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ACQUISITIONS

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This booklet has been written to help you, as a rape victim, better understand the legal procedures which follow a report to the police. By reporting this serious crime, you have shown a unique responsibility. The information you give could help the police arrest the man who raped you and may help solve other rape cases as well. Your report to the police might also save other women from being raped by this same man.

Your well-being is of great concern to the police and others handling your case. If you have never reported anything to the police before, or gone to court, the criminal justice system might seem strange and hard to understand. Although some of the events described in this booklet could have already taken place, you may still have questions and wish to refer to a specific section for review. Because each rape case is unique, the manner in which your case is handled may vary from this outline. This booklet describes the ideal way your case might be handled and tells you what you have a right to expect.

YOUR FIRST REPORT TO THE POLICE

The police officer who takes your first report has been trained to know what kind of help you need. If you need to see a doctor immediately, the officer will take you to the doctor or arrange to have someone else take you.

If you are able and want to talk at this time, the officer will ask you to describe the man who raped you. If you have reported the rape immediately, a broadcast of the description of the man will be made to other police cars in the area. The officer will

INTRODUCTION

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make sure that the place where the crime took place is not disturbed so that any signs or marks (evidence) can be collected and saved. If the police have not yet examined the scene of the crime, you should be careful not to touch or move any items that might support your statements to the police. The police officer may ask to take the clothing you had on during the rape, especially if it is torn or stained. The clothing may not be returned to you for a long time, because it will be needed as evidence at the trial.

At this time, the police officer will ask you some questions about the rape so that other items that the rapist touched or used (such as towels or sheets) can be collected as legal evidence. The police officer might also ask you questions about the forced sexual acts so that the doctor will know what evidence to collect from your body. The officer needs to know exactly what happened, so when you tell your story, take your time and include everything you can remember. You might find some of the questions embarrassing. The officer should notice how you feel and try to help you answer the questions. If you don't understand why a question is asked, be sure to have the officer explain to you the reason why your answer is important.

In some cities, there are special counselors to help rape victims. Ask the police officer if there are any people like this in your city. Often, the rape counselor can be present to help you during your report to the police and throughout the entire police and legal process.

After your first report, you may be contacted by a special police officer, a detective, who is trained and experienced in dealing with rape cases. If the detective does not call you within two or three days, you should call the police department.

You should see a doctor immediately. You should be examined for cuts and bruises to see if treatment is necessary. The doctor can tell you about tests for V.D. (venereal disease) and/or pregnancy. Because you reported the rape to the police, the doctor needs to examine you to find evidence for the police records. Evidence like this is quickly lost so it is necessary for you to be examined as soon as possible after the rape.

GATHER EVIDENCE

You should not take a bath, shower or douche before the doctor sees you, even though this may be the first thing you want to do. By not taking a shower or bath, you can save important evidence of recent sexual intercourse (or other sexual acts). For example, sperm and semen (the fluid around the sperm) from the rapist can be found on your body. If you have already bathed, you should still see a doctor immediately, because some sperm or semen may still be inside your body.

You can see your regular doctor for this exam. However, in most cities, there is a special hospital emergency room where rape victims can go for medical care. It is recommended that you receive treatment at the special hospital emergency room for the following reasons. The emergency room is open 24-hours a day, seven days a week. Because many emergency room doctors and nurses receive special training to treat rape victims, they are sensitive to the needs of rape victims and know the correct way to find and save the evidence which will build a strong case. Finally, the police in your city

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DOCTOR'S EXAM

THE POLICE WILL ASK YOU TO SEE A DOCTOR TO

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may require that you be taken to a special hospital emergency room.

During the exam, the doctor will check your genital area for tears, cuts, bruises or any other signs that force was used. The doctor will note any injuries in the medical report. During the pelvic exam, the doctor will take samples from your vagina to test for sperm cells. If sperm cells are present, the doctor records whether the cells are alive and moving. The movement of the sperm cells helps the doctor confirm how long ago the sexual acts took place. The doctor will need to know if and when you last had sexual intercourse with any man who was not the rapist in order to determine if the sperm cells were from the rape.

