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Hello,

If you are reading this, you or someone you care about may have experienced sexual violence. What happened is not your fault, and you have options. If you want them, there are many resources and options available to you.

This packet is a resource for you or your loved one. It contains information on your legal and civil options, the criminal justice process, and other options you have. All survivors have the same rights and protections, but not everything in the packet will necessarily apply to you. Resilience can offer free and confidential trauma therapy, legal advocacy, and medical advocacy services. You can talk to us at any time to get support or ask any questions.

Our advocates are available to help you navigate your options. We provide support during interviews with law enforcement and we can be present with you if your case goes to court. To reach an advocate call our main office Monday–Friday from 9am–5pm at 312-443-9603 to get connected with support.

Resilience advocates can also help you navigate workplace accommodations, school accommodations, protective orders, emergency lock changes at home, or the breaking of your lease. Advocates can also help you complete an application for Crime Victims Compensation or seek referrals for attorneys at no cost.

Everyone's experience is different. Trust yourself and your experience. Take the resources that help you heal. Leave what does not.

Additionally, the Chicago Rape Crisis Hotline has trained crisis counselors available 24 hours a day at no cost at (888) 293-2080.

However you choose to heal, we support you, believe you, and we wish you the best.

Sincerely,

Resilience

In the Beginning

If you are sexually assaulted, you may feel alone and confused. You can get support, assistance and information from a rape crisis center. These services are free and confidential. After reporting sexual assault, you don't need to go through any of the procedures alone. A friend, relative or rape crisis counselor/advocate can accompany you and give you support. Services from a rape crisis center can help you to clarify information and explore the feelings that may surface after the assault or abuse.

If, at any point during the medical or legal procedures, you don't understand what is happening – ask. The nurse, doctor, police officer, State's Attorney, and rape crisis center advocate are available to explain things to you.

Remember that sexual assault and sexual abuse are serious, violent crimes. They are crimes that could happen to anyone. No matter what the circumstances were; the rape was not your fault.

Criminal Justice Procedures

Sexual assault and sexual abuse are violent crimes. Like all other violent crimes, it is the responsibility of the state to prosecute the offender on your behalf. Seeking police assistance and court action may involve you in a long, complex process, but you do not have to go through it alone. If you would like, an advocate from Resilience can accompany you throughout your entire involvement with the criminal justice system.

When you are discussing the assault with the police, detective or State's Attorney, do not be afraid to ask questions about any words or procedures that are unclear to you. It is okay to call them if you have further questions. If you choose to work with an advocate, they can also help you to keep this information organized and assist you finding out information about your case.

Reporting to the Police

While reporting the crime as soon as possible can be helpful to your case, a delay in reporting does not mean that the case will not be pursued. There are a variety of reasons someone may choose to wait to report a sexual assault to police. If you did not report the crime right away, police may ask you about the delay. It's okay to be honest about why reporting was not something you chose to do immediately following what happened to you.

When reporting a crime to police, the officer who responds will want a brief summary of the crime, including when and where it happened. They will also ask you questions about the person that harmed you and what happened.

Reporting does not mean that you are committed to participating in a prosecution. You can choose to report the crime and follow up with detectives at a later date. Law enforcement is required to take a written report any time someone makes a report regarding a sexual assault but they may not force you to speak with them if you choose not to.

The Investigation

The detective assigned to your case will conduct an in-depth interview in person with you. Since this is one of the most important phases of the investigation, it will be detailed and thorough. If you have bruises or other signs of the attack that were not visible at the hospital, photographs may be taken at the police station.

You may also be asked to identify the person who harmed you via a photo line-up. If you know the person who attacked you, detectives may ask questions about your relationship. It is important that you provide as much information as possible to the detective. If you do not

remember something, it is okay to explain this. If you remember more details later, it is okay to call your detective after your interview and provide more information.

The place where the incident took place may be searched and examined for fingerprints, stains, weapons and other evidence; however generally physical evidence often collected as part of an evidence collection kit in the hospital is typically used to support an investigation.

Your fingerprints will be taken at the police station to distinguish them from other prints found at the scene of the crime. Do not touch or remove anything from the scene of the crime until you have discussed whether or not evidence will be collected from the scene with your detective. Do not wash any sheets, clothing or underwear worn during the assault. If this wasn't collected in the hospital, you can provide this to your detective directly. Any unwashed sheets, clothing and underwear from the assault should be stored in an unused brown paper bag. Additionally, you may want to save any social media, phone or text messages related to assault. These can contain interactions with the offender or discussion with other witnesses or people you talked about the assault with.

