

**Women's  
Justice Center**



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## **Special for Rape Victims**

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### **Introduction**

The following is a guide for rape victims and for all who want to help them. Because a number of other sources cover basic information on rape, we focus here on providing information that will help you get support, protection, and justice in the aftermath of rape or sexual assault.

Part I, "General Tips", provides you with some basic guidelines that should help you throughout the course of dealing with a rape.

Part II, "Preventing and Dealing with Mistreatment from Others" is designed to help you prevent and deal with abusive reactions that you as a rape victim may experience from others. Though many people's responses to rape victims are improving, there are still too many people who tend to disbelieve, blame, ignore, or even turn against the victim. This section will not only help you prevent these reactions, it should also help you develop the positive support and help you deserve.

Part III, "Obtaining Justice and Protection from the Criminal Justice System". No other crime is treated more poorly by the criminal justice system than rape. But don't despair. Things are improving here too, even in the male dominated field of law enforcement. There are many things you and your support system can do to make the criminal justice system work for you. In Part III, we give you detailed information on how to get the justice and protection you deserve.

### **A Word of Hope**

Today, way too many rape victims continue to encounter the old sexist and racist responses to rape from family, friends, acquaintances, and authorities. As a rape victim, you may encounter some of these reactions, too. Things are definitely not perfect yet.

But it should help you to keep in mind how fast things are changing and what this means for you. Only a generation ago, as recently as 1970, there were no rape crisis centers and no national studies on rape. Police rarely took reports, rape victims rarely got justice, and a rape was almost always considered the fault of the victim.

Today our society is in the midst of making great changes in its understanding of the injuries and injustices of rape. What this means for you is that when you do encounter negative reactions from others you must not give up. It's very important for you to remind yourself that there are other people right in your own town who do understand. There are people close by who are willing to fight for your rights, and people who are willing to help.

The fact that society is in transition also means that even those people who respond poorly to you can often be encouraged and educated to respond better. The old and the new understandings of rape coexist in all of us to one extent or another. Sometimes just by having an advocate or friend talk with the people who are giving you trouble, you can turn their behavior around.

So do not give up. Don't fall into isolation and despair. When you run into people who treat you badly, don't panic. If you're willing to get back up and keep looking for help and support, you're very likely to find it. You may not get a hundred percent of what you deserve, but you will find people who will listen. You will find people who will stand at your side, and people who will fight for your rights. And in the process of carrying out your own fight for justice and support, you'll also be making it that much better for the women who come after you, just as thousands of women have done before you.

## Part I - General Tips

\* **Get Help!** Even if there is not a scratch on your body, rape is an extremely serious trauma and a deep injustice. No one should go through the trauma of rape alone. You're probably going to need many kinds of help for at least a couple of months from friends, associates, and professionals. You deserve all the help you need, no matter what the circumstances of the rape.

A common problem for rape victims is that it's very difficult to ask for help because the rape has made them feel ashamed, weak, and wounded. If you're finding it difficult to ask for help, here's what to do. Pick a special friend and ask that friend to help you find more help. Ask that special friend to help you think of other people who would be good for different kinds of help. Ask your friend to make the phone calls for you.

You don't have to tell your support people everything. And the people you ask for help don't have to be experts on rape, and they don't necessarily have to be people you know well. Pick people whom your intuition tells you are smart and caring people.

**\* Always have a support person accompany you to appointments, meetings, and discussions pertaining to the rape.** Never go alone to deal with the rape, whether it's an appointment with a detective, a talk with your family, a routine visit to a victim assistance center, or a brief meeting with a landlord, boss, or teacher. Bring someone with you, no matter how minor the encounter. In fact, it's a very good idea to have someone at your side even when you're making phone calls about the rape.

Here are some of the reasons it is so important that you as a rape victim have someone accompany you:

1. There is still a very strong tendency in our society for people to blame, disbelieve, or ostracize rape victims. Having a support person at your side is your absolute best protection against abuse by others because the person at your side is a witness to the other person's actions.
2. Having someone at your side steadies you and makes you feel strong. Even at seemingly insignificant encounters, such as asking a teacher to postpone a test because you were raped, you can be suddenly thrown off balance if the person's response is cold and unsympathetic. Being with a friend on these occasions not only serves to prevent these kinds of responses, it also protects you from being completely devastated and thrown off balance if they occur.
3. The person who accompanies you can help you remember information, and help you remember the questions you wanted to ask.
4. The person who accompanies you can and should take notes. Having your support person take notes is an additional means of preventing abuse.
5. Having support persons accompany you to appointments and meetings regarding the rape keeps these people informed and engaged in what you're going through. Because they know what you're going through, they can better support you in the future.

Again, the person you choose to accompany you doesn't have to be an expert on rape. Your support person also does not have to be the same person who accompanies you on every occasion. In fact, it's a good idea to have different persons accompany you so no one person becomes overly stressed.

**\* Treat your support persons well.** Remember, the friends who are helping you are also probably feeling very upset and frightened by what you're going through. They probably feel at a loss for exactly what they should be doing, and helpless that they can't solve it all for you. So here's some things you can do that will help your support person be better able to help you.

