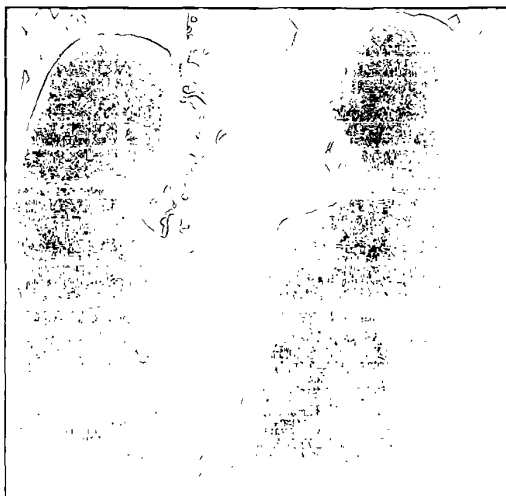


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An Informational Guide for



Sexual
Assault
Victims
in Virginia

Commonwealth of Virginia

Department of Criminal Justice Services
Victims Services Section

November 1997

Thank You

A special thank you is extended to the crime victims, victims services providers, prosecutors, law enforcement personnel, Virginians Aligned Against Sexual Assault (VAASA), the Virginia Network for Victims and Witnesses of Crime, Inc., Virginians Against Domestic Violence (VADV), the Virginia Criminal Injuries Compensation Fund, the Victim Services Section of the Department of Corrections, and the Virginia Parole Board, for their assistance with this brochure.

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*Sexual assault** is a violent crime; an invasion; a frightening experience. Crimes including *rape, sodomy, sexual battery*, and attempts to commit these crimes are a few types of sexual assault offenses. Forced, unwanted sexual contact against an adult, or any sexual contact against a child under the age of 12, is a crime.

Sometimes these assaults are committed by strangers, sometimes by people known to the *victim*, and sometimes by family members. Sexual assault can occur as a part of other criminal acts, such as domestic violence and stalking.

Victims are often the only *witnesses* to whom the criminal justice system may look to in trying to apprehend and appropriately handle such *offenders*.

Reporting the assault to the local law enforcement agency and *commonwealth's attorney (prosecutor)* can be an important step toward preventing more sexual assaults by the same offender.

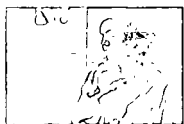
This guide has been written to help citizens of Virginia understand the emotional impact of a sexual assault, as well as the medical, police, and court procedures that a victim may experience. It also includes information about your rights as a crime victim.

**Words in green are defined in a glossary which can be found at the end of this brochure.*

As the victim, you are the primary witness and, therefore, the most important part of the case. Without your assistance, it would be almost impossible to convict the offender. Criminal justice personnel realize how difficult it is for you to go through law enforcement interviews, medical procedures, and court appearances, and they appreciate your cooperation. With your help, they are protecting both your interests and those of the community. We hope this booklet helps you understand the procedures you may go through and makes this difficult experience less confusing and frustrating.

Sexual assault can be a severe physical, emotional, and sometimes life-threatening *trauma*. It is common to have various feelings afterwards, including anger, anxiety, depression, and a distrust of people who remind you of your assailant. You might feel numb or in shock. You may have flashbacks, fear for your personal safety, and experience changes in eating and sleeping. You may experience amnesia and be unable to remember some, or all, of the assault. You may be unable to concentrate or become irritable. It may be difficult to complete routine chores. You might not trust people as you once did, even those closest to you.

Trauma: How You May Feel



It is important to remember that these reactions are not unusual. Gradually, however, for most victims, the symptoms of trauma will happen less often.

Eventually, you will be able to get back to a more normal routine, although you may occasionally have setbacks. For example, your anxiety level may rise around the time of court appearances.

Sexual assault survivors often feel as if they are to blame or think they could or should have been able to prevent the assault. But sexual assault is a crime and the *perpetrator* is responsible. The most important thing you can do is get support. You can confide in a friend, partner, family member, or anyone you trust. Reach out to those who can help you — a *victim/witness program*, a *sexual assault crisis center*, a crisis hotline, or a counseling center in your locality. They can have someone go with you to the hospital or to file a report if you choose to do so. It is also important to seek medical assistance. You may have sustained serious physical injuries and not know. For example, you may have been put at risk for *sexually transmitted diseases* (STDs) or pregnancy.

The support you receive from your loved ones, your acquaintances, and the community will be important in helping you recover. People close to you may be having difficulty, too. They may need to voice their feelings, anger and frustration. They also need to gain a better understanding of ways they can help you. The same resources available to you are available to them.



Talk to
Someone
You Trust

There are some people who may blame the victim, and not be understanding, especially when the *suspect* is someone you know. This can make you feel isolated or confused; you may blame yourself or feel ashamed. If the person you choose to tell is not supportive, a sexual assault crisis center or hotline will be. They offer free counseling by phone or in person. Talking about your feelings is never easy, but it is the key to healing, no matter how long ago the assault happened. Most victims find that they feel better if they have the opportunity to discuss freely and confidentially any problems or emotions they are experiencing.

