

Recovering from Sexual Assault



A Handbook

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*This booklet is intended as a supplemental resource for survivors of sexual violence. Local services should be contacted to address the variances in methods of addressing and advocating sex crimes.

Introduction

If you or someone you know has been assaulted, the information in this booklet will be helpful in regards to the medical exams, follow up medical exams, emotional care and the legal system.

It doesn't matter how or why the crime occurred. It doesn't matter if there were drugs or alcohol involved, where you were or your relationship to the perpetrator. **YOU ARE NOT TO BLAME.** No one has the right to assault you. Sexual assault is a violent crime. It is a crime that can and does happen to anyone. **IT IS NEVER YOUR FAULT.**

If at any point you don't understand what's happening or why something is happening, ask. The nurse, doctor, detective, prosecutor, or victim advocates are available to answer your questions. If you don't have a rape crisis center or victim assistance program in your area, please call the Rape Abuse & Incest National Network (RAINN) at 800-656-HOPE (4673) for the center nearest you or INCASA at 800-691-2272. You may also visit the INCASA website for a listing of service providers throughout Indiana.

If you decide to report a sexual assault, call the police as soon as possible after the incident. Do not bathe or shower, douche, drink anything, go to the bathroom, wash your clothes or touch anything connected to the assault if possible. You may accidentally destroy evidence that is needed to support the case.

A uniformed officer will respond to the call and gather general information about the assault. A detective will be assigned to conduct a more detailed interview and investigation. In small towns or rural areas, the uniform officer may also serve as the detective on the case. You may have a friend or support person accompany you during the interview. If you have a friend or support person with you during an interview, they should not talk. They are there for support for you, not to answer questions or remind you of details.

If you would feel more comfortable talking an investigator of the same sex, one is usually available upon request. The interview with the detective is conducted in private, but you may usually have a friend or support person with you. This interview is one of the most important parts of the investigation. The questions that you are asked may difficult and embarrassing to answer, but it is important that you fully answer all of the questions. If you don't understand a question or why it is being asked, request an explanation. Questions are designed to help you recall details for a complete statement and to aid in the

investigation. Don't be surprised if the detective uses a tape recorder or video recorder during the interview.

The facts about sexual violence are:

Victims of sexual violence do not invite or cause the assault to happen. Only the person initiating the sexually violent act is responsible.

Sexual assaults are committed primarily out of anger and/or a need to feel powerful, to control and dominate another person.

Victims of sexual violence are forced, coerced or manipulated to participate in unwanted sexual activity.

Victims are usually traumatized by the assault. Friends and family members may also experience trauma reaction.

Sexual assault is a reportable crime. It is important for you to consider reporting so sexual offenders can be identified by the criminal justice system and the community. In Indiana, professionals are required to report the crime if the victim is a child and:

- Goes to the emergency room

- Was assaulted by someone in a position of authority or trust. (i.e. coaches, psychotherapists, scout leaders, teachers, priests, etc.)
- Is physically, emotionally or mentally disadvantaged
- Sexual assault, whether it happens to you or someone you know is a major life changing event. It can create roadblocks to normal life at home, at work, or at school, and affect relationships with friends, family or co-workers

If You Have Been Sexually Assaulted

1. Get to a safe place.
2. Contact someone who can help you:
a friend,
the police,
sexual assault services
any or all of the above.
3. Do not shower, drink or eat, douche, or change your clothes. These activities destroy important physical evidence in the event that you decide to prosecute the assailant.

4. Get medical attention at a hospital emergency room or rape crisis center right away. Even if you don't want to report this to the police, you may have injuries you are not aware of. You may want to do what you can to prevent pregnancy or sexually transmitted diseases. Physical evidence can be collected up to 72 hours after the assault (24 hours after for oral or anal penetration). However, some evidence may still be collected after 72 hours.

5. The police can take you to the hospital or meet you there.

6. As soon as you have a quiet moment, write down everything that you remember

happening, with as much detail as possible. This will help with your own healing process

and in any legal action you might decide to take.

