
Legal Information for Sexual Assault Survivors

Legal Options

On average, approximately 40% of victims report the assault to law enforcement. Following a sexual assault, it can be difficult to decide whether or not to report the incident to the police. There are a number of different factors that influence this decision and it is important to remember that every survivor's experience is unique and that the decision of whether or not to report is a decision that only the survivor can make.

The following information is only meant to help you to become informed of your reporting options. If you have additional concerns about your reporting rights or the criminal justice process, please contact WC SAFE for more information or to speak with a counselor about your concerns.

Reporting Rape and Other forms of Sexual Assault:

Why might I choose to report a rape/sexual assault?

1. You believe it will help you feel safer.
2. You believe it is important to do what you can to see that the assailant is prevented from further harming you, or someone else.
3. You believe it is important to do your best to see that the assailant is held accountable for what he did.
4. You believe it will help your healing process.

Why might I choose not to report a rape/sexual assault?

1. It may not help you to be safe.
2. You will likely have to recount the details of your experience many times to many different people.
3. Facts that feel very private to you will be made public.
4. The entire court process may take several months or longer, to resolve.
5. It may not be helpful in your healing process.

*** Your friends and family may encourage you to report an assault that someone committed against you. It is OK to wait until you feel reporting is the right decision for you. ***

What will happen if I do decide to make a report?

All reported crimes must be investigated. As part of the investigative process, the police will take a detailed statement from you as to what happened before, during and after the assault. If there were witnesses to the assault or if the police are able to identify and locate the assailant, they will attempt to take statements from them as well. They will also attempt to collect any evidence related to the incident.

Sometimes, the police are able to do this relatively quickly, but it could also take days, weeks or even months to complete an investigation.

If during the course of the investigation, the police determine that they have probable cause to believe that a crime was committed, they will arrest the suspect. They will then forward their report over to the prosecutor's office for review and possible authorization of charges. ***The prosecutor's office is the only unit that has authority to authorize or deny charges. It is not up to the police or you to make that decision.*** If the prosecutor's office authorizes charges, the assailant will be arraigned, bond will be set and the first court date will be scheduled. If charges are denied, the suspect will be released.

If the police conduct an investigation, but do not find probable cause to make an arrest, they are still required to submit their report to the prosecutor's office for review and a decision on charges. Again, it will be up to the prosecutor to authorize or deny charges, or to refer the case back to the officer for further investigation.

You have a right to be informed throughout this entire process. If you are having trouble reaching the officer, receiving information from them on the progress of the investigation or receiving information about a decision on charges, with your permission, the WC SAFE Advocate can follow-up on the case and if necessary, advocate on your behalf.