Sexual assault has long-term effects on survivors, but you can recover. Give yourself time to heal: you will need it. Talk to someone you trust about your feelings. Avoid self-blame: no one deserves to be sexually assaulted. Express your anger in non-hurtful ways. It is never too late to heal from sexual assault.

Immediately after the assault, you may be in a state of shock. Victims react to this state of shock in different ways, sometimes hysterically, angrily, or calmly. Whatever your reaction, you may be able to make better decisions by talking to someone you trust or someone who has training in crisis intervention.

Usually, your first reaction will be to take a bath or shower. **Please do not.** Instead, wrap yourself in something warm, such as a blanket or coat. Stay warm and call 911 or someone to help you immediately. Staying warm instead of cleaning up right away will help you accomplish two important goals:

- You will be helping your body to recover from the shock due to the assault.
- You will not have disturbed or destroyed important *evidence*.

It is extremely important that you:

Do:

- get to a safe place
- call 911 or the police for help
- lock doors and windows
- keep warm
- get medical attention
- write down all you can remember

Do Not:

- shower or bathe
- brush or comb your hair
- douche or go to the bathroom
- change clothes
- eat or drink anything
- brush or rinse your teeth
- touch things at the crime scene
- put on makeup

Remember to call a friend, relative, victim/witness program, sexual assault crisis center, or counseling center for support as soon as possible.

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It is very important that you get medical attention as soon as possible after a sexual assault. A medical exam serves two purposes:

- It ensures that you receive what ever medical aid you need, and
- any available physical evidence can be collected.

Whether or not you report the crime to the local law enforcement agency, you need medical care and treatment to check for possible injuries and other signs of violence. You may be injured without showing any obvious signs. At the hospital or clinic, the physician or nurse will need such information as your full name, date of birth, and a brief medical history.

Depending on the type of assault, a pelvic examination may be necessary to check for injury. With your consent, and with the authorization of law enforcement, samples may be collected to be sent to a lab for analysis and to be used as evidence if the case is *prosecuted*. The samples are gathered using a Physical Evidence Recovery Kit, or *PERK*. If you consent to the collection of evidence, the hospital will call the police to transport the evidence to the forensic lab. This process is called "protecting the chain of evidence."

The attending *clinician* will perform the examination in a private room and a nurse may also be present during the examination to assist you. A victim *advocate* from the sexual assault cri-

sis center or victim/witness program can also be present at the hospital. Not all hospitals will allow advocates to stay in the room with you during the exam. Tests may be conducted to determine possible pregnancy or presence of STDs (see the glossary under STDs for a list of diseases for which you may want to be screened). These tests will only reveal the presence of pregnancy or disease before the assault. Follow-up tests are necessary to find out if treatment is necessary due to the assault. Ask the doctor or nurse for further information.

Tests on the victim may also be run to determine if the offender used any drugs or other substances in the commission of the sexual assault. Several medications, such as Rohypnol and GHB, have received media attention in connection with this type of abuse. Alcohol has also been used to render a victim helpless during an assault. Sometimes offenders use controlled substances, such as rohypnol, to incapacitate victims prior to assaulting them. Under Virginia drug laws, such acts can result in further criminal charges, in addition to a sexual assault charge. If you believe that the offender drugged you, you should consider asking hospital staff to screen you for these substances.

Many hospitals now have *SANE* programs: Sexual Assault Nurse Examiners. These are nurse practitioners who are specially trained to perform physical and forensic exams on adults and children who have been sexually assaulted.

You may be worried about contracting the human immunodeficiency virus (HIV) which causes AIDS. HIV attacks and destroys certain kinds of white blood cells, almost always resulting in acquired immunodeficiency syndrome (AIDS). AIDS is a defect in natural immunity against other diseases due to infection with HIV and results in vulnerability to serious illnesses. One method of HIV transmission is through intimate physical contact with someone who is infected. HIV can live in semen, blood, and vaginal fluids. At this time there is no cure for AIDS, and no vaccine to prevent it.

Because of many variables, it is difficult to say how high the risk of HIV infection is in cases of sexual assault. What is known is that infection *can occur* after a single sexual encounter with an infected person but might not occur even after repeated exposure.

When HIV infection occurs, the body responds by producing substances called anti-bodies. These antibodies can be detected in the blood by a simple blood test, usually three to six months after infection.

If a test for HIV antibodies is performed at a hospital or a physician's office, the results become a part of the medical record and will be reported to the Virginia Department of Health with identifying information. HIV testing is confidential if performed at a site which tests anonymously. Hospital and local health department staff can explain your options more fully and can refer you to other information resources and test sites.

After a suspect is arrested, a *judge* can require that the suspect be tested for HIV and that the results of these tests be provided to the victim (Code of Virginia §18.2-62). Tell the prosecutor if you want to know the HIV status of the suspect. The prosecutor can explain under what conditions the offender can be tested.

You may be wondering whether your name and address will appear in the newspaper or be required in court testimony. You may have concerns about whether the person who assaulted you will have access to your statements to *law enforcement officers*, and whether the law enforcement file can remain confidential (with only the necessary officers seeing it).

