

## **In the Beginning**

If you are sexually assaulted, you may feel alone and confused. You can get support, assistance and information from a rape crisis center. The crisis center responds immediately through its 24-hour hotline and 24-hour response to hospital emergency rooms and police stations. The center also provides ongoing advocacy and counseling services. These services are free and confidential. If there is a rape crisis center in your community, these services can help you to clarify information and explore the feelings that may surface after the assault or abuse. If you choose to report the sexual assault, you don't need to go through any of the procedures alone. A friend, relative or rape crisis center counselor/advocate can accompany you and give you support.

If, at any point during the medical or legal procedures, you don't understand what is happening – ask. The nurse, doctor, police officer, State's Attorney, and rape crisis center advocate are available to explain things to you.

Remember that sexual assault and sexual abuse are serious, violent crimes. They are crimes that could happen to anyone. No matter what the circumstances were; the rape was not your fault.

## **Medical Care**

Seeking medical care is important, regardless of whether you choose to report to the police. Medical attention will provide for physical exam, treatment and collection of any evidence of the assault.

### **The Emergency Room Exam**

A local hospital emergency room can provide immediate medical attention. The emergency room responds to both the physical trauma of the assault and the process of collecting evidence in case you wish to report to law enforcement. You may sign consent forms to allow the medical personnel to examine, treat, and administer medication to you, and to release information to the police. The nurse will explain the exam procedures to you and will be present throughout the exam.

After a sexual assault, the primary medical concerns are physical injuries, sexually transmitted diseases and pregnancy. At the time of the examination, testing will also be done to collect evidence that can be used to prosecute the person who assaulted you.

Do not bathe, douche or change clothes before the exam. This may destroy evidence. If you already have, it is still important to have prompt, thorough medical care. Bring a change of clothes with you when you go to the emergency room, since your clothing will be kept as evidence.

### **Sexually Transmitted Disease**

Sexually transmitted diseases such as syphilis, gonorrhea, herpes simplex II and HIV can be transmitted during a sexual assault. You may not know that you have a sexually transmitted disease until several weeks or months after it has been transmitted.

If you are concerned about having a sexually transmitted disease, discuss this with the doctor. He or she can give you preventive medicine at the time of the exam. You should receive information on any medication given to you. Make sure you know the name, dosage, purpose and possible side effects of the drug.

Even if you receive preventive treatment, it is important to be tested for sexually transmitted diseases two weeks after the attack, and again in six weeks. The Illinois Department of Public Health supplies free testing and treatment for sexually transmitted disease. For the location of the clinic nearest you, call the local Department of Public Health.

### **Pregnancy**

There is a chance that pregnancy will result from a sexual assault. While the chances are lessened if you are using birth control, a test for pregnancy is recommended for all women of childbearing age who are sexually assaulted.

You may request a pregnancy test at the time of the exam. However, an accurate pregnancy test cannot be given until six weeks after your last period. A test at the time of the sexual assault will not show if you are pregnant from the assault.

Having a late period does not necessarily mean you are pregnant. Stress, tension and worry can cause you to have a late period; this happens to many sexual assault victims. Follow-up testing is the most reliable way to determine whether you are pregnant.

If you do not have a private physician, the hospital emergency room or sexual assault crisis center can refer you to a doctor or health clinic.

### **Emergency Contraception**

Emergency Contraception (EC) is a medication which can be given at the time of the medical exam to prevent pregnancy. To be effective, emergency contraception must be given within 72 hours of the assault. EC is not a form of abortion. It is a heavy dose of normal birth control pills. Hospitals are required to provide information on emergency contraception. Rape crisis center advocates can also provide information on EC and the location of the nearest pharmacy that will fill your prescription.

### **Evidence Collection**

The hospital exam is designed for thorough and complete evidence collection. The entire evidence collection process will be done only with your consent. Any evidence found during this exam will strengthen the court case. Some physical evidence (such as the presence of sperm) can only be obtained during a medical exam within 72 hours of the attack.

Evidence may be collected even if you do not plan to report the attack to the police. If you decide, at a later date, that you would like to prosecute, this evidence will be available. Hospitals in Illinois are required to notify the local police department that treatment has been given to a sexual assault victim.

Evidence collection includes taking samples of substances from the vagina, rectum, and mouth; combings of head and pubic hair; and collecting material from beneath your fingernails. These samples will be used to detect the assailant's sperm, hair and skin cells and can help to identify the attacker.