Always be very clear with your friend exactly what it is you would like them to do. Tell them you know they can't solve it all. Stay in good communication with the people who are helping you. Thank them repeatedly for standing by you. And do remember, one person can't do it all. If you see that your friend is getting overwhelmed, ask your friend to help you find someone

else to help, too.

\* **Get all your questions answered as soon and as accurately as possible.** Unanswered questions create intense anxiety for rape victims, and the last thing you need is more anxiety. Here's an example. The day after making a police report, a rape victim realizes the officer didn't tell her what's going to happen next. As the hours pass she becomes increasingly anxious. Are they going to arrest him? Am I supposed to be doing something else? Is a detective going to call me? When is the detective going to call? Instead of suffering with the anxiety of these questions it's crucial that you get the answers as soon as possible.

Throughout the time of dealing with the rape, you're going to have all kinds of questions like this going through your mind. Get your questions answered as soon and as accurately as possible. Don't feel ashamed or shy about asking. You have a right to get complete and detailed answers to all your questions. Asking lots of questions of the authorities you deal with is also helps prevent abuse from the authorities. It lets them know you're paying attention.

If you don't feel satisfied with the answers you get, call the person's boss, call another official, a victim advocate, or call someone on the next shift. But don't suffer the anxiety of unanswered questions.

If you feel too overwhelmed to make the calls, ask a friend to make the phone calls for you. In fact making phone calls and helping you get accurate information is a good example of the kind of thing you can ask a friend to do.

\* **Establish Solid and Reliable Telephone Communication.** Making sure you have good and reliable telephone communication is critical to your safety, critical to getting a good response from authorities, and it is essential to preventing isolation.

Leave complete phone messages. Most of the phone calls you make are going to be answered by voice mail or message machines. Leave complete information about what you want and complete information about how and when the person can get back to you. Take a minute before you get on the phone to think about what you want to say ahead of time. If you don't have a message machine. Try to get one. Or, make arrangements with a reliable friend so that people can leave messages with her or him. Stay in close communication with the people who are helping you.

If you don't speak English, don't hesitate to leave messages in your own language. Officials are required to get your message translated. Be sure and speak very slowly and clearly since the person listening to your message may not speak your language perfectly. For more information on what to do if you don't speak English, see [Special for Immigrant Women](#).

\* **Keep a Notebook.** It's virtually impossible to keep track of all the information, names, phone numbers, case numbers, appointments, and legal terms, that will come flooding over you as you deal with the rape. The only way to keep these things from spinning out of orbit is to keep them written down all in one notebook.

Writing everything down in a notebook will also give you a good sense of security and control. In addition to keeping track of information, use your notebook to write down questions you want to ask and points of information you want to remember to tell others. And when you're in

a meeting or interview, have your support person take notes for you.

**\* Prepare a two minute summary of your case.** The intense emotions you feel following a rape can overtake you unpredictably, especially when you are talking with others about the assault. When this happens your communication can easily become fragmented, frantic, and incoherent.

These emotional swings and frantic communication following a rape are completely normal. And they should also be understandable to others. The problem is that many people are unable or unwilling to deal with the intensity of these emotions. They stop listening to you right at the time when you most need to be heard.

So here's a suggestion that can help you immensely. Write a two or three minute summary of your story. Make this summary as professional as possible. Then read over your summary every time before you get on the phone or go to meetings pertaining to the rape. It will help put you in a frame of mind where you can communicate factually and coherently about the rape. You will be amazed how much more seriously officials will treat your case when you can present your story coherently.

**\* Take time to think things out and prepare before getting on the phone or walking into a meeting that deals in any way with the rape, whether with family, associates, or officials.**

In addition to going over your one paragraph summary of the rape, here's a brief check list that you can use to prepare for talking with others about the rape:

- What is the main point(s) I want to communicate?
- What is the main result I want?
- What are the main questions I want to ask?
- What emotional tone do I want to communicate?
- What is the most likely obstacle I could encounter?
- What is my best argument to overcome the obstacle?

Write down your thoughts and questions, and always have a pen and paper ready to take notes. Go over the list and your answers with your support person. The best way to do all this is to take 15 minutes before any meeting or take 5 minutes before any phone call and focus on exactly what you want to accomplish. Doing this gives you control and keeps you from being thrown off balance by other people's responses. It also greatly increases the chances that you'll get what you need from your interactions with others.

**\* Never make final, on-the-spot, decisions on important matters on the phone or in meetings.** Ask questions, and then tell the person or official that you're going to think it over and that you'll get back to them. Officials often try to pressure victims into making quick, on-the-spot decisions. They often do this in order to pressure you into decisions that you wouldn't make if you had time to think about on your own. You can easily protect yourself from these pressures by always telling the person you will think it over and give them a call with your decision the next day.

\* **Don't rely on work officials, school officials, church officials, union officials, or housing officials to handle or investigate your rape.** In the first place, these people have little or no experience in the investigation of rape and they will almost certainly make a disastrous mess of your case. Often they will so mishandle witnesses and evidence that they damage the possibility of a successful criminal investigation. Second, none of these officials have the power or authority to carry out a criminal investigation of the rape, nor do they have the power to arrest.