Some information may become public; for example, the victim's name appears on the criminal *warrant* and *indictment*. However, Virginia has made laws to help protect your privacy as a victim. For example, the judge can prohibit testimony about your current residential or business address or telephone number (Code of Virginia §19.2-269.2). Additionally, law enforcement agencies may not make public identifying information unless the disclosure is (i) the site of the crime, (ii) required by law, (iii) necessary for law enforcement purposes, or (iv) permitted by the court (Code of Virginia §19.2-11.2). For the most part, and in most localities, personal victim information is kept confidential. It is neither announced in the

media nor made available to persons not working on the case. You can consult with the prosecutor to get a clear idea of what information may be kept confidential in your case.

The choice to speak to people, including law enforcement authorities, about the crime, is up to the victim. If you do not want to, you are not required to do so, although it is recommended that you assist medical and law enforcement personnel in their efforts to serve you. Without your participation, apprehension and prosecution will be impossible.



Your Rights as a Crime Victim

The ***Crime Victim and Witness Rights Act*** was made law by the Virginia Assembly in 1995. The purpose of this law is to ensure that victims and witnesses of crime, including sexual assault:

- Are informed of their rights
- Are treated with dignity, respect, and sensitivity, and that their privacy is protected where the law allows
- Receive authorized services
- Have the opportunity to be heard at all stages of the criminal justice process
- Have the opportunity to make the courts aware of the full impact of the crime.

For more information on your rights, refer to "An Informational Guide to Virginia's Crime Victim and Witness Rights Act", also published by DCJS.



It is difficult to see someone whom you care about hurting. You may feel helpless, angry, or depressed. Here are some important ways you can help:

It is difficult to see someone whom you care about hurting. You may feel helpless, angry, or depressed. Here are some important ways you can help:

- Give your unconditional support by listening. Healing takes time, even with support.
- Tell the victim it is not her/his fault. Do not judge her/his actions.
- Allow the victim to make her/his own decisions about whether to report, who to tell, etc. Support those decisions.
- Encourage the victim to get a medical check-up. Offer to go with her/him. Or you can call a sexual assault crisis center and request a companion.
- Encourage the victim to seek help from qualified sexual assault crisis counselors. *You* can also receive services and support from these counselors.
- Allow the legal system to bring the perpetrator to justice. Do not seek revenge on your own.

Once you have realized that you are a crime victim, questions begin to go through your mind. What should you do? Generally speaking, a sexual assault victim has three choices:

- Not to report the crime to the police.
- Report the crime anonymously through a third party.
- Report the crime to the police with the intent of prosecuting the offender.

This is a decision that only the sexual assault victim can make.

It is sometimes difficult to make complex decisions immediately after the assault. Talking with someone who can give immediate support and information, such as a victim/witness advocate, sexual assault crisis worker, family member or friend may help you make a decision.

Not Reporting

Not all sexual assault victims want to report this crime to a law enforcement agency. This is an individual decision. Without an official report, however, the law enforcement agency will not know that a sexual assault has occurred. Law enforcement agencies can only help the community when they are aware of crimes being committed. If the assailant was a stranger, the prospect of identifying the suspect greatly decreases over time, and crucial physical evidence will be lost as well. Even if you choose not to report,

it is important for your own well-being that you receive medical attention immediately after the assault. You or your health insurance carrier will be responsible for all fees if you are not going to the hospital for the purpose of evidence collection (Code of Virginia, §19.2-165.1).

Third Party Reporting

Sometimes a victim may wish to report a sexual assault and identify or describe the suspect but not prosecute. Sexual assault crisis centers can assist you in making a third-party anonymous report to law enforcement authorities.

Seek both medical attention and a supportive, knowledgeable person to help you through the emotional aftermath of the incident.

But remember: you are the main witness. Without the victim, the prosecution of any sexual offender is nearly impossible. Please do consider the choice to prosecute.

Reporting With Intent to Prosecute

When a victim decides to report the crime to the local law enforcement agency and to prosecute (press charges), she or he needs to be aware of the steps involved:

- Initial law enforcement officer's interview
- Medical examination
- Investigator's interview
- Prosecutor's interview
- Court procedures

All of this may seem overwhelming, but by knowing and understanding the benefits of reporting, many people are choosing to prosecute and many *defendants* are convicted. Victim/witness advocates, sexual assault crisis workers, law enforcement officers, prosecutors, or crisis workers in your community can provide the information you may desire.

NOTE: In order to qualify for Crime Victims' Compensation, you must report the crime and be willing to prosecute (see "Compensation of Crime Victims of Crime" section, page 32).

Crimes are reported to the police department or the sheriff's office in the locality in which they occur. If the police department investigates, an officer will be sent to the scene of the crime, or wherever you are. If a sheriff's office investigates, a deputy sheriff will be sent. You may also go directly to the nearest law enforcement agency. The officer or deputy will ask you questions to determine the type of crime or crimes that occurred. The questions may be very personal and difficult to answer. Remember the officer or deputy is there to help you and needs to ask the questions in order to begin searching for the suspect and to know exactly what crimes have been committed.