After your interview the detective will try to contact the person who harmed you and any witnesses. This includes people who may have been with you before, during or after the assault, but also people you told about the assault.

You have a right to have an advocate with you through all parts of the investigative process. To reach a Resilience advocate call 312-443-9603.

The Arrest

When the detective has enough information to present the case to the State's Attorney Office for charging, they will place the person that harmed you under arrest.

If an arrest is made, and the suspect was not personally known to you, you may be asked to view a line-up. You will be asked to identify the attacker from a group of five or six people. They will not be able to see you during the line-up.

Once an arrest is made, detectives have 48 hours to contact a state's attorney to review the case for charging. During this time, the prosecutor may want to talk to you as well.

Prosecution

Whenever sexual assault or sexual abuse is committed, the State of Illinois considers the crime an act against all the people of the state. Therefore, criminal cases are tried by the State's Attorneys Office instead of private lawyers. You do not have to pay a fee for the assistance of the State's Attorneys Office. You, the victim, serve as a witness to the crime in the state's case.

In Cook County, after you talk to the police, the case may go to the Felony Review Unit in the Cook County State's Attorney Office (CCSAO) to determine if your case will go to Felony Court. Once the prosecutor, known as the state's attorney or Assistant State's Attorney is contacted, they may interview both you, the person who harmed you and possibly other witnesses before making a charging decision. This interview may also be video-taped for use later at trial. After the interview the Assistant State's Attorney will decide to either approve charges for prosecution, decline charges for prosecution or they may tell the detective to continue to investigate the case for more evidence (known as a CI- continued investigation).

If the CCSAO decides not to file charges, this means that the prosecutor or Felony Review Unit does not believe there is enough evidence at this time for the case to go through the court system successfully. Speak with your advocate about potential next steps and options.

Filing Charges

If the CCSAO decides to file charges, you may need to sign a complaint at the State's Attorney's Office, usually located at your county court building. The police report will be sent to the State's Attorney Office along with the medical report and other evidence.

If the State's Attorney's Office decides there is enough evidence, the case will be sent to an Assistant State's Attorney. You may be asked to testify at a preliminary hearing or grand jury indictment within 30 days of the CCSAO approving charges. The Assistant State's Attorney will interview you again at this time concerning the case, asking some of the same questions asked by the police detective. The Assistant State's Attorney will also explain the trial process testifying at trial, and what the defendant (the person who harmed you) may use as a defense at the trial.

If any representative of the defendant contacts you during the court process, call the Assistant State's Attorney who is handling your case. You are not required to talk to the defense attorney if they call you.

The Preliminary Hearing

The preliminary hearing will take place before a judge in open court. The defense attorney and the accused rapist will be present. The judge will review the evidence and testimony and decide if there is probable cause to continue the case for arraignment (see below).

The Grand Jury Hearing

A grand jury hearing is held in private with the prosecutor, the grand jury, court reporter and any needed witnesses. Here, the grand jury reviews the evidence presented by the prosecutor and the grand jury decides in private whether there's enough evidence to proceed. A case will proceed either by preliminary hearing or grand jury indictment.

Polygraph Test

No police officer or State's Attorney can require you to take a lie detector test as a condition to investigation, charging, or prosecuting your case. You may request to take a polygraph if you choose to. However, this will need to be coordinated and paid for by you and would not be something that can be used in criminal court as evidence.

Arraignment

The arraignment is when the defendant appears before the judge and pleads guilty or not guilty to the crime. If the defendant pleads guilty, sentencing will most likely be scheduled for a later date. If the defendant pleads not guilty, the case will be continued for both sides to gather evidence and evaluate the case.

Bail

If the defendant pleads not guilty, the judge may release the defendant into the community. The judge will set conditions for the defendant's release, called bail. Bail is a decision based on the facts of the case, the probability the defendant will show up in court if released, and risk of safety to victim and the community if released. If, during this time the defendant threatens or harasses you in any way, immediately notify the police. If the defendant violates the bail, they may be held in jail until the trial.