Also during the pelvic exam, the doctor will take a second sample of the fluid from your vagina. The vaginal fluid will be placed in a test tube and sent to the police laboratory for an acid phosphatase test. This test can determine if semen is present. Other tests that might be performed include:

1. Fingernail scrapings. If you scratched or touched the rapist, any material found underneath your fingernails can be matched to the rapist, his clothing or things found at the scene of the crime. This might help to identify the rapist or to locate the exact place of the crime.

2. Wood's lamp exam. In a dark room this lamp causes semen left on your body or clothing to glow in the dark (fluoresce). The fluorescence is not evidence, but it suggests areas of your body or clothing that should be examined with more care.

3. Pubic hair exam. This test includes combing your pubic area for hairs which may have come from the rapist. These hairs, if found, can be matched

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with hairs later clipped from the rapist and can help prove his identity.

While you are at the hospital, you will be asked to sign a form which states that you agree to release the records from the medical exam to the appropriate police department and attorney's office. Just because you sign these forms does not mean that you agree to go to court to testify against the rapist.

TESTS TO SEE IF YOU HAVE V.D. (VENEREAL DISEASE)

You should make sure that you are tested for venereal diseases. During the pelvic exam, the doctor can give you a test for gonorrhea, the most common form of V.D. This test will tell if you had gonorrhea before the rape. It takes five or six days for the gonorrhea to develop, and to detect it from the test. For this reason, you should be tested again five or six days after the rape to see if you contacted gonorrhea from the rapist.

Syphilis (a second type of V.D.) is found by looking at a blood sample. It takes syphilis about six weeks to develop, so to protect yourself from syphilis you should have a blood test six weeks after the rape. These tests are needed because often a woman does not have any outward signs that she has V.D. Because gonorrhea and syphilis can cause great harm to your body and to your reproductive system, you should be very careful that you are retested at the right times. You can arrange for the tests through your own doctor or at public health V.D. clinics.

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TESTS TO SEE IF YOU ARE PREGNANT

If you were not protected by the pill or some other method of birth control and you are worried about becoming pregnant, you have several choices which you can consider. One choice is called the morning-after-pill which you take for five days starting as soon as possible after the rape. If you begin to take the morning-after-pills within three days (72 hours) the pills will most likely stop the pregnancy. However, if you do become pregnant after taking these pills, you must agree to have an abortion, because the pills are harmful to the developing fetus.

The morning-after-pill can cause you to feel sick to your stomach, sometimes to the point of vomiting. You can ask the doctor for a medication that will help reduce this nausea. The morning-after-pill is a new, experimental drug and it might have dangerous side effects. For this reason, you should discuss this treatment with the doctor before you decide to take it.

Another choice you have to prevent pregnancy is a menstrual extraction. The doctor uses a suction device to remove the menstrual buildup from the uterus. The menstrual extraction should be completed as soon as possible after the rape.

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If you decide to wait to see if you miss a period, you can have your own doctor give you a pregnancy test or you can go to a clinic which gives the test for a small fee. If you are pregnant, you can decide to have an abortion or carry the pregnancy to term. In all instances, it is important that you discuss your choices with the doctor. You may also wish to talk with your family and friends.

PAYING THE DOCTOR

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The cost of medical exams is often covered by your personal accident or medical insurance. If you do not have personal insurance to cover the costs of the hospital or doctor bills, there are other possible sources for payment: (1) some states have a crime victim's compensation agency which pays for your medical costs; (2) sometimes the police or prosecuting attorney will pay for the medical tests they need for evidence; and (3) private groups and organizations sometimes have funds to assist victims of rape. Ask the doctor or the detective if your state or city has any of these methods available to help you. If such help exists, you should find out what procedure you must follow to receive the financial help.

WHAT HAPPENED

You may have a second interview with a detective trained in rape investigations. If you do not know the man who raped you, the detective may ask you to give a more complete and detailed description of the rapist.

The detective will ask for details about the force and threats the rapist used against you. This includes anything the rapist said to scare or frighten you as well as any weapon the rapist used or said he would use. The detective will also ask you to recall anything you said or did to try to stop the rapist. These questions are not asked because the detective disbelieves you. This

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THE DETECTIVE GATHERS THE FACTS

THE DETECTIVE ASKS YOU QUESTIONS ABOUT

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information is gathered to support the fact that you did not agree to the sexual acts.

