

The Legal Process

If I decide to prosecute what must I do?

Once you have made this decision, you will be asked to give the law enforcement agency handling the case a written statement telling them what happened and give a description of your offender.

After I give the statement, what happens?

If the offender has not already been arrested, the police will make a report of the offense and take it, along with your statement, to the assistant district attorney, who is responsible for seeing that the charges are properly filed. Once the charges are filed, an arrest warrant should be issued. If the offender has already been arrested, the district attorney's office should file formal charges as soon as possible.

Will the offender be able to get out of jail on bond after being arrested?

It is possible that the offender may be able to get released from jail on bond. A judge considers many factors in setting the amount of a bond. Bond can only be denied if the district attorney requests that the bond be denied because the defendant was already out on bond for a felony or because the defendant has been previously convicted of felonies or is considered a flight risk.

What happens after the charges are filed and the arrest is made?

In Texas, a defendant has the right to a pretrial hearing to determine if there is enough evidence for a grand jury to formally charge the offender with the crime. This happens only occasionally. If the defendant requests one, however, you may be asked to testify by the assistant district attorney.

Will I have to testify before the grand jury and, if so, when?

In most cases, you will not have to testify. If you are asked to testify, an advocate may go with you to the district attorney's office to help you prepare for this. Grand jury proceedings are secret and no one but the grand jurors and the district attorney will hear your testimony.

What happens if there is an indictment (a formal charge of a crime)?

After indictment, the case will proceed toward trial for months. However, in the vast majority of cases the prosecutor reaches a plea agreement with the defendant. That means the defendant pleads guilty, and there is no need for a trial. But because the process of negotiating a plea agreement usually can take a long time, there may not be a plea agreement until very close to the trial date.

When will my case be tried?

It can take three to 9 months to 2 years before the case is tried. This can be because of a variety of factors, including because of the heavy caseload in many courts and the time it takes for the crime lab to analyze forensic evidence.

Resources

National Sexual Assault Hotline

1-800-656-HOPE (4673) www.rainn.org
Free. Confidential. 24/7.

Texas Crime Victims' Compensation Fund

1-800-983-9933

Sexual Assault Legal Line

1-888-296-SAFE (7273)

Confronting Sexual Assault



taasa
TEXAS ASSOCIATION AGAINST SEXUAL ASSAULT

6200 La Calma, Suite 110
Austin, Texas 78752
www.taasa.org

What is Sexual Assault?

Sexual assault is a crime in which the assailant uses sexual contact to inflict humiliation or to exert power and control over the victim. Currently, there are 1.8 million survivors of sexual assault in Texas. Twenty percent of women and five percent of men will be sexually assaulted at some point in their life.

Sexual assault includes several different types of crimes such as rape, incest, child molestation, marital rape, and exposure. Most often these crimes are perpetrated by someone the victim already knows; e.g. acquaintances or friends (29%), relatives (26%) or intimate partners (19%).

Sex offenders use many methods to intimidate their victims. They might use trickery, manipulation, coercion, bribery, blackmail or threats. The offender often takes advantage of a person in a vulnerable or less powerful position in order to reduce the likelihood that the person will resist attempts to humiliate, violate and control. Half of rape victims describe being fearful of serious injury or death during the assault.

The experience of sexual assault has different meanings for each person. No one knows precisely how an individual will react, but crisis counselors have identified some common reactions to sexual assault. These include: numbness, shock, disbelief, embarrassment, shame, guilt, depression, powerlessness, disorientation, denial, fear, anxiety, anger and rage.

Myths & Facts About Rape

MYTH: It could never happen to me.

FACT: Everyone is a potential rape victim: females and males of any age, race, class, religion, occupation, education, or physical description.

MYTH: Most rapes are a spontaneous act of passion committed by a stranger in a dark alley.

FACT: Most rapes occur in the victim's home or the perpetrator's home. The offender is often an acquaintance, friend, or relative.

MYTH: Rape is a sexual crime.

FACT: Rape is an assault that is acted out sexually. It is a profound violation of the victim's personal integrity and sense of safety and control over his/her life.

MYTH: Rapists are degenerates and are easy to spot in a crowd.

FACT: Most rapists appear to be no different than anyone else. Most are young, married, and appear to be normal. They can be of any race, color, or economic class.

MYTH: Rape only happens to young women.

FACT: Anyone from an infant to an elderly person can be raped. People of all ages, genders socioeconomic groups, neighborhoods, and lifestyles can be victims.

MYTH: Some victims are "asking for it" by their dress or actions.

FACT: Research indicates that rapists are looking for available, vulnerable targets, not people who dress or behave in a particular way. No person ever deserves or "asks" to be hurt or degraded under any circumstances.

MYTH: There is no way to eliminate the problem of sexual assault.

FACT: Education, consciousness-raising, and a change in sexual socialization, are methods that will help prevent causal patterns and values that contribute to the problem of sexual assault.

If You Are Raped

First, go to a safe place immediately, then do the following:

- ▶ **Tell someone who will help and support you.** Call a trusted friend, family member, and/or rape crisis hotline. Call 1-800-656-HOPE (4673) to be connected to a rape crisis center for free and confidential assistance 24 hours/day. They can offer options and help you identify what is best for you.
- ▶ **Seek medical care.** Your safety and health is important. A doctor or nurse can check for injuries that may not be visible and can treat you for possible sexually-transmitted infections. Hospital staff may also perform a sexual assault exam to collect evidence. **This exam can be completed even if you choose not to involve the police and file a report at this time.** You may also elect to go to your own family care physician for medical assessment and treatment. Medical professionals are not required to call law enforcement because an adult patient they are treating has been sexually assaulted (if the victim is a minor they will have to call the police).
- ▶ If you think you might want to have a **sexual assault examination**, do your best to preserve evidence. Do not shower, bathe, eat, drink, wash your hands, or brush your teeth until after you have had the exam. If you believe you were drugged wait to urinate until you arrive at the hospital. However, if you can't wait, collect your first urine in a clean container with a lid and take it to the emergency room or police station with you.
- ▶ **Consider reporting the assault to the police.** It is your choice to report the rape. For the quickest response, call 911 to be connected to the nearest police department. For investigative purposes, the sooner you report the rape the better. If you choose not to report the assault immediately, you can still do so at a later time. You may have a sexual assault examination to collect evidence even if you choose not to involve the police or file a report at this time. Evidence will be stored for you for at least two years.