Most important of all, bosses, school officials, church officials, union officials and housing officials likely have a serious conflict of interest in your case, and that conflict will heavily favor the rapist. These officials usually have a strong interest in wanting to cover up the fact that a rape occurred in their institution. And you, the victim, can easily be sacrificed to the cause.

If the rapist is a coworker, class mate, or church associate, and you need the organization to act to remove the rapist, use the police and courts to develop the evidence needed for removal.

\* **If you are the parent of a victim of child sexual abuse or a mandated reporter of child abuse, DO NOT rely on Child Protective Services to investigate.** Report the case to police. Child Protective Services (called Child Welfare Agencies in some states) do not have the authority, nor are they trained, to carry out criminal investigations, nor do they have the power to arrest. Child Protective Services have only one power and that is the power to remove children from the home. And they are free to exercise this power at the lowest threshold of evidence.

It is far too easy for a Child Protective Service worker to turn their investigation against you (the parent) and accuse you of not protecting the child from the abuser. And with that approach, they can take your child from you with the most minimal level of evidence. This practice is common throughout the US. It is arbitrary. And far too often it is extremely unjust. Until Child Protective Services around the country stop these unspeakable and arbitrary practices, we can only advise you to stay as far away from them as possible. If you think your child was sexually abused, or if you are a teacher, health worker, or other mandated reporter who suspects child abuse, report directly to the police and not to Child Protective Services.

\* **If you wish to report a rape or child sexual abuse report directly to the police.** Rape is a violent crime. The police are the only agency in society who have the power and authority to carry out a criminal investigation, to make an arrest, and to put the perpetrator under control. To be sure, the attitudes and response of police are not perfect yet either. But at the very least, police have the power, authority, training, and experience needed to do the job right.

\* **Be vigilant when dealing with the criminal justice system.** Because the response of the criminal justice system is so important to rape victims, and because the system isn't perfect by any means, we devote a whole section (see Part III below) for helping you get the best response possible from the criminal justice system.

## Part II - Preventing and Dealing with Mistreatment from Others

Over the last 30 years, people's responses to rape victims have improved tremendously. However, it is still likely that you will run into one or more persons who will treat you badly. People may disbelieve you, ridicule you, abandon, blame, ostracize, sabotage, threaten, betray you, or side with the rapist against you. These painful and dangerous reactions can come from family, friends, and authorities as well as from people associated with the rapist. In fact, it's particularly devastating to rape victims when you're treated badly by the very people you expected would help you.

Many victims say the betrayal of these experiences is so painful that it was worse than the rape itself. That's why, in the literature on rape, this all too common abusive treatment of rape victims has been given the name, "the second rape".

In addition to being terribly sexist and wrong, these all too common abuses of rape victims are also very dangerous to the victim. These abusive reactions drive rape victims into deepening isolation and despair. When these abuses gather steam, they can turn the victim's whole social or family group against her. This can easily result in losses to the victim of vital relationships, jobs, housing, school, or to the loss of the victim's connections to help.

The disbelieving, blaming, and ostracizing of rape victims is also dangerous to all women and girls. Driving rape victims into isolation and despair is one of the ways a male dominated society supports the ongoing existence of rape.

In this section we first give you a couple examples of "the second rape". Then we give you some explanations of why this so often occurs. Don't get discouraged as you read these. Remember that we're going to show you how best to stop these abuses, and how to turn them around so you get the positive help and support you deserve. The reason we lay out what can go wrong in such detail is so that you and your friends will recognize the problem early on if it starts to happen to you.

## Two examples of "the second rape":

- When Gloria was raped by her coworker she went alone to her union representative to report the rape. Her union representative told her he would look into it. A few days later Gloria realized that the union had sided with the rapist. Gloria couldn't believe the union wouldn't support her, but she still had hopes of getting help from a company manager who was her friend. The same thing happened again. The manager never even spoke to Gloria's witnesses, didn't investigate, and didn't move the rapist out of her work area. When Gloria's friends at work saw that the company didn't punish the rapist, they started wondering if Gloria was telling the truth and they stopped supporting her. Within two months Gloria was frozen out of her job.
- Antonia was raped by two classmates on the school football team. At first Antonia's girl friends were very supportive. But then the whole football team ganged up and started spreading all kinds of lies and trash around school about Antonia. They also started bullying Antonia's girlfriends. Pretty soon Antonia's girlfriends were so afraid that they stopped defending Antonia. Then they stopped hanging out with her. Now Antonia was alone. She got very depressed and didn't even want to go to school. Antonia started

cutting classes. The principal called her into the office and gave her detention. Now Antonia was totally isolated and in despair. Antonia dropped out of school.

## Why Some People Side with the Rapist and Mistreat the Victim

Here are some of the reasons that alone or in combination that people mistreat rape victims. By understanding why these reactions occur it can help you understand that none of these reactions are your fault. And the rape isn't your fault either. It's also important for you to understand these reasons so you won't be caught off guard, and so you and your support persons will do all that you can ahead of time to prevent them from happening.

Don't get discouraged as you read this. Remember, not all people react this way. And the tips below will show you how to keep these abuses from happening to you, and how to keep a strong support system at your side.