7. Remember: the assault was not your fault.

Whether or not you report to the police, talk to someone who is knowledgeable and trained in sexual assault issues so that you can start the process of recovering.

Whether or not you choose to report to the police, medical care is important to your physical and emotional recovery.

A local hospital emergency room or rape crisis treatment center can provide immediate medical attention. You will be asked to sign a consent form to allow the medical personnel to examine, treat and administer medication.

Why Immediate Medical Care Is Important

Many survivors experience a variety of physical symptoms after the attack. Some of these are caused by physical abuse or violence while others result from the survivor's emotional distress.

These symptoms may include soreness, muscle tension, headaches, stomach pains, nausea, and sleep disturbances. Common gynecological symptoms are vaginal discharge, itching, burning sensations, and generalized pain. There may be genital abrasions, lacerations or bleeding in the vaginal or anal area.

Even if there is no discomfort or pain, you should seek medical attention. Many survivors are in shock for varying amounts of time following the rape, and may not be as aware of their bodies and pain as they would be normally. For example, you may not be aware of an internal injury or bleeding for several hours or days or you may not remember that part of the assault. Because of the apparent shock, the danger of untreated internal injury and the possibility of venereal disease and pregnancy, you must seek immediate medical attention.

Your fundamental concern should be your personal health and well-being. For this reason you should seek emergency medical attention as soon as possible.

Another concern is medical evidence. Unlike other crimes of violence, medical evidence should be collected within 96 hours after the attack. Even if you have decided not make a police report, it is important to collect and record all possible evidence. If you change your mind later, then this evidence can be used in arrest and court proceedings.

If the evidence is not collected within the allotted time, preserved and transferred to the authorities, then it is of little use in court.

The General Examination

You will be asked about your general state of health and about significant past medical history (i.e., if you are taking medication, have allergies). The doctor or nurse examiner will perform a general physical exam, which includes recording blood pressure, weight and temperature, and examining ears, eyes, mouth, heart, lungs, response and limbs. The doctor or nurse examiner will ask specific questions about the sexual assault. They may include:

- The length of time between the rape and the examination;
- Sexual acts that were performed during the rape (vaginal intercourse, oral intercourse, anal intercourse, other sexual acts, the degree of

penetration, whether a condom was used, and if ejaculated occurred);

- The date of your last menstrual cycle;
- Your method of birth control;
- The last date and time that you had consensual intercourse;
- Any significant actions after the assault (showering, douching, changing clothes).

It is very important to tell the doctor or nurse examiner what happened so that they can provide you with the proper treatment and obtain evidence of the assault.

You have the right to have an advocate with you during the medical exam for support, to answer questions and ask for a break if you need one but aren't comfortable asking.

The Pelvic Examination

The pelvic examination is similar to an annual examination and pap smear. The doctor or nurse examiner will check external pelvic and internal genital areas for tears, cuts, bruises, or other signs that force was used. This will be noted in the medical report.

There will also be an internal exam done to check for tears, abrasions and other injuries. During the internal exam evidence will also be collected. A speculum will be inserted and smears and cultures will be taken from the vagina to

test for semen, sperm cells, and sexually transmitted diseases (STD's).

Doctors and nurse examiners will routinely perform an anal examination during a rape examination. The doctor inserts a gloved, lubricated index finger into the anal opening to feel for tears, or abrasions. If there is evidence of anal rape, then the doctor will take smears and cultures from the anal canal to test for sperm cells, and semen. This test is slightly uncomfortable, and pressure can be relieved during this brief exam by breathing slowly through an open mouth.

Other Tests

Other possible tests include:

1. **Fingernail scrapings.** If you scratched or touched the perpetrator, any material found underneath the fingernails may be matched to the rapist, his clothing or things found at the scene of the crime. This may help identify the rapist or locate the exact place of the crime.
2. **Wood's lamp exam.** In a dark room this lamp causes semen and other substances left on your body or clothing to glow in the dark (fluorescence). The fluorescence is not evidence, but it suggests areas of the body or clothing that should be examined more carefully.