The clothes you were wearing also may be sent to the crime lab, and may be kept as evidence until your case is closed.

Photographs may be taken of bruises, cuts and other injuries that occurred during the assault. The photographs may be kept as evidence until your case is closed.

The Cost

The Sexual Assault Survivor's Emergency Treatment Act will cover the emergency room costs if you do not have public aid or private medical insurance. The hospital should not bill you for the treatment. Instead, they will be reimbursed by the Illinois Department of Public Aid.

Under the Illinois Crime Victim's Compensation Act (CVCA), victims of violent crimes can be reimbursed for out-of-pocket medical expenses, loss of earnings, psychological counseling and loss of support income due to the crime.

Maximum reimbursement under CVCA is \$27,000. To be eligible, you must have reported the assault to the police within 72 hours of the crime. A claim application must be filed within two years of the date of the crime. Further information and application forms are available on the Internet at [www.cyberdriveillinois.com](http://www.cyberdriveillinois.com) or by calling 217-782-7101 or 312-814-5010. Rape crisis center staff can help you with the application procedure.

## **Criminal Justice Procedures**

Sexual assault and sexual abuse are violent crimes. Like all other violent crimes, it is the responsibility of the state to prosecute the offender on your behalf. Seeking police assistance and court action may involve you in a long, complex process, but your determination can reduce the chance that you or other people will be assaulted in the future by the same person.

When you are discussing the attack with the police, detective or State's Attorney, do not be afraid to ask questions about any words or procedures that are unclear to you. You may want to take notes and write down the names and phone numbers of all people who are working with you. It is okay to call them if you have further questions.

## **Reporting To The Police**

The sooner you report to the police, the more likely your success in prosecuting. Reporting does not mean that you are committed to participating in a prosecution. Without your participation however, it is much more difficult for a State's Attorney to prosecute your case.

In the initial report, the officer who answers your call will want a brief summary of the crime, including when and where it happened. A description of the assailant may be dispatched to patrol officers.

### **The Investigation**

The police detective assigned to your case will conduct an in-depth interview in private with you. Since this is one of the most important phases of the investigation, it will be detailed and thorough. If you have bruises or other signs of attack that were not visible at the hospital, photographs may be taken at the police station.

You also may be asked to write a report. This will include your description of the assault and what happened before and after the assault.

The place where the incident took place may be searched and examined for fingerprints, stains, weapons and other evidence. Do not touch or remove anything from the scene of the crime until this is done. Your fingerprints will be taken at the police station to distinguish them from other prints found at the scene of the crime.

If the assailant was not known to you, you may be asked to look at photographs of sex offenders. You may also be asked to work on a composite sketch with the police artist.

### **The Arrest**

The investigator will be trying to apprehend the suspect. If an arrest is made, and the suspect was not personally known to you, you may be asked to view a line-up. You will be asked to identify the attacker from a group of five or six people. They will not be able to see you during the line-up.

### **Prosecution**

Whenever sexual assault or sexual abuse is committed, the State of Illinois considers the crime an act against all the people of the state. Therefore, criminal cases are tried by the State's Attorney's office instead of private lawyers. You do not have to pay a fee for the assistance of the State's Attorney. You, the victim, are a witness to the crime.

### **Filing Charges**

You may need to sign a complaint at the State's Attorney's office, usually located at your county court building. The police report will be sent to the State's Attorney's office along with the medical report. If the State's Attorney's office decides there is enough evidence, the case will be sent to an Assistant State's Attorney. In Chicago, after you talk to the police, the case will go to

the Felony Review Unit in the State's Attorney's office to determine if your case will go to Felony Court.

The Assistant State's Attorney will interview you concerning the case, asking some of the same questions asked by the police detective. He or she will also explain the trial process, how to testify at the trial, and what the defendant (accused rapist) may use as defense at the trial.

If any representative of the defendant contacts you, call the Assistant State's Attorney who is handling your case. You are not required to talk to the defense attorney if he or she calls you.

It is possible that the prosecutor or the Felony Review Unit will decide not to file charges. This may mean that the prosecutors or Felony Review Unit do not believe there is enough evidence for the case to go through the court system successfully. Sexual assault cases are difficult to prove in court. If a sexual assault or sexual abuse charge is not filed, you should be given a reason by the State's Attorney. Likewise, if you disagree with the Felony Review Unit decision, ask to speak with a supervisor for case reconsideration.