Some people side with the rapist and mistreat the victim because:

- We still live in a male dominated society in which men and their organizations control most of the power. Rape itself is a crime of male dominance. After a rape occurs, the sexist, male views of rape frequently resurface with a vengeance. These views easily gather steam, join forces with the authority of powerful male dominated institutions, and if not dealt with, will almost always lead to the protection of the rapist and an easy overwhelming of the victim.
- In addition to the biases of sexism working against the victim, it's just plain easier for people to side with the rapist. Remember, in most rapes the rapist and the victim know each other. Once the victim makes the charge of rape, the people around you both are forced to take sides. It's almost always easier to take the side of the rapist. If people believe the rapist, they can simply abandon the victim to fend for herself. But if people believe the victim, they then have to go up against the rapist and take action against him. Sadly, many people just don't have the courage or strength of conviction to stand up to the rapist and his powerful allies.
- Rape victims are usually young females. Rapists are male and usually older than the victim. As such, the rapist almost always has more social status than the victim. These inequalities in our male dominated society add to the tendency of people to side with the rapist and to shun the victim.
- The rapist has a criminal mentality and he is willing to lie, manipulate, threaten, and bully others once the charge of rape is made. The victim, on the other hand, is wounded and often too weak to defend herself. In addition, she is not a criminal and as such she is not willing to bully or intimidate others who don't support her. Once the rapist starts bullying, lying, and rallying his buddies to his side, even the victims' supporters often become afraid and fall silent in their defense of the victim.
- Once the charge of rape is made all the old sexist stereotypes of rape begin to surface. The old ideas about what is proper behavior for a female are so extremely limiting that

people can always find a way to blame the victim. She was out too late, acting too sexy, too innocent, too assertive, not assertive enough, drank too much, too bitchy, too stupid, or too aloof. It simply does not matter what the woman or girl was doing when she was raped. These old constrictions on female behavior provide ample and convenient cover for those who want a way out of having to stand up against a rape.

- Authorities too often don't take rape seriously. When authorities don't take the rape seriously, people around the victim get the message they don't have to take the rape seriously either. Once authorities show they aren't taking the rape seriously, any support the victim has been able to maintain generally begins to erode rapidly.

Taken alone or together, these continuing manifestations of sexism in society make it so much easier for cowardly people to accuse the victim of lying rather than to accuse a man of rape. Fortunately, people are changing. And with a little help, you can stop these abuses from happening to you.

## Preventing and dealing with mistreatment from others

Erosion of the rape victim's support usually doesn't happen right away. In fact, initial reactions to rape victims are often good. Authorities usually take an initial report. Friends of the victim usually start out by accompanying and supporting the victim, and family members often initially show great concern. It generally takes a little time for the perpetrator to start organizing his own support and begin bullying, lying, and retaliating in a way that erodes the victim's initial support.

This lead time gives the victim and her advocates an opportunity to prevent the buildup toward targeting the victim. Try as much as possible to prevent these negative reactions before they start. Once vital relationships and social groups in your life turn against you, it's much more difficult to correct them.

The following tips can be applied to both prevention and correction of problems with others:

- **Follow all the general tips in the "General Tips" section above.** In particular, always have at least one support person with you when you deal in any way with the rape; whether you're talking with police, family, school, church, housing, company officials, or to rape services. Don't go alone to talk with others about the rape. Having someone at your side at all times when you're dealing with the rape is always your best protection against abuse by others.

Reread the [General Tips](#) when you run into new problems. Things that didn't make an impression when you read through the tips the first time around may apply directly to the new problem.

- **Don't continue to confront the people who are mistreating you, even if you think the person is your friend.** They will see that you are vulnerable and off balance. If they don't hear you the first time you talk to them, it's likely they'll take advantage of the situation by saying and doing things to hurt you even more. Once you see someone is turning on you, stop trying to deal with that person on your own. You're going to need

help. And it's going to work out much better when you get help.

- **Get a good victim advocate.** Call your local rape crisis center. If at all possible, go in and meet face to face with the victim advocate. Bring a friend with you. Take full advantage of the services offered by the center. Tell the victim advocate right away about any problems you are having with people around you.

One of the many ways you can use the victim advocate is to ask the advocate to help you educate those people in your life who are having trouble supporting you. Ask the victim advocate to talk with your husband, your classmates, your family, your boss, teachers, landlords, or whoever it is that is giving you trouble. You'll be amazed how much more receptive people will be to a victim advocate or other professional, even though the advocate is explaining the exactly same things you've been trying to explain. This remedy is so effective that in the following section we give you a more detailed look and some real life examples of how it works.

- **At the first sign of trouble, or even before you run into trouble, ask a good friend, a good advocate or an authority to sit down and talk with the person or persons who you think may be a problem.** Here are some real life examples at how this can work.

\*\*\* Celia was raped by her husband's brother while her husband Jorge was at work. At first, Jorge supported Celia. But when Jorge's parents began openly defending the brother, Celia noticed that her husband began withdrawing his support. Jorge started implying that Celia was stupid for being lured into a room alone with his brother. Then it wasn't long before Jorge was accusing Celia of wanting to have sex with his brother, and of making up the rape story later.