3. **Pubic hair exam.** This test includes combing the pubic area for hairs, which may have come from the perpetrator. These hairs, if found, can be matched with hairs later gathered from the rapist to help prove his identity.
4. Several of your pubic hairs will be removed to compare with any loose ones. If indicated, appropriate photographs of the assaulted areas may be requested.
5. You can refuse any part of the exam that feels uncomfortable to you.

Testing For Sexually Transmitted Diseases

There is a possibility that you may have contracted a sexually transmitted disease from the assailant. STD's cannot be diagnosed immediately, but the doctor or nurse examiner may take blood tests and cultures to aid in the diagnosis. There are preventive medications available that may be offered to you. If you choose take these medications as a preventive measure, cultures may not be required. Be sure to tell the doctor or nurse examiner if you are allergic to any medication.

If you take preventive medication at the hospital, it is unlikely that you will contract STD's from the assault, but you must have follow-up tests. Your private physician or the hospital will arrange for follow-up retesting.

These tests are needed because often there are no outward signs that you have contracted a STD. Because gonorrhea and syphilis can greatly harm the body and the reproductive system, and can endanger life, you need to be retested at the right times. In addition, herpes is often undetectable and can be mistaken for a yeast infection. Herpes symptoms may occur as early as two weeks after exposure, but may never occur at all. Also, until follow-up tests show that there is not an STD present, it is possible to infect someone else through oral, anal, or genital contact.

A gonorrhea test requires taking an internal culture from the genital area. It takes four to seven days for the disease to develop to the point of detection. Syphilis is detected by examining a blood sample, and takes about six weeks to develop.

Free tests and treatment are available at public health clinics or at women's clinics. You should contact a clinic or physician for a gonorrhea test within four to seven days after the rape and again within six to eight weeks for a syphilis test.

Pregnancy Testing

If you were not using some form of birth control at the time of the assault, there is a concern that you may become pregnant. Although it is not certain that you will become pregnant as a result of the assault, the doctor or nurse should talk to you about methods to prevent

pregnancy. If you know or suspect that you are already pregnant, you must tell the doctor or nurse examiner.

Before you are given pregnancy-preventing drugs, you must give a urine sample to determine if you were pregnant before the attack. No drugs will be given to you if you are presently pregnant or choose not to have them.

You may decide to wait and see if you miss a menstrual period. If so, a doctor may give medication to bring it on. However, this does not rule out the possibility of pregnancy.

You should have a pregnancy test soon after the assault occurs. If the test establishes that you are pregnant as a result of the assault, then you will have enough time to think about your options. If you decide to carry the pregnancy to term, then you will need early pre-natal medical attention.

If you decide to exercise other options, medical professionals can provide information and referrals.

It is important for you to discuss your choices with your doctor and counselor. You may also want to talk it over with family and friends.

Before Leaving The Emergency Room

If possible you should read the medical report, in order to request any important changes or additions. Often bruises do not appear for several hours or days after an injury, but

the doctor or nurse examiner should note any soreness or tenderness.

If possible take a change of clothing with you, as the police may collect your clothing for evidence; (especially underpants and articles with semen or blood stains). The hospital may provide a shower after the examination and panties to wear home.

The nurse or the doctor will instruct you on the care of your injuries, STD follow-up information, and medication if prescribed.

The police may wish to question you further, and might ask you to come with them to the station. You have the right to make an appointment to meet them at a later time if you feel unable to continue. In any case, you should read the completed police report carefully and make any needed additions or corrections. You should write down the telephone numbers and names of the police contacts, the investigating officer, the detective who will be handling the case, the doctor or nurse examiner who examined you, and your counselor or advocate.

