

## SEXUAL ASSAULT VICTIM RESOURCES-ADULT VICTIM RIGHTS

As a victim or survivor of a crime, Washington state law provides that reasonable efforts be made to ensure the following rights:

- To be provided access to medical assistance without unreasonable delay.
- To receive protection from harm or threats of harm arising from cooperation with law enforcement and prosecution efforts.
- To be provided with a written statement of the rights of crime victims, including the name, address and phone number of a county or local crime victim/witness program if one is available in your area.
- To have, whenever practical, a victim advocate present at prosecutorial or defense interviews and at judicial proceedings.
- To be informed of changes in court dates to which you have been subpoenaed.
- To be provided, whenever practical, with a secure waiting area during court proceedings that does not require you to be in close proximity to defendants and families or friends of defendants.
- To be provided with appropriate employer intercession regarding absence from work for court appearances.
- To submit a victim impact statement, which shall be included in all pre-sentence reports and permanently included in the offender's files and records.
- To have restitution ordered when there is a felony conviction, even if the offender is incarcerated, unless extraordinary circumstances exist.
- To be informed of the final disposition of the case.
- To present a statement in person, in writing, via audio/video tape, or by representation, at any hearing conducted regarding an application for pardon or commutation of sentence.

### HOW TO GET A SEXUAL ASSAULT PROTECTION ORDER IN CLARK COUNTY

*For free, confidential, community based assistance and filing information contact  
YWCA of Clark County Sexual Assault Program: 360-695-0501.*

**STEP 1: GET PROTECTION ORDER FORMS** —You may obtain free forms from the Superior Court Clerk in the Courthouse, 1200 Franklin Street, Vancouver. Business hours are 8:00 a.m. to noon, 1 p.m. to 4:30 p.m. The telephone number is 397-2292.

**STEP 2: COMPLETE THE FORMS**—Turn into Court Clerk by 11 a.m. on any week day.

**STEP 3: JUDGE'S SIGNATURE**—Return to the Court Clerk's Office at 1 p.m. for court date and Judge assignment. You will be told which Judge is signing Temporary Orders that day. File the signed forms with the Clerk.

**STEP 4: RESPONDENT NOTIFIED** —The Respondent must be served with a copy of the Protection Order and a notice of hearing.

**STEP 5: HEARING**—Protection Order hearings are on Tuesdays at 9 a.m. Your hearing will be about two weeks from the time the Judge signs the Temporary Order. PLEASE READ YOUR COURT PAPERS FOR THE EXACT DATE, TIME AND DEPARTMENT FOR YOUR HEARING.

### COMMUNITY RESOURCES — (360) Area Code Unless Otherwise Noted

695-0501	YWCA Sexual Assault & Domestic Violence Hotline (24-Hours)	695-5313	Volunteer Lawyers Program
696-9560	Crisis Hotline (24 Hr. Clark County)	397-2261	Victim Assistance—Clark Co. Prosecutor
834-5890	(24 Hour East County)	694-8899	Clark Co. Information & Referral Service
877-846-3492	www.Vinelink.co Release Notification	695-9677	Housing Hotline (Council for the Homeless)
564-397-2211	Clark County Jail	888-373-7888	Nation'l Human Trafficking Hotline (Polaris)
800-562-6025	WA State 24-Hour Domestic Violence Hotline	800-656-4673	Rape & Incest National Network (RAINN)
800-822-1067	WA State Office of Crime Victims Advocacy	<a href="https://wa.track-kit.us/">https://wa.track-kit.us/</a> WA Sexual Assault Kit Tracking	

**For Notification of when a convicted offender is released from jail, please see the Vinelink website and phone number listed above. This is a free service for victims.**

## **Sexual Assault and the Criminal Justice System**

**Criminal Prosecution of Sexual Offenders** —Sexual assault is a crime. The role of the criminal justice system is to hear the voice of victims, investigate the case, and prosecute people accused of crimes. Reporting and prosecution are effective ways of countering sexual assault. When the criminal justice system holds sex offenders accountable for their criminal acts, the community is protected by lowering the chances of sex offenders reoffending.