Try to give the officer or deputy as complete a description of the suspect as possible. As soon as the officer can obtain this necessary information, steps to find and arrest the suspect can begin. The officer or deputy may call in an investigator (detective) to continue the investigation. You may not remember all the details or know the answers to all the questions asked. It is important to contact the officer later if you have more information to add.

The officer will recommend that you go to a nearby hospital for a medical examination. The officer can arrange transportation for you to go there as soon as possible, and should give you information about crime victims' compensation (see page 32 for more information on available financial assistance).

dence. If you have called a friend to be with you, he or she can bring clothes for you. Sometimes the sexual assault crisis center has clothes at the emergency room for victims.

(NOTE: see information on other medical concerns on page 8 of this brochure)

If you have been physically injured, pictures may be taken for evidence. You may be asked to sign your agreement to release the evidence collected to law enforcement agencies working on your case.

At some time after the medical examination, the investigator (detective) may conduct a personal, in-depth interview with you. At this time, if you wish, you may request a friend, family member, sexual assault crisis worker, or victim/witness advocate to be present during the interview. In most cases, the investigator will not come in uniform. In fact, you can usually choose to meet him or her in your home or at the police department or sheriff's office.

The investigator will have to ask many questions. They may be confusing or even embarrassing, but they are very important for the investigation of your case. All the facts must be known in order to make a complete report. Be honest with the investigator; do not hold anything back.

At first, you may not remember some details, but perhaps you will a little later. If this happens, as it frequently does,

just say that you cannot remember just now. The investigator will understand. He/she is trying to prepare the best possible case to take to court. If you, remember additional details later, report them promptly to the investigator.

If you do not know the person who assaulted you, you may be asked to look at pictures of suspects who fit the description you gave the law enforcement officer. These pictures may help you identify the person. The investigator may ask you to help make a *composite* drawing of the person who assaulted you.

The investigator may have you view a *lineup* or a series of photographs to see if you can then identify the person. If you do identify someone as the person who assaulted you, a warrant or indictment for his or her arrest will be obtained by the investigator in most cases.

It is possible that the investigator may request that you submit to a *polygraph examination*, or "lie detector test." The polygraph machine records changes in your body such as heartbeat, blood pressure, and respiration. This data allows investigators to evaluate your responses to questions. You are **not required** to take the polygraph examination and the results cannot be introduced as evidence. Additionally, your agreement to take the examination **not** be the only condition for initiating or continuing the criminal investigation (Code of Virginia §19.2-9.1).

Shortly after the assault, some victims decide to change their telephone number, place of residence or work, or plan a trip out of town. It is important to notify the investigator assigned to your case of any such changes, so that he/she may contact you as new information develops. When the investigator's report is complete, it will be given to the prosecutor.

The commonwealth's attorney or his/her assistant is the attorney representing the Commonwealth of Virginia in criminal prosecutions. When the law enforcement investigation is complete, and charges have been filed, the prosecutor will review the report and prepare the case for *preliminary hearing* or *trial*.

The prosecutor may ask you to come to his/her office before court proceedings to discuss the case. Be open and honest in this interview. It is better to tell the prosecutor about things beforehand than to have them brought up by the *defense attorney* in court as a surprise. The best way to help in the *conviction* of the defendant is to fully cooperate with the prosecution.

You may need information about court. Call the victim/witness program in your locality. The purpose of this program is to give information to crime victims and to help prepare victims and witnesses for trial.

A sexual assault crisis center volunteer may also be available to go with you to court and to help you with information. If there is no victim/witness program near you, the prosecutor will prepare you for trial.

The prosecution of a defendant may be a long process because of the length of time necessary for a thorough investigation, the time involved in analyzing evidence, the large number of cases handled by some courts, and other necessary delays in preparing a case for trial.

It is possible that the suspect may be released at any point during the criminal justice process on *bail* or *personal recognizance*. Bail is money or property posted with the court to secure the defendant's appearance in court. Recognizance is a promise to report on the next court date. If the defendant is allowed the type of release, he/she will not be in jail during the time before trial. You may request to be notified if the defendant is released. Quite naturally, this may be a time of great concern for you. You may be fearful that he/she may try to contact or harass you. You should request that the law enforcement officer or prosecutor ask the magistrate or judge to order a "no contact" provision as part of the defendant's bond conditions. If the assailant was someone you lived with or with whom you had children in common, you may want to obtain an *Order of Protection* (contact your local Court Services Unit to initiate this process). If there is a problem, call the victim/witness advocate, the investigator or the commonwealth's attorney's office.

There are some basic court procedures in which a victim may be involved. Court procedures for juvenile defendants (under age 18) and defendants who are family of or household members with the victim may differ from the following procedures.

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Preliminary hearings are held in *felony* cases. Once an arrest is made, a preliminary hearing may be scheduled. Preliminary hearings for cases involving a child victim or a victim who had a relationship with the defendant which involved living together, marriage, or sharing a child in common, are heard in Juvenile and Domestic Relations Court. All other preliminary hearings occur in General District Court.