The detective will also ask questions about what happened before and after the rape. These details may also be important to prove that you didn't consent to the sexual acts. Do not leave out any details, even if you feel they may tend to weaken your account. If these details are not known early in the case, they may be used at a later time to discredit you or to make it look like you were lying.

Your detailed account of what happened before and after the rape can help the police identify and locate important witnesses. Eyewitnesses to a rape are rare, but if anyone can verify that even part of what you have reported is true (corroborating witness), it can be helpful to your case.

THE DETECTIVE MAY ASK TO HAVE PICTURES OF YOUR CUTS AND BRUISES

Even slight cuts and bruises which came from the rape help to prove that you didn't consent. Be sure to report any injury to the detective or the doctor. The detective may ask someone to take pictures of parts of your body as evidence that you were injured. The evidence may be necessary in a trial long after the cuts and bruises have healed and can no longer be seen. You do not have to agree to have the pictures taken, but you should know that this kind of physical evidence could be very helpful to your case.

YOU MAY BE ASKED TO LOOK AT PICTURES OF RAPISTS (MUG SHOTS)

The detective may ask you to identify the rapist from a picture. You will view mug shots (pictures of arrested men) in an attempt to identify the man who you believe committed the rape. You should remember that the appearance of the rapist may have changed considerably from the time the picture was taken and you might be unsure if the picture is of the rapist. In that case, be honest with the detective about not being certain.

YOU MAY BE ASKED TO TAKE A POLYGRAPH EXAM (LIE DETECTOR TEST)

You may be asked to take a polygraph examination (lie detector test). You do not have to agree to take it, but it may be to your advantage to do so. A polygraph is a machine that measures various bodily functions such as heart rate, breathing rate and blood pressure. The polygraph expert will ask some neutral questions which have nothing to do with the rape and some questions concerning the rape. The amount of change measured by the machine in your heart rate, breathing rate and blood pressure will indicate how much your answers seem to be true. If you are concerned that your nervousness will indicate that you are not telling the truth, you need not worry. The machine measures your nervousness during your responses to the neutral questions, too. If the results of your polygraph exam are positive, this can strengthen your case.

YOUR RIGHTS

Now that you know why the police ask certain questions, we hope it will be easier to answer them. If you

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THE ARREST OF THE RAPIST

If you know the rapist or you identified him from mug shots, the police can arrest him as a rape suspect. Also, the detective may find a suspect based on other evidence that you or others have given, like a license plate number or description of his home. If a suspect is identified, the police will normally obtain an arrest warrant signed by a judge and based on information supplied by you and the detectives. This warrant is then used to arrest the suspect.

After someone is arrested, the detective may ask you to look at this man in a line-up of five or six men. During the line-up, the detective will ask all of the men to turn and be viewed from all sides. This will give you a chance to concentrate your attention on each man and to compare him to all of the other men. If you want the men to do or say something that might help you recall more clearly how the rapist looked or sounded, tell the detective. Although you will be in the same room as the men, the lighting is arranged in such a way that they will not be able to see you. If you see the man who raped you, don't be afraid to identify him. If you are unsure and can't say if the man who raped you is present, tell the detective.

THE RAPIST MAY NOT STAY IN JAIL

After the rapist has been arrested, he may be released on bail or on his own promise (personal recognizance) that he will appear in court. The judge instructs him that he is not to see you or talk to you at any time or in any way. If he does contact you, report the circumstances to the detective immediately. Any violations of the conditions of his release can be grounds for the judge to increase his bail or to deny him his release and return him to jail.

In our legal system, every accused person is treated as if he were innocent until proven guilty. A man is arrested because he is believed to be the person who committed the crime. For this reason, the detective and the prosecutor will often call the man who is under arrest "the suspect," "the accused," "the alleged rapist," or "the defendant." As the person suspected of committing the crime, he has a right to know that you accused him of the crime. His lawyer will receive copies of all of your statements taken by the police. Even if you know that the suspect is the man who raped you, he is treated as if he were innocent of the crime until he confesses his guilt or he is proven guilty in a trial.

IF THE RAPIST IS A JUVENILE

If the person who raped you is a juvenile, the rules for an arrest are different than they are for an adult suspect. Ask the detective or prosecutor to explain any special juvenile procedures to you and find out if you will be asked to attend hearings and give testimony.