You may want to arrange for a safe place to stay for the night. If you were assaulted in your home, you might want to arrange to stay at a friend's place, with your family, in a shelter or in a hotel. If you want to return to your home, you might want to arrange for a friend or a family member to stay with you. If an advocate was not with you at the hospital please contact a hotline or mental health center

for counseling and advocacy before or immediately after leaving the hospital or police station, and make an appointment for the next day, or earlier, if possible.

You might need to arrange for transportation from the hospital to the place where you are staying, with family, friends, or the police. If you called the police into the case, they may provide transportation for you from the hospital or police station to your destination.

Once in safe surroundings you can take a bath, wash your hair, eat a good meal and try to rest.

The Emotional Aftermath of Sexual Assault

Sexual assault traumatizes the survivor, spouse or partner, family members and friends. Sexual assault elicits physical and emotional reactions in all survivors, which continue long after the immediate danger has passed. Sexual assault survivors share certain feelings about themselves and those around them, but the degree to which an individual experiences the emotional reaction varies. As a survivor you can take steps to lessen the effects and progress your rate of recovery. Recovery comes from regaining control over your life and from receiving support and understanding from family and friends.

Sexual assault survivors not only experience difficulties in sleeping but also may have nightmares and feelings of rage, of shame and of loss. Many survivors experience fears of being alone and of being around men, and have difficulty

with present and future sexual relationships. Often, family, close friends and lovers are not able to deal with the sexual assault, which directly affects the survivor. You can make a positive step forward by communicating with people who understand the nature of the problem, who care about you, and who want to assist you in your healing.

Professional Counselors Are Available To The Sexual Assault Survivor

As a survivor of sexual assault you may experience crisis symptoms, which respond best to early crisis intervention.

It is important that you use the available community mental health counseling, advocacy and family/friend support.

The crisis intervention counselor's goal is to help the you focus on the help you need, your future decisions, how to protect yourself, and how to take positive control over your life.

Recommendations

In addition to seeking medical help after sexual assault, you should be aware of:

- The availability of professional counselors.
- The value of supportive friends and family, who can help you cope positively with the sexual assault experience.

- The benefits of rest, regular meals, exercise and maintaining as normal a daily routine as possible.
- The "rape trauma syndrome," (the situational crisis experienced by survivors and the important people in your life -- family, spouse, partner). Studies have shown that immediate crisis counseling will help resolve this trauma positively, in the least possible amount of time.

Rape Trauma Syndrome

Although some survivors do not experience this syndrome, an awareness of its symptoms may help to guide you if you do.

The stages of sexual assault crisis syndrome are: Primary Crisis Stage (the sexual assault experience through the first few days). The most common physical reactions are: coldness, clamminess, numbness (shock);

- shaking, cold sweats, nausea, over-reaction to noises;
- loss of appetite;
- change in facial expression;
- sleeplessness, nightmares;
- loss of normal energy level;

- sudden crying jags, or the inability to cry at all;
- confusion about time, loss of immediate memory recall.

The most common emotional reactions are:

- a sense of loss, violation;
- feelings of loss of control over life, helplessness, shame or humiliation (many rapists want survivors to feel this), alternating anger and sadness;
- fears of dying, darkness, of being alone or isolated, of the rapist returning, of falling asleep;
- unusual impatience, inability to handle normal routines, and changes of personality in handling relationships.

Note: Many Survivors who did not see or cannot identify the rapist experience an unfocused fear of all unknown persons and noises--probably because they could not "identify" their assailant. It is important to remember that rapists are not always "strangers"; they are often acquaintances, friends, neighbors or relatives.

Secondary Crisis Stage

The most common secondary reactions are:

- continued difficulty in sleeping;
- continued loss of normal energy levels;

- continued loss of appetite;
- feelings of intense anger and rage, or of being "overwhelmed";
- depression (sadness, helplessness, grief);
- difficulties with intimate relationships;
- withdrawal from sexual activity;
- change in feelings about physical appearance;
- continued difficulty in coping with normal routine;
- continued impatience and inappropriate displays of anger;
- excessive and persistent fear of something associated with the sexual assault (knives, cars, death, people following behind, sex of the assailant, etc.).