The prosecutor will be assigned to prosecute your case for the Commonwealth and should contact you. You may contact the commonwealth's attorney's office or the victim/witness program in your locality to inquire about your case.

At this hearing, there is no *jury*. It is held before a judge who will determine if there is enough evidence to send the case to trial. You may be asked to testify and the prosecutor will explain the procedures to you. You will be present as a witness.

Also present in the courtroom will be the judge, the commonwealth's attorney, the defendant, the defense attorney, the court reporter, and the bailiff. The court is usually open to the public, so there may be a few spectators. However, the judge can exclude from the courtroom people who are not needed (Code of Virginia §18.2-67.8). You may ask a victim/witness advocate, sexual assault crisis counselor, friend or family member to attend, if you wish to have someone in court with you for emotional support.

If the judge decides that *probable cause* has been established, the case then goes to the *Grand Jury*. The Grand Jury reviews the evidence again and decides if the evidence presented is strong enough to go to trial. If so, an indictment will be returned at this time.

If the charge is a *misdemeanor*, the trial will be held in Juvenile and Domestic Relations or General District Court (there will be no preliminary hearing). If the defendant is convicted, the case may be *appealed* to Circuit Court for a trial. This trial will follow the same procedures as a felony trial (described below).

The trial of a felony sexual assault is held in the Circuit Court of the jurisdiction in which the crime occurred. You may be called as a witness, as before, and the same procedure will take place as in the preliminary hearing. As a material witness (a witness who has first-hand knowledge about the facts of a case), you will probably be asked to wait outside of the courtroom before and after your testimony.

If it involves a crime committed by an adult, or a juvenile being tried as an adult, your case will be tried in Circuit Court before a jury unless the defendant, the prosecutor, and the judge agree to waive a trial by jury (if the jury is waived, the judge will hear the case and decide on the *verdict* and sentence). If the

sexual assault was committed by a juvenile, and the case is not transferred to the Circuit Court, the trial will be held in Juvenile and Domestic Relations Court. You will receive a *subpoena* telling you when and where the trial will be held. Be sure the investigator and the prosecutor know where you can be reached. They should prepare you for the trial.

Since the type of questions asked in a trial may vary from case to case, the prosecutor will be best prepared to tell you what to expect. During the proceedings and before the trial date, the defense attorney (the suspect's attorney) may try to contact you. You are not required to talk to him or her. Do not sign anything without first talking to the prosecutor assigned to the case.

At the trial, the prosecutor will ask you questions. It is important that you testify honestly from your own knowledge and memory. The defense attorney will also question (*cross-examine*) you. The questions may be more difficult and confusing but try to remain calm. **Do not allow the defense attorney to anger you:** this may cause you to answer questions without listening and responding carefully. Only answer the questions asked. If you do not understand a question, ask the person to repeat or rephrase the question.

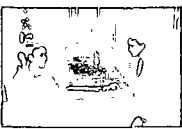
After all the evidence is presented, the jury or judge will decide if the defendant is guilty or not guilty. To find the defendant guilty, the jury or judge must be sure, beyond a reasonable doubt, that

the evidence proves that the defendant is guilty. All members of the jury must agree on their decision (verdict). If the defendant is found not guilty, this does not mean that you were not victimized or that the defendant did not commit a crime against you. It simply means that guilt could not be established based on the evidence presented at trial.

In some cases, instead of a trial, the defendant may plead guilty or a *plea agreement* may be reached. This is an agreement between the prosecutor, the defense attorney and the defendant, where the defendant agrees to plead guilty to the charges or to less serious ones. There is no trial and you do not have to testify. The judge must approve the terms of the agreement. The plea agreement may contain a sentence or the judge may continue the case for *sentencing*.

Generally, you will be contacted by the prosecutor before any plea agreement is decided. At that time, you may express your views about the plea agreement.

How to Testify



- Before you testify, try to picture the crime scene, the objects there and what happened as best you can. Do not try to memorize what you are going to say.
- Dress appropriately. Neat, clean, conservative and comfortable clothes are suggested. You should dress as you would for a job interview.
- Always tell the truth. Tell accurately what you recall and what you know. If you do not know the answer, say "I don't know." **Do not guess.**
- Listen carefully to each question before you answer to be sure that you understand it. Take your time and think about your answer. If you do not understand a question, ask to have it rephrased or repeated.
- Speak clearly and address your answers to the judge or the jury hearing the case.
- Answer only the questions asked and then stop. Do not volunteer information.
- If the question requires a "yes" or "no" answer, answer "yes" or "no" unless your answer cannot be fully understood without an explanation.
- Answer only one question at a time. Do not answer "yes" or "no" to a long series of questions.
- Be polite, firm and clear in your answers even if the questions are hostile.

- Stop talking if an objection is made by one of the attorneys or if the judge interrupts. The judge will tell you if you can finish your answer. If you have forgotten the question, ask to have it repeated.

- If you are asked whether you have talked about the case with anyone, answer truthfully. As a victim you probably have spoken to the police, the prosecutor, family and friends. The court is interested in what you know and how you know it.


