information you share with the defense investigator may be used in criminal court.

Author: RAINN (Rape, Abuse and Incest National Network) is a dynamic organization comprising experts to provide the best-in-class services for survivors, inform and educate the nation about sexual violence, and improve the public policy and criminal justice response to sexual violence. The victim services experts at RAINN take a victim-centered, trauma-informed approach to developing programs and services that support survivors of sexual violence and their loved ones.

This project was supported by Grant No. 2015-AK-BX-K021 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the U.S. Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.