When Celia realized that her own attempts to defend herself to her husband were getting nowhere, Celia explained the problem to the detective on her case. She asked the detective to sit down and talk with her husband. The detective took this task seriously. He not only explained the evidence in the case to Jorge, he also talked seriously with Jorge about the importance of supporting his wife through the rape. With this help from the detective, Jorge stopped blaming Celia, stood up to his family, and put the blame squarely on his brother.

\*\*\* Cathy's 13 year-old daughter was raped in their home by a man in a neighboring apartment. After a few weeks of police involvement, both the rapist and Cathy received eviction notices from the landlord. Since the crimes occurred at her apartment the landlord said Cathy and her daughter had violated the 'no crime on the premises' clause of the lease. When Cathy went to explain that she and her daughter were the victims, she could see right away that it didn't make a bit of difference to the landlord. So Cathy then went to a rape crisis victim advocate to explain the problem. She asked

the victim advocate to try and communicate with the landlord to save her housing. The advocate wrote a letter to the landlord and the landlord withdrew Cathy's eviction.

\*\*\* After Lily was raped by her classmates, the girlfriends who at first stood by her side soon began drifting away. Lily understood why but she felt so lonely and abandoned all she wanted to do was stay in bed and cry all day. But instead of allowing herself to be ostracized at school, Lilly went to her favorite teacher and explained what was happening with her friends. She asked the teacher to please meet with her friends and to help her friends understand what was happening. And she asked the teacher to punish the boys for their bullying and name calling. The teacher brought all the girls together in a group and supported the girls throughout their support of Lily.

- **Carefully select the people who you want to advocate on your behalf.** When it comes to dealing with people who are giving you trouble, it's usually better if you can select someone who has a position of authority. Police, victim advocates, clergy, teachers, counselors, and other professionals generally carry more weight and will likely be more effective in influencing the people who are giving you trouble. But if you can't think of someone in authority, ask a smart and caring friend.

Also, when selecting your advocates and support persons, try to select people who are not in the same social circle where the rape occurred, unless they are very special people. For example, if the rapist was connected to your work, the people at your workplace may be too fearful to effectively take your side, even if they are your close friends. The same thing is true if the rapist is from your school. Your teachers and classmates at the school might not be able to stand up to pressure from the rapist, his friends, and all the school officials who are probably trying to cover up the rape.

So think of the people you know and respect who are outside the influence of the rapist and his friends.

It doesn't necessarily have to be someone you know well. Use your intuition. If you think the person is kind and smart, they probably won't hesitate a moment to help.

- **Work closely with the person or persons you select to advocate for you.** Prepare the person well by giving them a full explanation of whichever problem you'd like them to help you with. Talk together and at length with them about what you want and how to get the best results. Stay in good communication. Keep them up to date on what's happening with you. Don't forget to say, 'thank you'.
- **Remember, your support persons need support too.** Treat them like gold. They are your life guards. They are the key to protecting you from abuse. At the same time, the people who are trying to help you will have many fears of their own; fears that they don't know exactly what they're supposed to do, fears that the hostile environment will go against them too, fears of the intensity of your hurt. Your friends need help too.

Have your friends read this text. Always explain carefully and calmly how you would like

your friends to help. Give your friends the telephone number of your victim advocate so they can talk to her too.

Always meet early with your support persons before going into meetings. Always introduce your support persons with respect. Ask your victim advocate, or the police, or other professionals to talk with and support your friends. Ask them to explain to your friends what's happening and how they can best support you. Make sure your friends have each other's phone numbers so they can support each other and work together to help you. Stay in touch with your friends. Always tell your friends how much you appreciate their help.

- **Remember, one person can't do it all.** Divide up the things you need help with. Perhaps, one person can help you talk with your husband, another person can accompany you to the interview with the detective, and still another person can help you explain to your boss why you're going to miss a couple days of work.
- **Make sure you are getting good response from police and authorities.** Serious treatment of your rape by police is critical because it gives the message to everyone around you that they too should treat the rape seriously. This doesn't necessarily mean that you need a conviction before people get the idea that authorities are taking the rape seriously. Even the initial involvement of police seriously gathering evidence and questioning witnesses can be very effective in backing down hostile reactions to you.
- **Report all harassment and criminal behavior to the police, the DA, or to the judge on your case.** If the people giving you trouble begin to make threats of harming you, or if they attempt to dissuade you from testifying, they are committing a crime. Even if you can't prove these cases you should still report them to police, and make sure police write a criminal report. Remember, just the involvement of police in this kind of behavior can be very effective in backing these people down.

And even if the harassment hasn't gotten to a criminal level, remember that a good police officer is often willing to confront the people directly and put a stop to it that way. Ask the officer to do this for you.

If charges have been filed against the rapist, ask the DA or judge on your case for criminal protective order. Report each and every violation of the protective order immediately to police, the DA, or to the judge on your case.

## Part III - Obtaining Justice and Protection from the Criminal Justice System:

Rape is a serious violent crime. Yet many rape victims have a very difficult time deciding whether or not to report the rape to police. In fact, in the United States less than one out of six rape victims report the rape to police. And very few of these victims report the rape right away.