- Be quiet in and around the courtroom. Talking about the case around jurors or witnesses may cause a *mistrial*.

- It may be helpful to reread these suggestions several times before your court date so you will feel more comfortable in court. Remember that if you tell the judge or the jury exactly what you know, you will do fine.


Sentencing is the *disposition* of the case. In a misdemeanor, the judge will generally impose a sentence at the close of the trial. In a felony *bench trial* (a trial without a jury), or a trial involving a juvenile defendant, the judge may set sentencing for a later date. Tell the prosecutor or victim/witness advocate if you wish to attend the sentencing, and request to be notified of the court date. In a jury trial of an adult defendant, if the defendant is found guilty, the jury will recommend a sentence at the end of the trial. However, there may be another sentencing hearing date set to allow time for a *presentence investigation* to be conducted.

In certain cases, after the defendant is found guilty, the judge may consider a *Victim Impact Statement* in determining the length and type of sentence for the defendant (§19.2-299.1). The Victim Impact Statement gives a victim the opportunity to tell the court, in writing, the impact of the crime. This may include any financial losses, any physical or emotional injuries, and any major life changes that resulted from the crime.

Parole for felony offenses committed on or after January 1, 1995 has been abolished. However, defendants who committed crimes before that date are eligible to be considered for parole. Parole is a finding by the Virginia Parole Board that an offender is suitable for release to the community. The primary determinants in a parole decision are the seriousness of the crime and the defendant's prior criminal history. Public safety is always the goal.

Post-release supervision by a probation and parole officer  be ordered by the trial judge. Typically, offenders are under probation supervision when released from prison. However, without a court order, the offender will be released from prison without supervision.

Under current sentencing guidelines, all offenders convicted of crimes committed after January 1, 1995 will serve **at least** 85% of their prison terms before being considered for release. Prisoners can earn up to a 15% reduction of their jail sentences through adherence to prison rules and program participation.



For offenses committed before January 1, 1995, where the court has imposed a prison sentence of greater than one year, the offender generally will be eligible for parole consideration after serving a portion of that sentence. The Virginia Parole Board determines whether or not such inmates should be granted parole. Victims, family members of victims and other interested persons may have input into the parole decision-making process by expressing their concerns in writing and/or by an appointment with a parole board member.

Upon request, victims, family members of victims and other interested persons can be notified of:

- the offender's parole interview schedule
- the parole board's decision in the case
- the release date of the offender if the decision is to grant parole.

Also upon request, victims can be notified of the release date of any prisoner, parole-eligible or not.

You may obtain more information about the Victim Input Program and the parole process and the notification program from the local victim/witness program director, or by contacting:

Victim Services Section
Department of Corrections
6900 Atmore Drive
Richmond, Virginia 23225
(804) 674-3243



If you are the victim of a crime in Virginia and if you were physically injured during the crime, or if you were injured trying to stop a crime or an attempted crime, or injured trying to catch a person who committed a crime in your presence, or if you are the surviving spouse, parent, grandparent, sibling, or child of a victim who was killed because of a crime or attempting to stop a crime, then you may be paid for certain unreimbursed losses such as:

- loss of earnings
- out-of-pocket medical expenses
- psychological counseling expenses
- funeral expenses up to \$2,000
- pregnancy expenses resulting from forcible rape
- other expenses and debts resulting from your injury or from death of a crime victim

In order to be eligible to apply you must:

- report the crime to the police or other law enforcement agency within 120 hours (5 days) after the crime (or show good cause for not doing so)
- cooperate with law enforcement agencies and the courts
- file a compensation claim within 180 days (6 months) from the date of the crime (or show good cause for not doing so).

Emergency awards of up to \$2,000 may be made if you were employed at the time of the crime but now are without income and will suffer hardship without an award (Code of Virginia, §19.2-368.1 through §19.2-368.22).

For more information or an application, contact the Criminal Injuries Compensation Fund,

Toll-free statewide:

1(800)552-4007

Richmond or out-of-state:

(804)367-8686

Or write:

Criminal Injuries Compensation Fund

Post Office Box 5423

Richmond, Virginia 23220



Myth: People are sexually assaulted by strangers.

Fact: Most sexual assaults are committed by people the victim knows.

Myth: Rape and other sexual assaults are sexually motivated.

Fact: Rape is not about sex. Power, control, and hostility are the primary motivations. Rape is intentionally brutal or humiliating; it is **not** an expression of uncontrollable passion.

Myth: Any victim can stop the assault when she/he wants to.

Fact: Some victims are intimidated and threatened with knives, guns, or other weapons. Many victims submit due to fear of death or injury. Many victims also “freeze” during an assault.

Myth: It cannot happen to me. I am a respectable person and I do not put myself into threatening situations.

Fact: Most sexual assaults are planned in advance. Many occur in the victim’s home. Anyone is a potential victim.

Myth: Where you were or what you were doing before the crime caused the assault to happen.

Fact: If you have been victimized, it is not your fault and you are not to blame.