Plea Bargaining

Plea bargaining may take place between the Assistant State's Attorney and the defense attorney at any point after the charges are filed. After a plea bargain, there is no trial, no chance of acquittal and sometimes a lesser sentence than the defendant would have received for the original charges. **If your case is plea bargained you have the right to discuss the terms with the prosecuting attorney.**

The Trial

The defense chooses whether the trial will be held before a circuit court judge (called a bench trial) at which there is no jury, or before a jury of 12 people (called a jury trial). A bench trial is commonly used in Cook County. The judge determines if the defendant is guilty or not guilty. If a jury trial, the selected jury of 12 people hears the evidence and determines if the defendant is guilty or not guilty. The judge determines the sentence.

During the trial, you and other witnesses will be required to testify. In addition, the results of the medical examination, laboratory analyses, and police investigation may be presented at the trial. The defendant does not have to testify.

At the trial, the State's Attorney will begin the questioning and will ask you to give a complete account of the attack. The defense attorney will then question you in a way that presents the case most favorably to the defendant.

The defense attorney is not allowed by Illinois law to question you about your past sexual experiences(s) or reputation, unless it is directly related to the case.

Before a trial, you may want to practice testifying with a sexual assault crisis center advocate or a knowledgeable friend. It is also a good idea to visit a courtroom and observe another trial in session.

Post-Trial Events

If the defendant is found guilty, they will be sentenced. They will also have a right to appeal. A finding of not guilty cannot be appealed by the state.

Remember that a finding of not guilty does not mean that a crime was not committed. A finding of not guilty means that the evidence presented did not prove the case beyond a reasonable doubt. This is a legal standard applied in criminal court and not reflection of truth.

Civil Trial

It is possible for you to sue for damages that are a result of a sexual assault. You can sue regardless of whether a criminal prosecution occurred and even if the defendant was found not guilty. To initiate a civil suit, you must hire a private attorney. The attorney may be paid a percentage of a successful award. Speak with an advocate regarding this option if it's something you wish to pursue.

Emotional Recovery

Sexual assault is a crisis, and we all handle crisis in different ways. Some people go into shock or experience overwhelming fear, anger, shame or anxiety. The emotional reaction to sexual assault is complex and often confusing. Remember that your feelings and experiences are not unusual. You are not alone.

The fear and confusion will lessen with time, but the trauma may disrupt your life for a while. Sleeping and eating patterns may change. You may experience dramatic mood swings, find

yourself becoming irritable and short-tempered, and have difficulty making decisions. Crying spells are another response to the crisis.

Talking with someone who understands can help you sort out the emotional aftermath of a sexual assault. A rape crisis center advocate or therapist can help you gain a perspective on the situation. Resilience offers these services on a free and confidential basis. Remember that no matter how great your difficulty in coping with the assault, support is available to you. Accessing support may help you develop strength, insights and abilities.

Those who are close to someone who has been raped may also seek support. This can help them cope with the stress the incident has brought to their own lives and help them to be understanding and supportive of the sexual assault victim.

Crime Victim Rights

The Illinois Constitution and Illinois statutes provide that victims of violent crime have the following rights through the criminal justice process (both adult and juvenile):

- The right to be treated with fairness and respect for their dignity and privacy and to be free from harassment, intimidation and abuse.
- The right to notice of and to a hearing before a court ruling on a request for access to any victim records, information or communications that are privilege or confidential by law.
- The right to timely notification of court proceedings.
- The right to communicate with the prosecution.
- The right to be heard at any post arraignment court proceedings in which the right of the victim is at issue and any court proceeding involving a post arraignment release decision, plea or sentencing.
- The right to be notified of the conviction, sentence, imprisonment and release of the accused.
- The right to timely disposition of the case following the arrest of the accused.
- The right to be reasonably protected from the accused throughout the criminal justice process.
- The right to have the safety of the victim and the victim's family considered in denying or fixing the amount of bail, determining whether to release the defendant and setting conditions of release after an arrest and conviction.
- The right to be present at trial and all other court proceedings on the same basis as the accused, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial.
- The right to have present at all court proceedings, subject to rules of evidence, an advocate and other support person the victim's choice.
- The right to restitution.

A Resilience advocate can help you understand your rights and options and how to enforce them. Contact an advocate at 312-443-9603 for assistance.