### **Polygraph Test**

No police officer or State's Attorney can require you to take a lie detector test as a condition to investigating, charging or prosecuting your case. This law was passed because lie detector tests are of little value in a sexual assault or sexual abuse case. You may request to take a polygraph if you choose to.

### **Arraignment**

The arraignment is when the defendant appears before the judge and pleads guilty or not guilty to the crime. If the defendant pleads guilty, sentencing will be scheduled for a later date. If the defendant pleads not guilty, the case moves toward a trial.

### **Bail**

If the defendant pleads not guilty, the judge may release the defendant into the community. The judge will set conditions for the defendant's release, called bail. Often, one part of bail is bond, which is an amount of money the defendant pays to the court to ensure that he will return for court hearings. If, during this time the defendant threatens or harasses you in any way, immediately notify the police. If he violates the bail, he will be held in jail until the trial.

Charging

After the arraignment, prosecution begins in one of two ways: through a preliminary hearing or a grand jury hearing. You may be asked to be present or to testify during these proceedings. If you are required to attend, you will receive a subpoena. This is a document from court that will tell you when and where to appear.

### **The Preliminary Hearing**

The preliminary hearing will take place before a judge in open court. The defense attorney and the accused rapist will be present. The judge will review the evidence and testimony and decide if the case will be referred for trial.

### **The Grand Jury Hearing**

A grand jury hearing is held in private before a jury. The jury reviews the evidence presented by the prosecutor and decides if the case will go to trial. You may not attend. Also, the defense attorney and the accused rapist do not attend.

### **Plea Bargaining**

Plea bargaining may take place between the State's Attorney and the defense attorney at any point after the charges are filed. After a plea bargain, there is no trial, no chance of acquittal and usually a lesser sentence than the rapist would have received for the original charges. If your case is plea bargained, you have the right to discuss the terms with the prosecuting attorney.

### **The Trial**

The defense chooses whether the trial will be held before a circuit court judge (called a bench trial) at which there is no jury, or before a judge and a jury of 12 people (called a jury trial). A bench trial is commonly used in Cook County. The judge determines if the defendant is guilty or not guilty.

If a jury trial is chosen, both the prosecution and the defense have a right to exclude up to 10 potential jurors (called preemptory challenges). The selected jury of 12 people hears the case and determines if the defendant is guilty or not guilty. The judge sets the sentence.

During the trial, you and other witnesses will be required to testify. In addition, the results of the medical examination, laboratory analyses and police investigation will be presented at the trial. The defendant does not have to testify.

At the trial, the State's Attorney will begin the questioning and will ask you to give a complete account of the attack. The defense attorney will then question you and will try to dispute what you say.

The defense attorney is not allowed by Illinois law to question you about your past sexual experiences(s) or reputation, unless it is directly related to the case.

Before a trial, you may want to practice testifying with a sexual assault crisis center advocate or a knowledgeable friend. Preparation for the trial should also include reviewing the police statement. It is also a good idea to visit a courtroom and observe another trial in session.

### **Post-Trial Events**

If the defendant is found guilty, he will be sentenced. He also has a right to appeal. A finding of not guilty cannot be appealed by the state.

Remember that a finding of not guilty does not mean that a crime was not committed.

### **Civil Trial**

It is possible for you to sue for damages that are a result of a sexual assault. You can sue regardless of whether a criminal prosecution occurred and even if the defendant was found not guilty. To initiate a civil suit, you must hire a private attorney. The attorney may be paid a percentage of a successful award.

### **Emotional Recovery**

Sexual assault is a crisis, and we all handle crisis in different ways. Some women go into shock after being raped, or experience overwhelming fear, anger, shame or anxiety. The emotional reaction to sexual assault is complex and often confusing. Remember that your feelings and experiences are not unusual. You are not alone.

The fear and confusion will lessen with time, but the trauma may disrupt your life for a while. Sleeping and eating patterns may change. You may experience dramatic mood swings, find yourself becoming irritable and short-tempered, and have difficulty making decisions. Crying spells are another response to the crisis.

Talking with someone who understands can help you sort out the emotional aftermath of a sexual assault. A rape crisis center counselor can help you gain a perspective on the situation. Counseling from ICASA rape crisis centers is free and confidential. Remember that no matter how great your difficulty in coping with the assault, it does not mean you've developed serious mental or emotional problems. The recovery process may help you develop strength, insights and abilities.

Those who are close to someone who has been raped may also seek counseling. This can help them cope with the stress the incident has brought to their own lives, and help them to be understanding and supportive of the sexual assault victim.