**The Role of the Victim** —As the victim of a crime, you have a choice about your role. If you choose to make a police report, you will be the most important witness for the prosecution. By reporting the crime and participating in the investigation and prosecution of the offender you are helping society hold the person accountable and giving the courts a way to protect the community. Whether or not you choose to make a police report, there is community based support for you (see resources on reverse side).

**Reporting** —To report a crime, call the police emergency number available 24 hours a day (911). In most cases a uniformed police officer will meet with you and take the initial report. The uniformed officer may also gather evidence from a crime scene. In some cases, the police officer will take a report over the phone. The police officer will give this information to a detective.

**Investigation**—Detectives with specialized training conduct the follow-up investigation including interviewing witnesses, gathering evidence such as the medical report, and sending specimens to the crime lab. The victim will almost always be interviewed. If the accused person is known the detective will usually interview him or her. If the suspect is unknown detectives will try to figure out who it might be. If a suspect is identified, the victim may have to identify the person by looking at pictures or going to a line-up. It can take anywhere from a few weeks to several months for the investigation to be done depending on the case.

**Filing Charges**—Once the prosecutor receives the information from the police, the material is reviewed. Sometimes the prosecutor meets with the victim. In order for the case to be prosecuted, it is almost always necessary for the victim to be able and willing to testify in court if necessary. If charges are filed, the particular charges depend on exactly what happened and if the charges can be proven in court. The victim will be informed about the charges to be filed against the suspect. If charges are not filed, the prosecutor explains the reasons for this decision to the victim. Sometimes there is not enough evidence for the case to be proven in court, even though a crime occurred. It usually takes a few months for the decision to be made.

**Arresting the Suspect** —The police may arrest the suspect if they have “probable cause” to believe a crime was committed, even before charges are filed. However, this does not always happen. When suspects are arrested and put in jail, there is a hearing to determine whether the suspect should be released, and if released, what conditions are on the suspect. Many suspects are released on bail if they promise to return for court appearances. The judge tells the suspect not to contact the victim(s) or witness(es) in any manner – in person, by telephone or by mail. *If the suspect or anyone connected to the suspect bothers the victim, notify the detective and/or prosecutor immediately. After hours call 911.*

**The Defendant** —Once charges are filed, the suspect is called a defendant. He or she hires a lawyer or has one appointed if he or she cannot afford one. The defendant’s lawyer is called a defense attorney and represents the interests of the defendant. The defense lawyer’s job is to make sure that the defendant’s rights are protected. Under our legal system, the prosecutor has to prove that the crime happened because the defendant is considered legally innocent until proven guilty in court. The defense lawyer is allowed to talk with all witnesses, including the victim, before the trial. But the victim should *never* discuss the case with the defense lawyer unless the prosecutor is present. No matter what a defense lawyer or someone working for the defense lawyer says, the victim has a right to have the prosecutor and a legal advocate there and should not agree to talk alone with the defense lawyer. The prosecutor can schedule the appointment. The defendant has to appear in court several times for hearings. The victim does not have to be present. At these hearings, the defendant is informed of the charges or decisions are made about pleading guilty or going to trial.

**Pleading Guilty**—Defendants often plead not guilty at the first court appearance so the court can make sure they have been given all their rights. But after that, defendants can decide to plead guilty any time up until the trial. In many cases, defendants will plead guilty in a plea bargain deal: The prosecutor and the defense lawyer come to an agreement about what charges the defendant will plead guilty to and the recommendation for the sentence. The prosecutor informs the victim about plea-bargaining and considers the victim’s (and family’s, if the victim is a child) opinion.

**Going to Court**—A trial is held only if the defendant is pleading “not guilty” (not admitting the offense). The prosecutor then has to prove the charges to a jury or a judge beyond a reasonable doubt. If there is a trial, the victim will get a subpoena (a legal document ordering attendance in court), which will include a trial date. Since most cases do not start on the day noted on the subpoena, the victim will need to call and find out when he or she will be needed. The subpoena lists a name and a telephone number to call. The legal advocate can help with finding out about the case schedule. The prosecutor contacts the victim before the trial to go over the questions that will be asked, explain court procedures, and prepare the victim for testifying in court. The victim is the main witness, but other witnesses or evidence may be brought into court. The victim must testify in almost all cases and be cross-examined by the defense attorney. The defendant may or may not testify, but must be in court.