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WHAT HAPPENS IN COURT

Most rape cases never go to court. Often a suspect cannot be found or there is not enough evidence to charge a suspect. Sometimes you will not be able to identify a suspect. However, if your case does go to court, the following procedures may occur.

THE PROSECUTOR ASKS YOU QUESTIONS

As the rape victim, you are the main witness for the prosecutor who is the lawyer for the state. The prosecutor represents the interests of the community and attempts to convict people who commit crimes. Before you appear in court, you will probably be interviewed by the prosecuting attorney assigned to your case. During the interview you will be asked to review the details of the rape to help the prosecutor determine whether to file charges against the man you have identified. In making this decision, the prosecutor judges the strength of the case by considering the supporting physical evidence, your potential as a witness, and the availability of other witnesses. Sometimes the prosecutor decides not to file any charges against the suspect. If this happens, you should ask the prosecutor why this decision was made. You have a right to know why the case will not go to court.

You may be concerned about the kinds of personal information about you that might be brought out during the trial. Many states have new laws that limit what can be said about your background and any previous sexual experiences you might have had. Ask whether such a law exists in your state and discuss what control the prosecutor will have over this information during the trial. During the interview you should ask the prosecutor to explain words or procedures that you do not understand. Also, you should make sure that you have a name and telephone number to call in case you have additional questions to ask or information to give.

THE RAPIST'S LAWYER

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The rapist has a right to have a lawyer represent him during the legal actions. This person is called the defense attorney. The defense attorney might attempt to contact you to discuss the case. You are not required to talk to this person. You should ask the prosecutor about this possibility and what you should do or say if the rapist's lawyer tries to talk with you.

YOU MAY HAVE TO GO TO COURT BEFORE THE TRIAL

There are several different types of hearings that might occur before the trial.

Preliminary hearings are held in an open court before a judge. The rapist will be present. If your testimony is required, it is likely that you will be asked to describe the rape. The defense attorney will have a right to question you about the details. After the judge has heard all of the facts, the judge decides if the case will go to trial or the charge will be dropped.

<u>Grand jury hearings</u> are held in private before a group of people from the community who decide if there is enough evidence to make a formal charge against the rapist. The rapist and his lawyer will not be present. If your presence is required, the prosecutor and citizens on the grand jury will ask

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you questions. Sometimes the detective will present the facts of the case to the grand jury and you will not be required to attend.

You should ask the prosecutor which kind of hearings will occur and if you will be required to attend. If you must testify at a hearing, you will receive a subpoena. Read the subpoena carefully; it may ask you to call the prosecutor before going to court. The prosecutor should explain the various procedures to you and tell you about your role. If words are used that are unfamiliar to you, don't be afraid to ask questions. You have a right to know and understand what is happening at each stage.

THE RAPIST WILL GO TO THE ARRAIGNMENT

The arraignment occurs after the preliminary and/or grand jury hearing. The purpose of the arraignment is to inform the rapist of the charges that have been filed against him, to inform him of his rights, and to allow him to enter his plea of guilty or not guilty. If he pleads not guilty, the judge will set a date for trial. You will not have to attend the arraignment, but you will want to ask the prosecutor what plea the rapist entered.

THE PROSECUTOR MAY AGREE TO A COMPROMISE WITH THE RAPIST AND HIS LAWYER--PLEA BARGAINS

A plea bargain is a compromise between the prosecutor and the defense attorney whereby the rapist pleads guilty to a crime in order to receive some kind of special treatment. In exchange, the prosecutor is not required to go to trial, you do not have to testify in an open court, and there is no chance that the case may be lost at trial.

The plea bargain can take many forms. In some cases, the prosecutor may agree to charge him with fewer crimes if the rapist agrees to plead guilty to at least one crime. The prosecutor may agree to reduce the charge of rape to a less serious crime. The prosecutor may recommend a lesser punishment to the judge in return for the rapist's plea of guilty.

You should talk frankly with the prosecutor about whether a plea bargain is planned in your case. If you are dissatisfied or feel a bargain is unfair, you have a right to a full and understandable explanation.