This is tragic because the criminal justice system has more power to help rape victims than any other institution. The criminal justice system, and only the criminal justice system, has the power and authority to do a criminal investigation of your rape, and to arrest, convict, punish, and remove the rapist from society. The criminal justice system is the only system that can intervene with force when your safety is threatened. The criminal justice system is also the only system that can put the criminal investigation findings and testimony on the public record. That record of truth finding is essential for justice. And justice is essential to your healing and to the healing of the community. Justice is also essential to stopping future rapes.

As a rape victim you have a right to have these immense criminal justice system powers work for you. But many rape victims still despair of obtaining justice, and for good reason. It is true that police, prosecutors, and judges have a terrible record of dealing with the crime of rape.

The most common abuse of criminal justice officials against rape victims is that these officials frequently try to dump rape cases. It is well documented in many sources that widespread dumping of rape cases goes on today in law enforcement agencies around the country. But there is hope. And here's why we think you should seriously consider reporting your rape to police. There are more and more criminal justice officials who treat your safety and sexual assault seriously. Training and investigative techniques on rape have greatly improved. And even if you run into trouble with one official or another, there are other officials who are willing to help. But most importantly, there are many, many things you and your support persons can do to get a positive and just response from police, prosecutors, and judges.

This section provides information and tips that should help you as a rape victim get the justice and protection you deserve from the criminal justice system.

## **Be Aware; But Don't Despair**

Being aware, paying attention, and always going with a friend through the criminal justice system are your best protections against mistreatment. Here are some basic facts you and your support persons should know about the criminal justice system.

- The criminal justice system is not nearly as complicated as it first seems. It's true you're probably going to be unfamiliar with many of the terms and procedures of the criminal justice system. But don't be intimidated. Criminal investigation and criminal procedures are mostly common sense. With a little help you're going to be able to figure it out without much trouble at all. So don't be intimidated by the system. Ask questions, use your common sense, and you will be able to understand everything you need to understand.
- The criminal justice system, like the rest of society, is going through great change in its response to rape. In the course of pursuing a criminal rape case you are likely to run

into a full range of responses from different officials. You're likely to encounter officials who are knowledgeable and helpful with your needs. You're going to run into some officials who will need just a little prodding to do the job right. And you're also likely to run into officials who are neanderthals and who will work against you by trying to dump your case or by violating your rights.

Don't be shocked if you run into officials who are sexist, racist, who lie to you, who violate your rights, or who try to make you and your case go away. Don't try to pretend it isn't happening. Trust your intuition. That way you can deal with the individual right away before he has the chance to damage you or your case.

- Remember that the single most common abuse of the criminal justice system against rape victims is that the officials may try to dump your case. Pay particular attention if you feel like the official is trying to get rid of you or your case. There are many things you can do to stop it from happening once it starts.
- And it's worth repeating, don't let these facts discourage you from reporting to police. Things are improving rapidly even in the male dominated field of law enforcement. There are many things you and your support persons can do to correct problems along the way. But the first key to a positive response is to be aware, pay attention, and go with a friend at your side.

**Know Your Rights and Exercise Your Rights.** Over the last quarter century state legislatures throughout the U.S. have passed a number of important victims' rights laws. If you know your rights, and know what to do when your rights are violated, officials will be much more likely to take your case seriously. For a summary of those rights for victims in California, see our section called, [Know Your Rights](#).

The most important right for rape and sexual assault victims is your right (in California PC 679.04) to be accompanied at all times throughout the criminal justice process by a victim advocate and by a support person of your choice. For more discussion of this most crucial right and how to exercise this right, [click here](#).

This is the best way to protect yourself from abuse in the criminal justice system. Do not let officials separate you from your advocates or from your support person, especially in meetings and interviews. Do have your support persons take notes.

## **Things to watch out for that may indicate that officials are not handling your case seriously or properly:**

- Watch out for officials with a bad attitude. This is pretty easy to do. Most rape victims can immediately detect an official's bad attitude.

The problem is that because of the trauma of the rape, most rape victims feel very

unsure of themselves. They often don't trust their own judgment. Rape victims often find it difficult to admit they're being mistreated by the people who are supposed to be helping them. And they find it even more difficult to protest the abuse.

So if you sense that police, prosecutors, or other officials are not treating your case seriously and respectfully, pay attention. You are probably right, and you need to get help to deal with it right away. If an official responds to you in any way with disrespect, lack of concern for your safety, an accusatory tone, disbelief, lack of interest, annoyance, intimidation, or attempts to isolate you from your support person, trust your judgment. These bad attitudes are a strong indication the officer is not taking your case seriously.

## **Other indications that officials are not handling your case seriously or properly.**

- Watch out for unresponsive behavior. One of the most common and easiest ways that officials have of dumping a rape case is to simply ignore you. The reason this works so well is that rape victims find it very difficult to assert themselves and even more difficult to push the police. Watch out for long delays in returning phone calls, unclear explanations about what happens next, sloppy answers to your questions, or disinterest in answering your questions. These are more warning signs the official may be attempting to dump your case.
- Watch out for an official's unwillingness to ask you about and then accommodate your needs. Failure to be openly concerned about your need for privacy, support, safety, housing, etc., is much more than just a sign the officer is impolite. In order to successfully pursue a rape case, officials must pay close attention to the needs of the victim.
- Watch out for incomplete investigations. This is another very common way that officials dump rape cases. If officials don't gather all the evidence, then it's easy for them to tell you, "We're very sorry, we'd like to help, but there's not enough evidence to go forward with your case." If an official tells you there's not enough evidence, or that your case is a 'he said, she said' case, or that the district attorney won't file, or that the defense will attack you for this or that, it may very well be that the official is just trying to get rid of you.