For Stanger
Sexual
Assaults

- Use dead bolt locks.
- Travel with someone you trust whenever possible.
- Make sliding glass doors and windows safe by inserting a nail in the upper frame **and** a dowel or stick in the runner track.
- Check identification before admitting unknown persons who come to your home.
- Locking your car doors deters unwanted passengers.
- Don't leave mail on the seat of your car: it may disclose your home address.
- Hitchhiking and hitchhikers can be dangerous – avoid hitchhiking, and picking-up hitchhikers if possible.
- If you are followed, do not drive home. Drive to a busy lighted area or law enforcement agency.
- Carrying a cellular phone in your car can increase your safety. If your car breaks down, call the State Police or local law enforcement for assistance.
- Get to know a neighbor you can call on in an emergency.
- Yell to attract attention if you need help.

Awareness and Self- Protection Tips

For Acquaintance Sexual Assaults

- Trust your instincts. If a situation feels bad, or you start to feel nervous, get away as soon as possible.
- Be aware of specific situations in which you do not feel relaxed and in charge. Avoid places which make you feel vulnerable.
- If an intimate situation starts to get out of hand, be forceful, firm and clear. Tell the person to stop, and leave as soon as possible.

Advocate: A person who assists crime victims by providing emotional support, counseling, referrals and/or an explanation of the services available to them.

Appeal: A review of the trial record by a higher court to see if any legal mistakes were made.

Arraignment: A court hearing at which a judge tells the defendant about the charges against him/her and his/her rights to have a lawyer and a trial. If necessary, a lawyer is appointed to represent the defendant.

Bond: Money or property posted as security with the court to assure the appearance in court of a person being released from custody.

Bench Trial: A trial at which a judge hears the case and decides the defendant's guilt.

Clinician: A practicing physician; also called a doctor.

Commonwealth's Attorney: A lawyer elected by the people and employed by the state to prosecute criminal and traffic cases; also called a prosecutor.

Composite: A picture of the suspect made from an artist's drawing or assembly of facial features.

Conviction: The state of being found or proved guilty.

Cross-Examination: The questions asked of the victim or other witness by the defense attorney during the trial.

Defendant: A person who is accused of committing a crime in a criminal case.

Defense Attorney: The lawyer for the defendant.

Disposition: The final outcome, or sentence, in a case.

Evidence: Testimony and objects that help to prove either the Commonwealth's or defendant's case.

Felony: A criminal offense which carries a sentence of at least 1 year in jail.

Grand Jury: A legal process at which 5-7 citizens sitting as a jury decide if there is enough evidence to bring the defendant to trial.

Incest: Sexual intercourse between two persons who are related to each other and are prohibited by law from marrying each other.

Indictment: A written document returned by the grand jury which legally accuses a person of committing a crime.

Judge: A court official who listens to the case, decides if the defendant is guilty or not, and determines the appropriate punishment.

Jury: A panel of twelve citizens who decide the guilt or innocence of a defendant and recommend a sentence.

Law Enforcement Officer: A police officer, deputy sheriff, or state trooper.

Lineup: A group of individuals who are viewed (in person or by pictures) by a victim or witness in an attempt to identify the person who committed a crime.

Magistrate: A judicial officer who has the authority to bring criminal charges based on the sworn testimony of an individual or a law enforcement officer, and who can also set bail.

Misdemeanor: An offense which carries a sentence of up to 12 months in jail.

Mistrial: A trial that is declared invalid either because of an error in procedure, or because the jury could not decide on an unanimous verdict.

Offender: A person who deliberately violates the law.

Order of Protection: A court order which prohibits a person from having any type of contact with the victim.

PERK: Physical Evidence Recovery Kit. A kit for medical personnel that includes the items and instructions necessary to collect and preserve the physical evidence of the sexual assault.

Perpetrator: A person who commits a crime.

Personal Recognizance: The release of an arrested person from jail on his/her promise that he/she will return to court for trial.

Plea Agreement: An agreement made between the prosecutor and defense attorney in which the defendant agrees to plead guilty to a crime (sometimes a lesser crime than the original charge), and which may include a sentence. The judge must approve the agreement.

Polygraph Examination: A test that uses a machine designed to detect stress by measuring changes in a person's heart rate, breathing rate, and blood pressure while questions are asked.

Preliminary Hearing: A legal process at which the judge decides if there is enough evidence to send the defendant's charges to the Grand Jury.

Presentence Investigation: A report prepared by a probation and parole officer to help the judge in deciding the sentence. A victim impact statement may be included in the report.

Probable Cause: Reasonable grounds for belief that an accused person is guilty as charged.

Prosecute: To bring criminal action against a defendant.

Prosecutor: Another name for the commonwealth's attorney or assistant commonwealth's attorney.

Rape: Sexual intercourse accomplished against the victim's will, by force, threat or intimidation of or against the victim or another person, or through the use of the victim's mental incapacity or physical helplessness, or with a child under age thirteen as the victim (Code of Virginia §18.2-61).

SANE: Sexual Assault Nurse Examiners. Nurse practitioners who are specially trained to perform physical and forensic exams on adults and children who have been sexually assaulted.