YOUR CASE MAY GO TO TRIAL

If there is a trial, it will probably occur several months after the rape. The prosecutor will know well in advance when the trial is scheduled. You should let the detective and prosecutor know where you can be reached because they may want to prepare you for the trial. This might include reviewing your police statements; examining pictures and diagrams that have been made of the crime scene; and preparing you for the questions that the defense attorney might ask during the cross-examination. If you have never been to a trial before, you may want to visit the courtroom, become familiar with the surroundings and observe another trial in session.

At the time of trial, the rapist can choose whether to have the case heard before a judge or jury. If he asks for a jury, the rapist's lawyer and the prosecutor will select the members of the jury. The prosecutor will present your side of the case and the defense attorney will give the rapist's side.

You and other witnesses may be ordered to remain outside the courtroom until it is your turn to testify. This ensures that one witness will not be influenced by hearing what another witness says.

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It is not easy to testify, but it is not as hard as the T.V. and movies make it look. The prosecutor will ask simple questions, knowing what your answers will be. Your job is to tell the truth as clearly and fully as you can. If you do not understand a question, you should ask the prosecutor to repeat it or reword it. Even though it may be difficult or painful for you to talk about the details of the rape, it is necessary for you to testify if the rapist is to be found guilty.

When the prosecutor has finished asking you questions. the rapist's lawyer will begin the cross-examination. These questions will be more detailed and harder to answer than those asked by the prosecutor. Pause and think before you answer and ask the judge to explain if you do not understand. Try to be as relaxed as you can; try not to get angry; do not volunteer any information. If the defense lawyer asks a question that you think shouldn't be asked, do not rush to answer it. Give the prosecutor a chance to object. If the prosecutor does not object and you do not want to answer the question, you may ask the judge if you have to answer. If the judge tells you to answer, you must do so. You may think some questions ha 2 nothing to do with the rape and shouldn't be asked, but they may be necessary to satisfy the law.

When you are finished with your testimony, you will be allowed to stay in the courtroom and watch the rest of the trial. If something happens that you think you can clarify, make sure you tell the prosecutor at the next break.

The rapist does not have to testify, and if he does not, the jury is told not to hold that against him. After all the evidence is presented, and each lawyer gives a final statement, the judge tells the jury what laws apply to the case. The case is then given to the jury (or the judge) to decide if the defendant is guilty. At the trial, the prosecutor must introduce enough evidence to erase any reasonable doubt in the minds of the jurors or judge. A finding of not guilty does not mean that the rapist didn't commit the rape or that you have not told the truth. It may simply mean that there was not enough evidence for the jury to believe without doubt that the rapist was guilty.

If all the members of the jury cannot come to the same decision or verdict, they are called a "hung jury." If this happens, another trial may take place at a later time.

THE RAPIST IS FOUND GUILTY AND SENTENCED

If the defendant is convicted, it may be weeks or months before he receives the sentence which states what his punishment will be. During this time, probation officers will review his past and suggest a sentence to the judge. The prosecutor will also recommend a sentence. If you wish to be involved in the recommendation, you should inform the prosecutor. The prosecutor may suggest that you write a letter to the judge or that you attend the sentencing in order to express your views.

THE RAPIST CAN APPEAL THE DECISION OF THE COURT

If the rapist is found guilty, he can appeal the decision of the court. An appeal means that a report of the trial will be read by another court to see if there were any legal errors made during the trial. The appeal often takes many months, even years. You will not be asked to be present during the appeal. The judge can decide to release the rapist from jail during the appeal. If the jury finds the rapist not guilty, neither you nor the prosecutor can appeal the decision.

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A CIVIL COURT SUIT

You can hire your own lawyer and file a personal injury suit in a civil court against the rapist. In this case your lawyer requests that money be paid to you for the damages caused by the rape like pain and suffering, medical expenses, loss of income and/or property damage. A civil court suit can take a long time and is only worth your time if the rapist is able to pay the damages you are asking.

IF YOU HAVE QUESTIONS, NEED HELP OR WANT

TO TALK, CALL THE RAPE CRISIS LINE

Rape can be one of the most painful and upsetting things that can happen to a woman. You may be frightened or angry after the rape. You may experience depression, lack of confidence, and find it hard to relate to some people. You may have nightmares or not be able to sleep. Many women want to see a counselor for a few weeks or months until they are feeling better.

