

SEXUAL ASSAULT VICTIMS' BILL OF RIGHTS

These rights and resources are available to victims of sexual assault even if you decide not to participate in the criminal justice system or you decide not to get a physical exam. These rights include those found in the Sexual Assault Victims' Bill of Rights Act and in other relevant law.

RIGHTS

You have a right to a forensic medical exam:

You can get a medical exam to identify injuries and evidence related to the sexual assault. Forensic medical exams are available across our state at no cost, however, you may receive a bill for other medical costs during that visit. It is important you get this exam as soon as you can. It is best within five days, though an exam can still be beneficial after five days. You have the right to have an advocate of your choosing be present during a forensic medical exam. You also have a right to a shower after the exam if such facilities are available.

You have three reporting options:

If you are under 18 years old, received serious bodily injury, or a deadly weapon was used during the sexual assault, you must report the sexual assault to law enforcement as a mandatory report. If you are 18 or older and neither received a serious bodily injury nor was a deadly weapon used during the sexual assault, you have three options when making a sexual assault report. You may make: (a) a full report, (b) a partial report or (c) an anonymous report. Please consult your forensic nurse or an advocate for more information on these options.

Your rights in an interview by law enforcement, prosecutors or defense attorneys:

In your meetings with law enforcement officers, prosecutors, or defense attorneys, you have the right to have an advocate present during these interviews. When possible, law enforcement will find an interviewer who is the gender of your choosing and one who speaks your preferred language (or find an interpreter).

You may also choose to have a private attorney present during these interviews. However, this does not mean that the attorney will be provided for free.

Your rights in an interview by law enforcement, prosecutors or defense attorneys: (Continued)

If you are a minor or a person with special needs, you can choose to be interviewed one-on-one at a Child Advocacy Center (CAC).

At the conclusion of the case, you have the right to see or get a copy of the law enforcement reports about the sexual assault.

You have the right to have your sexual assault evidence tested in a timely manner:

You have the right to timely processing of the evidence that was collected if you did not report anonymously. You can contact the investigating law enforcement agency for an update on the process and analysis of the evidence at any time. Evidence that is collected anonymously cannot be processed until a person comes forward to request the kit be tested. You may request to change from an anonymous report to a partial or full report at any time.

You may request law enforcement to tell you whether DNA matched the accused person or anyone else known to law enforcement. Law enforcement will enter that DNA into a DNA database for future reference, as allowed by law and federal guidelines.

RESOURCES

Nebraska Coalition to End Sexual and Domestic Violence | nebraskacoalition.org

Advocates are located in every part of Nebraska who are trained and ready to help people who have suffered from sexual violence. These advocates help by listening and working through needs you may have. Advocates can also recommend resources you may need. Some needed resources may be a safe place to stay, transportation assistance, resources for mental health counseling, or legal assistance. Advocacy organizations may also provide: 24-hour hotlines, help with the criminal justice system, protection orders, safety plans, support groups, and assistance with applying for compensation funds. To find an advocate near you, visit the Nebraska Coalition to End Sexual and Domestic Violence's website. You should confirm whether your discussions are confidential before you tell an advocate what happened.

Nebraska Alliance of Child Advocacy Centers | nebraskacacs.com

Nebraska's CACs offer children under 19 or persons with special needs across the state a safe, friendly place to speak with trained interviewers or medical providers. CACs also provide advocates for minors and their parents or guardians, as well as connections to specialized mental health providers. For more information, please go to the Nebraska Alliance of Child Advocacy Centers website.

Additional Resources

Sexual Assault Victims' Bill of Rights | Neb. Rev. Stat. §§29-4308 to 29-4315

National Domestic Violence Hotline | 1-800-799-SAFE (7233)

Rape, Abuse and Incest National Network | 1-800-656-HOPE (4673)

National Teen Dating Abuse Helpline | 1-866-331-9474

Strong Hearts Native Helpline | 1-844-7NATIVE (762-8483)

SAFETY PLANNING

Protection Orders

<https://supremecourt.nebraska.gov/self-help/protection-abuse/form-guide>

A protection order is an order from a court that prohibits someone from coming near or doing other things to a particular person. Nebraska has three types of protection orders: 1) sexual assault 2) domestic abuse 3) harassment. A protection order is not a guarantee for anyone's safety. The webpage listed above describes the process to apply for these and an advocate may be able to help you.

Address Confidentiality Program

<https://sos.nebraska.gov/business-services/address-confidentiality-program#>

If you are planning to move and do not want others to know your new address, the Address Confidentiality Program may provide a substitute or new mailing address that keeps your actual physical address confidential.

VINE | <https://www.vinelink.com/vinelink/initMap.do>

Victim Information and Notification Everyday (VINE) is an anonymous service that can give you information regarding the custody status of adults in Nebraska prisons and jails.

REPARATIONS AND COMPENSATION

If you are a victim of a crime that was prosecuted in State or Federal Court, and someone was convicted of that crime, you can ask the court to consider your damages at sentencing as part of a restitution order. Damages are the costs of your property destroyed in the crime, related medical bills, etc. The court may order the convicted person to pay you restitution.

There are also compensation funds that may be available to you from federal and state programs for medical and other costs associated with the sexual assault. The details on how to apply for these funds are found at: <https://ncc.nebraska.gov/crime-victim-reparations>. See also, <https://www.fbi.gov/resources/victim-services/rights-of-federal-crime-victims>.

NOTES REGARDING YOUR CASE

Medical Provider

Name: _____

Phone: _____

Advocate

Name: _____

Phone: _____

Law Enforcement Agency

Name: _____

Case #: _____

Investigator Name

Name: _____

Phone: _____

Victim Witness Specialist

Name: _____

Phone: _____

Prosecutor

Name: _____

Phone: _____



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