Sentencing: A hearing at which a judge imposes punishment on a convicted defendant.

Sexual Assault: Sexual abuse of an individual by the use of force, threat, or intimidation.

Sexual Assault Crisis Center: A group of concerned persons who provide 24-hour crisis intervention and emotional support, advocacy, and information on the legal, counseling, and medical options available to sexual assault victims, their families and friends.

Sexual Battery: The sexual abuse of a victim against his/her will by force, threat, intimidation, or ruse, or through the use of the victim's mental incapacity or physical helplessness.

Sexually Transmitted Diseases (STDs): Contracted while having sexual relations with someone who is already infected. These diseases include: chlamydia, gonorrhea, syphilis, herpes, hepatitis B, and HIV/AIDS.

Sodomy: A legal term used to describe oral or anal sex.

Subpoena: A written, legal order telling a person to be in court at a specific time and place to give testimony.

Suspect: A person who is believed to have committed a crime.

Trauma: An emotional shock to a person which creates lasting effects.

Trial: The examination of evidence and applicable law by a judge or jury to deliberate specific charges.

Verdict: The decision a jury or judge makes at the end of a trial about whether the defendant is guilty or not guilty.

Victim: Anyone suffering physical, emotional or financial harm as a direct result of a crime.

Victim Impact Statement: A written or oral statement by the victim which expresses the impact of the crime in economic losses, physical or psychological injuries and major life changes as a result of the crime.

Victim/Witness Program: An organization, usually located in a commonwealth's attorney's office or law enforcement department, which assists victims and witnesses of crime. Trained staff or volunteers can provide a variety of services including supportive counseling, explanation of the criminal justice process, and assistance with filing for victims' compensation.

Warrant: A written, legal order authorizing a law enforcement officer to make an arrest.

Witness: A person who testifies under oath as to what he/she knows, has heard or observed about a crime.

Charge	VA Code Section	Penalty
Rape (F)	18.2-61	Five years to life
Marital Rape (F)	18.2-61	Penalties vary
Carnal Knowledge of a Child (13-15 yrs.)	18.2-63	Penalties vary
Forcible Sodomy (F)	18.2-67.1	Five years to life
Marital Sexual Assault (F)	18.2-67.1	Penalties vary
Object Sexual Penetration (F)	18.2-67.2	Five years to life
Aggravated Sexual Battery (F)	18.2-67.3	One to 20 years & up to \$100,000 fine
Sexual Battery (M)	18.2-67.4	Up to 12 months and/or up to \$2,500 fine
Attempted Sexual Crimes	18.2-67.5	Penalties vary
Crimes Against Nature	18.2-361	Penalties vary
Incest	18.2-366	Penalties vary
Indecent Liberties (F)	18.2-370.1	One to 5 years, or \$2,500 fine
Contributing to the Delinquency of a Minor (M)	18.2-371	Up to 12 months and/or up to \$2,500 fine

(F) Felony crime

(M) Misdemeanor crime

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Police Department/Sheriff's Office: _____

Emergency Number: _____

Investigator's Name: _____

Investigator's Number: _____

Prosecutor's Name: _____

Prosecutor's Number: _____



Victim/Witness Advocate's Name: _____

V/W Advocate's Number: _____

Hospital Emergency Room Number: _____

Personal Physician's Number: _____

Public Health Clinic Number: _____

Sexual Assault Crisis Center: _____

Counselor's Name: _____

Hotline Number: _____



Notes

It is normal for people who have been traumatized to feel overwhelmed. If you are having difficulty keeping track of appointments related to the sexual assault or the criminal case, it might be helpful to take notes on what you need to get done. Please use the space below for that purpose.

Medical Follow-Up

Appointment Date/Time _____

Location _____

Physician _____

I will call to check on results of _____

Date _____ Test _____

Emotional Support Follow-Up

Appointment Date/Time _____

Location _____

Counselor/Advocate _____

Criminal Investigation Follow-Up

Appointment Date/Time _____

Location _____

Officer _____

Court Preparation

Appointment Date/Time _____

Location _____

Prosecutor or V/W _____

Additional Notes: _____

State And National Victims Services Organizations

Victims Services Section of DCJS
(804)786-4000

Statewide Sexual Assault Hotline
1(800)838-8238

Virginians Aligned Against Sexual Assault
(804)979-9002

Virginians Against Domestic Violence
(757)221-0990

Criminal Injuries Compensation Fund
(804)367-8686

Victim Services Section of
Department of Corrections
(804)674-3243

National Organization for
Victim Assistance
(202)232-6682

National Victim Center
1(800)394-2255

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Commonwealth of Virginia

The Department of Criminal Justice Services (DCJS) is a state agency whose mission is to strengthen and improve the criminal justice system. Through its Victims Services Section, DCJS is developing, coordinating and funding victim/witness programs and programs which combat violence against women throughout the state. DCJS also provides training, resource materials, and technical assistance.

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To obtain additional copies,
please contact:

Victims Services Section
Department of Criminal Justice Services
805 East Broad Street, 10th Floor
Richmond, VA 23219
(804) 786-4000