Therè are people in your city who have worked with rape victims and who will be glad to help you. Some may help you for no cost or at a very low cost.

Your feelings are common reactions that a lot of women feel and talking to others (friends and family) about your feelings might help you.

If you don't know of a place to get help, ask the doctor, the detective or the prosecutor, or call the mental health clinic and ask them to suggest someone. In some areas, there are "rape crisis lines" that you can call and talk to a person who understands what you are feeling and can help you decide what you want to do next. In some cases, these people will go with you to the doctor, the police and the court. It might feel good to have someone with you that you can talk to, who will answer your questions, and will help you feel better during the time after the rape.

DEFINITIONS OF WORDS

USED IN RAPE CASES

ACCUSED See DEFENDANT,

ACID PHOSPHATASE A test that checks samples of fluid to see if semen is present. See page 4.

ALLEGED RAPIST See SUSPECT or DEFENDANT.

A review of the trial record by a APPEAL higher court to see if any legal mistakes were made.

ARRAIGNMENT A court hearing where the defendant is told about the charges against him and his rights to have a lawyer and a trial. See page 14.

ARTIST SKETCH A picture that an artist draws of the rapist from the victim's description.

ANAL SEX A penis is put into the rectum of another.

BAIL A sum of money from the suspect left with the court as a promise that, if he is released, he will return to court. See page 11.

BENCH TRIAL A trial where the defendant does not want a jury and asks the judge to hear the case and decide if he is guilty.

CORROBORATING WITNESS A person who is able to give information that agrees with the victim's or rapist's statement about the rape. See page 6. CROSS-EXAMINATION The questions asked of the victim by the defense attorney during the trial. See page 16.

CUNNILINGUS To put one's mouth on the female sex parts.

DEFENDANT A person who is charged with a crime. See page 11.

DEFENSE ATTORNEY The lawyer for the defendant. See page 13.

EVIDENCE Testimony and objects that help to prove either the victim's or rapist's statements. See page 2.

EYE WITNESS A person who saw a crime take place.

FELLATIO To put one's mouth on the male sex parts.

GONORRHEA A kind of venereal disease (V.D.) that people sometimes get when having sex. See page 5.

GRAND JURY HEARING A legal process where citizens sitting as a jury decide if there is enough evidence to bring the defendant to trial. See page 13.

HUNG JURY A jury whose members cannot agree that the defendant is guilty or not guilty. See page 17.

JURY A group of people from the community who listen to the trial and decide if the defendant is guilty. See page 15.

LIE DETECTOR TEST See POLYGRAPH EXAM.

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LINEUP A group of five or six men who are viewed by a victim or witness to identify the person who committed a crime. See page 10.

MENSTRUAL EXTRACTION A method of removing the menstrual blood from the body to end a possible pregnancy. See page 6.

MORNING-AFTER-PILL A medicine that a woman can take for five days to prevent a pregnancy. See page 6.

MUG SHOTS Pictures of people who have been arrested for a crime. See page 9.

ORAL SEX To put one's mouth on another person's sex parts.

PERSONAL RECOGNIZANCE The release of an arrested person on his promise that he will return to court. See page 11.

PLEA BARGAIN A deal made by the prosecutor and defense attorney where the defendant agrees to plead guilty to a crime so he can receive special treatment. See page 14.

POLYGRAPH EXAM A machine that measures changes in a person's heart rate, breathing rate and blood pressure while questions are asked. See page 9.

PRELIMINARY HEARING A legal process where the judge decides if there is enough evidence to bring the defendant to trial. See page 13.

PROSECUTOR The lawyer (attorney) for the community (state) and represents the interest of the general public in court. See page 12.

RAPE CRISIS LINE A phone number to call where someone is trained to help you talk about the rape and answer your questions. See page 18. SEMEN The milky fluid that carries the sperm. See page 3.

SENTENCING A legal process where the rapist hears what his punishment will be. See page 17.

SODOMY A term used to describe oral sex or anal sex.

SUBPOENA The legal paper that tells a person to appear in court. See page 14.

SUSPECT A person who is believed to have committed a crime. See page 11.

SYPHILIS A kind of venereal disease (V.D.) that people sometimes get when having sex. See page 5.

TESTIMONY Statements made in court by a person who promised to tell the truth.