Note: The inability to reason your way out of these reactions and feelings can be frightening. The professional counselor has techniques to help you work your way through this crisis experience.

Third Stage

Some reactions may remain, but if you have had help, the sexual assault will no longer be the only thing on your mind. The sexual assault no longer dominates your life, and you will begin to feel more like your "old self." If your crisis

continues past eight weeks, then you may need more intensive help.

Emotional Needs Of The Survivor During Court Procedures

Questioning, identification and testifying can be emotionally draining. Many survivors find it difficult to see the rapist again, to recount their story many times, and to relive the experience through testimony.

If you need or want additional support, advocacy services are available. The service may include advocates or counselors who give survivors emotional support during interviews at the prosecuting attorney's office and during court appearances.

Supportive friends and family can help during this time. You should not be afraid to ask or depend on them for support.

Finally, many survivors feel depression, anger and fear if the rapist is not found guilty. For some survivors the decision to reporting the sexual assault, assisting the police, and participating in the trial seems to help in dealing with their feelings.

Criminal Justice Procedures

Sexual assault is a violent crime. 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 also reduce the chance that the same person will assault other people or re-assault you.

When you are discussing the attack with the police, detective or prosecutor, don't be afraid to ask questions about any words or procedures that you don't understand. Write down all the names and phone numbers of all the people who are working with you so you can call them if you have further questions or remember something that might be important to your case.

The sooner you report to the police the more likely it is for an arrest to be made. The officer that responds to your initial report will need a brief summary of what happened, where and when it occurred, and background information on you. A description of the perpetrator may be dispatched to patrol officers.

An in-depth interview will be conducted in private with the detective who is assigned to your case. This is one of the most important parts of the case, so this interview will be detailed and thorough. If there are bruises or other signs of attack that were not visible at the hospital, pictures may be taken.

The place that the incident occurred may be searched and examined for evidence such as fingerprints, stains, weapons and other evidence. Do not touch or remove

anything from the scene until this is done. If the perpetrator was not known to you, you may be asked to look at photographs or work with a police sketch artist to create a composite picture.

Prosecution

When a crime is committed in Indiana, it is considered a crime against the state. Prosecutor's Offices, not private lawyers, try criminal cases. You, the survivor, are a witness to the crime. You do not have to pay fees for the assistance of the Prosecutor's Office.

Sexual assault cases are difficult to prove in court without thorough evidence. This usually means there is not enough evidence to prove the case in court. There is a possibility that the prosecutor will decide not to file charges. If you disagree with the decision or don't understand why the decision was made, ask for an explanation. This does not mean that the prosecutor thinks the report is false.

The Prosecutor's Office may interview you concerning the case. They may ask some of the same questions that the detective asked you. Remember, this is not because they don't believe you, but to clarify the details for themselves. If charges are filed, the Prosecutor or Victim Assistance will explain the criminal trial process, what to expect when you testify, and what the defendant may use as a defense at the trial.

If any representative of the defendant contacts you, call the prosecutor or the detective. You are not required to talk to the defense attorney if they call you.

The Arrest

When an arrest is made, if the suspect was not personally known to you, you may be asked to view a line-up or photo array to identify the suspect.

Bond

The defendant has the right to have bond set. If bond can be met, the offender will be released until the trial. A no contact order may be issued as a condition of his release. If the defendant contacts you to threaten or harass you in any way, immediately contact the police and the prosecutor.

Plea Bargaining

Plea-bargaining may take place between the prosecutor and the defense attorney after the defendant's initial hearing. The negotiation of a guilty plea often means that the charges will be reduced from the original charge. If a plea agreement is reached, this could mean no trial, no chance of a not guilty plea and sometimes a lesser sentence. If your case is plea-bargained, you have the right to be

notified prior to the offer being made to the defendant. Discuss the terms of the plea agreement with the prosecutor so that you understand why a plea agreement is being offered.

