

What is Sexual Assault?

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

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

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

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



1 A Health Survey of Texans: A Focus on Sexual Assault, 2003.

2 National Violence Against Women Study, 1998.

3 Rape in America, 1992.

4 Ibid.

Myths & Facts About Rape

MYTH: *It could never happen to me.*

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

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

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

MYTH: *Rape is a sexual crime.*

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

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

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

MYTH: *Rape only happens to young women.*

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

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

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

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

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

If You Are Raped

- Seek medical treatment. DO NOT douche, bathe, shower, eat or drink anything, or change clothes before you go.
- Go to a friend's house or somewhere you can get emotional support.
- Strongly consider reporting the rape to authorities (this does not mean that you have to agree to press charges).
- Seek counseling. Even if you don't report the rape or press charges, consider contacting your nearest rape crisis center for information about counseling for yourself and/or family members. Their services are free and confidential. Call 1-800-656-HOPE to be connected to your closest rape crisis center or go to www.taasa.org for more information.

What is the sexual assault forensic exam?

It is a physical examination performed by medical personnel for the purpose of collecting evidence. It is not medical treatment, although a medical exam may be conducted at the same time. The presence or absence of physical evidence does not prove whether a person has been sexually assaulted. Rather, it provides evidence to be used during the legal proceedings if the case is prosecuted.

Who pays for the exam?

The forensic exam will be paid for by law enforcement, but only if you make a report. Medical care may be paid for by the Crime Victim's Compensation Fund, but again only if you make a report to law enforcement. Someone at the hospital or your local rape crisis center can help you obtain and fill out these forms.

Why do I need medical attention?

First, the possibility of pregnancy should be assessed if the victim is female. A "morning after pill" can be taken that will greatly reduce the risk of pregnancy. Second, all victims should be evaluated for the possibility of sexually transmitted infections. There are treatments available to reduce this risk as well. Finally, all survivors

The Legal Process

If I decide to prosecute what must I do?

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

After I give the statement, what happens?

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

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

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

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

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

Will I have to testify before the Grand Jury and, if so, when?

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

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

The case will be set for trial.

When will my case be tried?

If the defendant is still in jail, the case must be tried within 90 days, unless he/she waives right to a speedy trial. If not in jail, it may take three to 12 months before the case is tried because of the heavy caseload in many courts.

Resources

Rape Abuse and Incest National Network
1-800-656-HOPE (4673)
www.rainn.org

Texas Crime Victims Compensation Fund
1-800-983-9933


Sexual Assault Legal Line
1-888-296-SAFE (7273)



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

Confronting Sexual Assault



 *The voice of sexual violence survivors in Texas.*

National Sexual Assault Hotline
Free. Confidential. 24/7.

1-800-656-HOPE