VAGINA The opening in the female that leads to the reproductive parts.

VENEREAL DISEASE Diseases that people sometimes get when having sex. See page 5.

VERDICT The decision a jury or judge makes at the end of the trial about whether the defendant is guilty.

VICTIM COMPENSATION AGENCY A public office that gives money to victims of violent crimes. See page 7.

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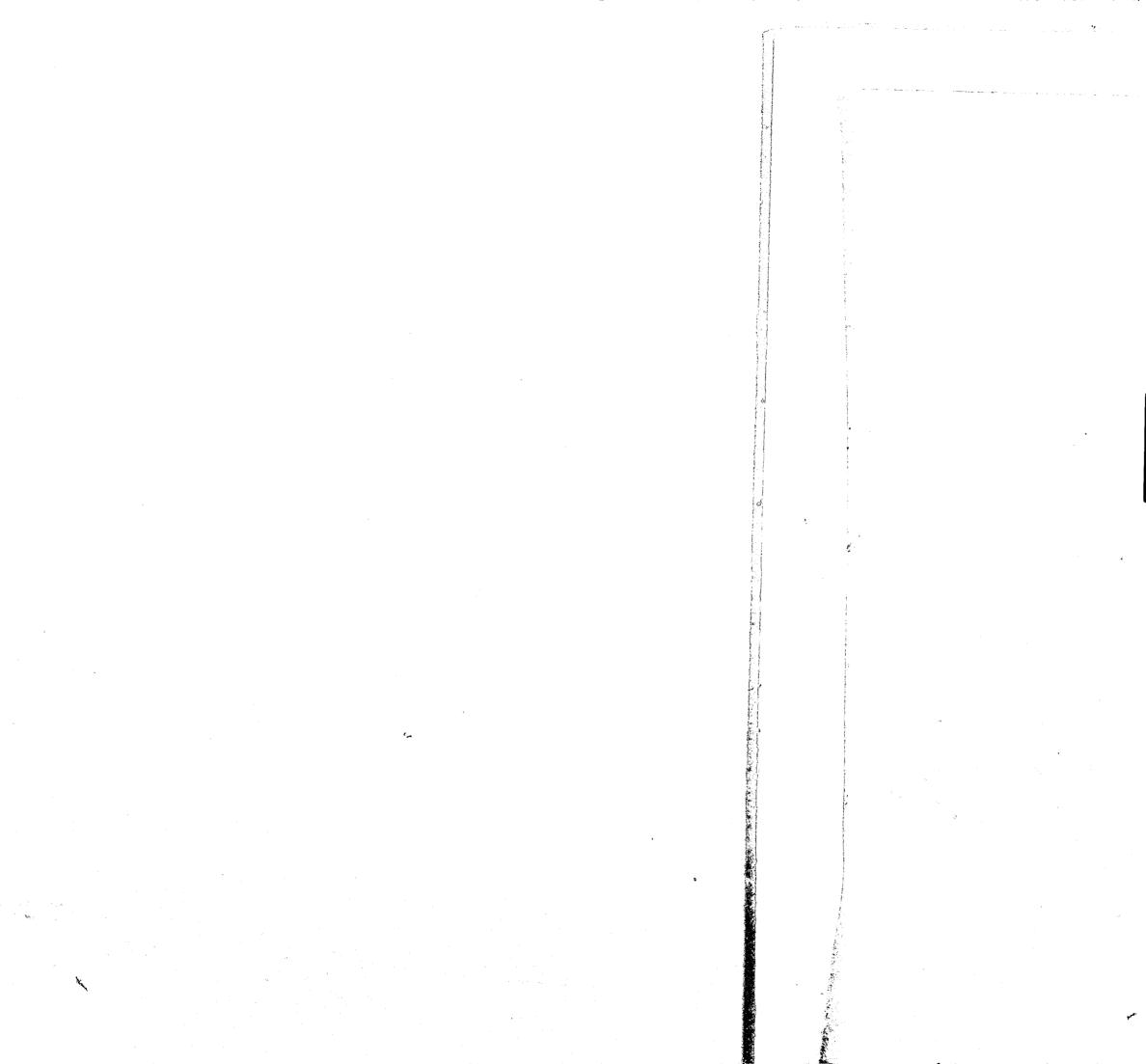
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