So it's very important that you and your support persons take a look at your own case as if you were the detective. And it's important that you evaluate whether or not the gathering of evidence is complete. Were all your witnesses interviewed? Was your interview complete? Did the detective suggest a pretext call? Were all the leads followed in the case? Was there an attempt made to find other victims? Further on we'll give you more detailed information on how to evaluate the evidence in your case.

For now, the important thing to remember is that a good investigation is mostly common sense. So if an official tells you there's not enough evidence in your case, you and your

friend should be able to do a pretty good job of figuring out if the officer is lying to you or not.

- Watch out for officials who attempt to divert you and your case out of the criminal justice process. You would be amazed how often police and prosecutors tell rape victims to go somewhere else for help. Many tell women to take their case to get counseling, to move out of town, to go to family court, to go to Child Protective Services. All of this is nothing more than police and prosecutors telling rape victims to get lost. Remember, rape is a violent crime, and it's the job of police and prosecutors to investigate your case thoroughly, to protect your safety, and to do everything possible to obtain justice for you and the community.
- Watch out for bad interview techniques. The police interview of you is the single most significant piece of evidence in a rape case. Whenever you are interviewed, the official should: allow you to be accompanied by an advocate and support person, take notes, tape record the interview, should ask you in detail about events leading up to the rape, events during the rape, and events that followed the rape. The official should also explore with you and listen carefully to all your suggestions for leads to evidence and witnesses in the case..

When interviewing you, the official should never interrogate you even if there are contradictions in your story, should not try scare you out of reporting or testifying by telling you how the defense team can attack you, should not attempt to isolate you from your advocate and support persons, and should never in any way imply that you are to blame for the rape.

## **Track of your criminal case. Ask lots of questions. Keep lots of Notes**

If you are like most women, your rape is probably the first time you've had any experience with the criminal justice system. You will likely feel uninformed, intimidated, helpless, and overwhelmed by the complexities of the process. What is supposed to happen next? When? What are the charges? What do the charges mean? When will he be arrested? What is the case number? The name of the detective? What's the purpose of a preliminary hearing? What is a plea bargain? Ask! Ask! Ask! Asking a lot of questions not only keeps you informed, it also tells officials you are paying attention. This by itself, helps to reduce abuse.

If one person doesn't answer your question to your satisfaction, ask someone else. Keep reminding yourself that you have a right to respect, to justice, and to protection. Remind yourself that your taxes pay for proper services.

## **Think like a detective. Help Build the Evidence.**

Mentally working on building your own case can help you in a lot of ways. It helps put you back in control and helps you take an aggressive attitude toward the rapist. It also helps prevent abuse from officials because they can see that you're paying attention. And one other

great benefit is that you're very likely to significantly strengthen the case. This is because you, as the victim, are at the center of the event, and you know the circumstances best.

So we've put together a list of some of the kinds of things that frequently make good evidence in rape cases. The list isn't complete by any means, but it should help you and your friends start thinking about the kinds of evidence that might help you build and strengthen your own case.

Some examples of rape case evidence:

- Your detailed descriptions of people and places and the events. The details of your descriptions can support your case in two important ways. First, they can help prove the rapist is lying. For example, if you can describe the inside of the perpetrator's bedroom and the perpetrator says you were never in his bedroom, those details you give become a piece of evidence that the perpetrator is lying.
- Second, the details of your descriptions build your credibility. Truth has a ring to it. And it's the details of your description that provide the aura and substance of your credibility. Many times you will remember important details after you have already talked with the police. Write these things down in your notebook and pass them on to the officer on your case as soon as possible.
- The rapist's pre-rape behavior: Most rapists plan their rape. By carefully exploring the rapist's pre-rape behavior you can often find details that provide good corroboration of the fact that he was planning a rape. And though there's rarely a witness to the rape itself, you can often find witnesses to some of this pre-rape planning. For example, there may be witnesses to the rapist's efforts to isolate you from others, his abrupt dismissal of other persons, his closing off your exit.
- Your post-rape behavior. Much of a victim's post rape behavior often provides very good corroborating evidence of a rape. Who were the first people you talked to following the rape? How did you act and what did you do following the rape? Did you change your routine in any way (did you skip school classes, avoid places where the perpetrator might be, stay in your room, grow silent, change the locks, park in a different place, go to a health clinic, try to hide the rape by giving others unusual explanations for your behavior, cancel appointments)? Who were witnesses to this behavior?
- Other Victims: Other victims of the same rapist are one of the most overlooked sources of good evidence in rape and child sexual assault. Even good detectives often forget to look for other victims who have been raped or assaulted by the same perpetrator.