Criminal Trial

Before the trial, the prosecutor may ask you to meet with him/her to review your police statement and explain how the case will be presented at trial. It is a good idea to visit the courtroom prior to the trial so that you are familiar with the layout.

The defense chooses whether the trial will held before a judge (a bench trial) or before a judge and jury (jury trial).

At the trial, you and other witnesses may be required to testify. In addition, the medical examination, laboratory analysis and the police investigation will be presented. It is important for the judge and/or the jury to hear all of the evidence. Please note that the defendant does not have to testify at the trial.

At the trial, the prosecutor will begin presenting evidence and questioning you and the other witnesses. You will be asked to give a complete account of the assault. The defense attorney will question you. Stay calm and answer the questions as they are asked. Don't volunteer information. If you don't understand a question, it is okay

to ask the attorney repeat it or to say that you don't understand what is being asked.

The defense attorney is not allowed by Indiana law to question you about your past sexual history unless it is directly related to the case.

If the defendant is found guilty, he has the right to appeal. However, a finding of not guilty cannot be appealed by the state.

Remember, a not guilty verdict does not mean that a crime hasn't occurred.

Civil Trial

It is possible to sue for damages that are a result of the sexual assault. To file a civil suit, you will need to hire a private attorney. Some attorney's may accept a percentage of the award if any is made and some may want to be paid an hourly fee.

Violent Crime and Sex Crimes Compensation Funds (Adapted from the Indiana Criminal Justice Institute Webpage)

The Victim Services Division of the Indiana Criminal Justice Institute provides a variety of programs geared toward helping victims and those who assist them. This section is an overview of the Violent Crime Victim Compensation Program.

In 1978, the Indiana General Assembly enacted into law a program to provide financial assistance for crime victims known as Indiana's Violent Crime Victim Compensation Fund. The fund assists victims or their dependents with medical expenses, funeral expenses, lost wages and psychological counseling.

The compensation fund also allows payment of expenses resulting from the collection of evidence after an alleged sexual assault without the burden of the expense falling on the shoulders of the victim. The program in no way attempts to prove or disprove the allegation of sexual assault. Counseling services can also be covered by the fund if the counseling is physician-ordered.

The Indiana Code defines a violent crime as a felony or Class A misdemeanor that results in bodily injury or death to the victim. Persons eligible for assistance from this fund include:

- an innocent victim of a violent crime or a crash caused by a drunk driver;
- a surviving spouse, dependent child or other legal dependent of an innocent victim who has been killed as a result of a violent crime or a crash caused by a drunk driver;
- a person who is injured or killed trying to prevent a violent crime or giving aid to a law enforcement officer;

- the immediate family members of a murder victim or sex crime victim who need mental health counseling

Other requirements include:

- the crime must have taken place in Indiana;
- the crime must have been reported to the police within 48 hours unless a good reason existed why the crime could not have been reported in that time
- the victim or survivors must have been cooperative in the investigation and prosecution of the crime;
- application for benefits must be filed no later than two years after the crime occurred

Did you know.....

- A maximum award of \$15,000 may be paid for any one injury or death, including medical bills, up to \$3,000 funeral and burial expenses, up to \$1,000 or \$1,500 for counseling, lost wages, lost of support, reasonable child care services, attorney fees, emergency shelter services.
- Application forms may be mailed or faxed to our office (317) 233-3912.
- The compensation program has a statewide toll-free number for victims at 1-800-353-1484. Victims can

contact the program to obtain information regarding their compensation claim.

- Emergency funding is available to assist victims of crime who are faced with an immediate, financial hardship that is in direct relation to the crime that consequently leads to the need of services.

1-800.656.HOPE

The Rape, Abuse & Incest National Network (RAINN). The hotline offers free, confidential counseling and support 24 hours a day, from anywhere in the country.

1-800-691-2272

The Indiana Coalition Against Sexual Assault

Our Mission: Pursuing the eradication of sexual violence in Indiana.



Funded in part by Family and Social Services Administration