

Sexual Assault Survivors' Rights

Survivors of sexual abuse in detention have the following rights:

- To be treated with dignity and compassion;
- To decide who to tell and how best to take care of themselves;
- To ask questions about what will happen if they report and how to get medical care;
- To be listened to and supported;
- To have any fears of retaliation taken seriously and promptly addressed;
- To request a housing or cell change for their safety;
- To receive prompt medical and mental health care, regardless of whether they report or name the abuser, and ongoing treatment, as needed;
- To contact a support agency like Just Detention International and/or a rape crisis center;
- To seek advice from a lawyer.

Survivors who report sexual abuse have the right:

- To choose the person to whom they make the report;
- To be protected from retaliation;
- To have a sexual assault advocate present at each stage of the process;
- To be notified if the allegation is substantiated, unsubstantiated, or unfounded;
- To be notified whenever the staff perpetrator is no longer assigned to their unit or the staff member is no longer employed at the facility;
- To be notified whenever the agency learns the staff or inmate perpetrator has been indicted on a charge related to sexual abuse at the facility or the agency learns that the perpetrator has been convicted on a charge related to sexual abuse at the facility;
- To request that their name and information be kept confidential in court proceedings;
- To obtain reports/records about the sexual assault;
- To file a grievance;
- To be informed about the availability of crime victim compensation and other services;
- To submit written statements at all crucial stages of the criminal justice process;
- To tell the judge about the impact of the crime, though a victim impact statement;
- To decide at any time not to participate in court proceedings; and
- To have their property returned as quickly as possible.

During the medical forensic exam, survivors have the right:

- To have an advocate in the exam room;
- To have all procedures, tests, and forms fully explained to them;
- To refuse any part of the exam or to end the exam at any time;
- To have copies of the exam reports;
- To receive (or refuse) medicine to prevent sexually transmitted infections and/or pregnancy; and
- To have a confidential HIV test.

This project was supported by Grant No. 2012-RP-BX-0001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.