Most all rapists are serial rapists. You are probably not the first person this man has raped. In fact it's very likely that other victims of the same rapist are right there in your own social circle. If you can locate other victims, this can provide powerful and very convincing evidence in your case. If you find others who have been raped or assaulted by the same man, give their names to the police. Don't try to interview them yourself.

- **Pretext Calls:** Pretext calls can provide key evidence, and sometimes conclusive evidence, in your case. A pretext call is a phone call made by the victim to the perpetrator with the police guiding and recording the call. It's called a pretext call because together, the victim and the police invent a scenario ahead of time that will best trap the rapist into talking about the rape.

For example, if your boyfriend raped you, you might get on the phone and say something like, "If we're ever going to see each other again, we need to talk about what happened the other night". Because most victims know the rapist, and know his psychology, rape victims can often come up with excellent scenarios to trap the rapist into talking about the rape.

It's not unusual for a rapist to be convicted on the basis of the pretext call tape made by the victim and the police. So make sure the detective in your case makes use of this important investigative technique.

- **Physical evidence:** The kinds of physical evidence that can substantiate your story are so extensive we can't begin to cover it here. Physical evidence can range from everything from your injuries, to DNA, to a beer bottle left at the scene, a video tape at a 7-11, broken locks, grass stains, cloth fibers, and on and on. Think about what there might be in your case, brainstorm with a friend, and you might be surprised with the evidence you can come up with. Remember, good detective work is mostly common sense. So put your mind to it.

## **What to do when you feel criminal justice officials are mishandling your case.**

- **Respond Quickly.** Don't wait and worry because you're not quite sure if your case really is being mishandled. Trust your intuition. If things aren't being done properly, you don't want the situation to deteriorate. On the other hand, if things are going all right, and there's a good explanation for what's happening, you need to know the answer to alleviate your anxiety and to restore your confidence in the investigation.
- **Make Phone Calls** and talk with others about your concern. Talk with your support persons or advocate to help you form a plan of action. Then call the officer in question, or the officer's boss, whichever seems most appropriate for the situation.

State your concern as clearly as possible. "The detective hasn't returned my phone calls in two weeks." "The detective hasn't interviewed one of the witnesses." "The prosecutor says there's not enough evidence to file on the case, and I think there is enough evidence."

Keep asking questions. Always take notes during these phone conversation. In fact, let the official know you're taking notes by asking the official to slow down because you're writing.

If the answers you get don't fully satisfy you, it's entirely possible that you're being lied too. It's also possible that the explanation you're being given is correct. Many rape victims at this point are afraid to keep calling officials because they're afraid they might be wrong, and they're afraid the officer or detective will get mad at them. In our experience, an official who is doing things right doesn't get angry with a victim who is trying to get satisfactory answers to a question. If an officer gets upset with you for going over his head it's usually because that officer was doing something wrong.

So make that telephone call to the officer's boss, or to the boss's boss. Or have an advocate or good friend make the call for you. But don't stop trying to get answers to your concerns until you are completely satisfied with the response.

- If the situation doesn't get quickly corrected after you've made a few phone calls, arrange a meeting with the head of the investigative unit or the head of the prosecution unit. Be sure and bring at least one other person with you.

Meet a half hour early with the support people who are going to be with you during the meeting. Prepare them on the issues you're going to cover during the meeting. Tell them how you would like them to support you. Ask one of your support persons to take notes.

- Put your Protest in Writing: Many people find it very difficult to put their complaint in writing. Yet putting your complaint in a letter is one of the quickest and most powerful ways to get a response.

Your letter of complaint doesn't have to be long or complicated. In fact, the shorter and simpler you make your letter, the more effective it will be. If possible have other people sign the letter with you. And just as important, make sure you send the letter to more than one person, and make doubly sure you list all the people you're sending the letter to at the bottom of the letter.

Below is an example of a letter by a woman protesting the handling of her case by the detective in the case.

## **Sample letter to protest the handling of a rape case.**

*The following letter is fictitious.*

Dear Police Chief Andy Boyd,

I am the victim in the rape case against Daniel Jones. I am writing because I am concerned about some things that have happened in the investigation of the case.

I have called detective Rich and left messages on his phone three times in the last two weeks. Detective Rich has never called me back.

In addition, in the first phone message two weeks ago, I gave the detective the names and phone numbers of two witnesses who saw me with my clothes torn after the rape. When I talked to these witnesses yesterday, they both said the detective hadn't contacted them yet. I am very upset that the detective hasn't returned my phone calls and hasn't interviewed important witnesses in my rape case. The rapist told me he would make me sorry if I called the police. But I trusted that police would treat the rape and my safety seriously.

Please look into this and respond to me right away. I'm sure you would agree this needs to be corrected now without delay. I'm sure that as chief of police, you want to assure that I am safe and that all women in the community are safe from rapists like Daniel Jones.

Thank you for your help.

Sincerely,

Anita Garcia Sonia Martin Antonia Morales  
case victim Victim Advocate Anita's Friend

c: Mayor Tony Perez and Santa Rita City Council  
Santa Rita Domestic Violence Council  
District Attorney Martha Wilson  
Director of the State Office of Criminal Justice Planning  
State Attorney General

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