

## Following a Sexual Assault

***Survivors of violence are entitled to protection and resources. An Empower Yolo CARE advocate can help explain your rights, accompany you through a reporting process, and get you connected to the right resources.***

If you have been assaulted, please know that this was not your fault. Your health and safety is the number one priority at the moment. Make sure you are in a safe place and that you receive the proper medical attention.

### **Preserving physical evidence**

If possible, try not to shower, bathe, eat/drink, or brush your teeth until you've had a chance to discuss possible options immediately after the assault. These activities may eliminate any DNA evidence that could potentially be found through the evidentiary exam process (see below)

### **Medical Care**

Survivors have three medical options 5 days following a sexual assault:

1. Evidentiary Exam

*Requires a police report*

An evidentiary exam is an option available to survivors who would wish to report to law enforcement first and within five days of the assault. Evidentiary exams are intended to collect forensic evidence for use in criminal prosecution. The exam is a head to toe exam that includes emergency contraception and STI preventive medications.

2. VAWA/Abbreviated Exam

*Does not require a police report*

The Violence Against Women Act (VAWA) provides survivors with the opportunity to have physical evidence collected through a modified evidentiary exam. This allows for the survivor to collect evidence without making an initial report to law enforcement. The evidence is collected and preserved for up to two years if the survivor decides to move forward with making a report to law enforcement.

Please note: Evidentiary exams are completed at the Bridging Evidence Assessment & Resources (BEAR) Clinic in Sacramento, not at any other local hospital.

3. Medical Check-up

*Does not require a police report and does not collect evidence*

If a survivor does not want to report to law enforcement or decides to seek assistance outside of the 5-day window, they may schedule an appointment with a medical provider to obtain medical care. Survivors may schedule an appointment with their primary care provider, the Student Health and Wellness Center if they are a UCD Student, Planned Parenthood, or any local clinic such as CommuniCare Health Center or Elica Health Center. You may ask them for preventative STI medication or emergency

contraceptive, or emergency contraception (which can also be purchased at a local pharmacy).

Please note: Per California Penal Code §§ 11160, all medical providers in California are mandated reporters when they are treating an injury caused by “abusive or assaultive” behavior. This means that a healthcare provider may need to make a police report if their patient discloses that the injury they are seeking treatment for was caused by abuse or assault.

### **Collecting and preserving evidence**

A forensic examination is one way to preserve evidence, but it's not the only way. You can easily take some important steps to preserve evidence by:

#### *Clothing/Physical evidence*

You can save clothing that was worn, or any pads/tampons, etc., at the time of the assault in paper bags. Make sure to store these items separately so that they are not touching the other items. Do NOT place items to be stored in plastic bags - this may cause mold to grow and may destroy any biological evidence.

#### *Digital/Electronic evidence*

Saving all text messages, emails, social media postings (taking screenshots can be helpful) or anything else that might relate to the assault, or that might be helpful later in reconstructing a timeline of events.

If you've already deleted text messages, you might be able to recover them if it's still within the same billing period; contact your mobile service provider for information.

Writing down the names of people who might have seen you immediately before or after the assault, as it's easy to later forget names or locations.

Even if you don't want to participate in the investigative process now, you might change your mind later, so it's helpful to preserve as much information as possible.

### **Reporting to Law Enforcement**

Sexual assault, rape, molest, dating and domestic violence, and stalking are considered crimes in California. Many States have similar laws, although the specific language may vary. When someone experiences one of these crimes, or any other crime, they have a right to report it to the law enforcement agency in the jurisdiction where the crime happened. For example, if the crime was committed on UC Davis property (Davis campus or Sacramento Campus) it would be reported to the UC Davis Police Department. Crimes that are committed in the city or county would be reported to the police department that patrols that city or county, i.e. Davis Police Department, Sacramento County Sheriff's Department, etc.

When someone chooses to report their sexual assault, abuse by an intimate partner, or the stalking behaviors they are experiencing, they have certain rights, including the right to have a victim advocate and/or support person of their choosing with them during any investigative interview. For more information about victim rights when reporting to the police, see below.

### **Victim Rights**

Victims of sexual assault, dating or domestic violence, and stalking are entitled to certain rights outlined in the law, some of those rights are listed below. For more information about rights pertaining to an individual situation, please contact a confidential victim advocate.

There are certain rights that victims are entitled to **regardless of their intent to make a formal report** to either law, including:

- The right to receive a free evidentiary exam, also sometimes referred to as a “rape kit”. For more information, read about VAWA exams [here](#).
- The right to request a protective order through the court.
- The right to apply for reimbursement for expenses related to the assault or abuse. The [California Victim Compensation Board](#) may be able to assist with certain expenses, including mental health care, even if the victim hasn’t reported the crime to the police.

### **When reporting to Law Enforcement**

Individuals who have experienced sexual assault, dating or domestic violence, or stalking have certain rights if they choose to report to the police. These rights include:

- The right to have a victim advocate and/or support person(s) of your choice present with you during any interview with law enforcement authorities, district attorneys, and/or defense attorneys.\*
- The right to have a victim advocate and/or support person(s) of your choice at the evidentiary exam (for victims of sexual assault).\*
- The right to request that your name, telephone number, and the addresses of your home, work, and/or school be kept out of any police report or other public document.
- The right to request a free copy of your police report.
- The right to a free forensic/evidentiary exam to gather evidence after a sexual assault.
- The right to request information about the status and results of all evidence related to your case, including whether or not a DNA profile for the assailant was determined and if there was a match in the law enforcement database.

- The right to be notified of your right to pursue a civil suit against your abuser for losses suffered as a result of the abuse, including medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses.

\*Support persons may be excused from the interview or exam if the investigator or forensic examiner feels that they are interfering with the interview/exam. Victim Advocates may only be excused by the victim.

For more information about victim rights in California, please visit the links below:

[Victim's Bill of Rights \(Marsy's Law\)](#)

[Rights for Victims of Sexual Assault \(AB 1312\)](#)

[Legal Information for Victims of Domestic Violence, Sexual Assault, Stalking, and Human Trafficking](#)