

# SEXUAL ASSAULT VICTIMS' BILL OF RIGHTS

The [Sexual Assault Victims' Bill of Rights Act](#) and [Crime Victims' Rights](#) offer survivors specific rights during the medical examination process, collection of forensic evidence, during interviews and depositions, and in court. Survivors have these rights even if they choose not to participate in the criminal legal process.

A health care provider or law enforcement officer should inform a survivor of these rights before and throughout any medical exam or engagement in any legal process. These rights should be shared with a survivor in a way that is easy to understand, accessible to people with visual disabilities and available in all major languages.

If you have questions, concerns or feel one of these rights has been violated, please refer to the "[Where Can You Seek Help](#)" section at [SexualAssaultHelp.org](#).

**Victim/Survivor Language**—The terms victim and survivor are used interchangeably throughout this resource to refer to those with lived experience of sexual violence. Exceptions have been made for citations or references to statute language. We realize that some individuals with lived experience identify as victims, some as survivors, some as both and some as neither. It is important to give those with lived experience power in defining their experiences given how they often had little control over their lives during their experience of violence. Always ask individuals with lived experience how they would like to be referred to so as to not make potentially harmful assumptions. Further definitions are included at the end of this document.

*(\*Indicates a right that is already a guaranteed right to all victims of crime)*

**THE FOLLOWING ARE THE RIGHTS A SURVIVOR SHOULD BE MADE AWARE OF AND RESOURCES THEY SHOULD BE PROVIDED.** A survivor still has the same rights even if they choose not to participate in the criminal legal process.

- 1 A survivor has the right to receive the most effective and age-appropriate health care examinations including a free forensic evidence collection.
- 2 A survivor has the right to have their sexual assault forensic evidence analyzed in a timely manner and to contact law enforcement on the status and analysis of their evidence.
- 3 A survivor has the right to have an attorney, access to an advocate and to be informed of their rights throughout the criminal legal process.
- 4 A survivor has the right to safety in court proceedings along with the right to provide written or oral testimony during a sentencing or conditional release proceeding.
- 5 A survivor has the right to not have any personal identifying information, other than their name, be included in public records.
- 6 A survivor shall be notified of certain criminal legal proceedings, including opportunities to testify, any changes to court date hearings and final outcomes to court hearings.
- 7 A survivor has a right to know the state and federal financial relief available to victims of crime such as potential reimbursement for medical costs and employer reimbursements.



The following pages explain these Survivor Bill of Rights in greater detail. Additional resources are available at [SexualAssaultHelp.org](#).



# 1

## RIGHTS TO MEDICAL CARE

A survivor has the right **to consult with and have an advocate present during a medical evidentiary exam.** The health care provider shall contact an advocate prior to the beginning of the exam and **a survivor may ask for an advocate at any point** even if they declined one previously.

A survivor has a right **to not be discouraged by a law enforcement officer, prosecutor or defense attorney from seeking a medical examination** for any reason.

A survivor has the right **to confidential communication throughout the medical forensic exam and a right to report anonymously.** Please consult the "[Who Can Report Anonymously](#)" section at [SexualAssaultHelp.org](#) for more information.

A survivor has the right to a **free forensic evidence collection** whether they choose to move forward with the legal process or not.

A survivor has the right to the **most effective and age-appropriate health care and medical examinations.**

A survivor has the right to a **free shower after an exam** if the facility has a shower.

# 2

## RIGHTS TO FORENSIC EVIDENCE

A survivor has the right to the **timely analysis of their sexual assault forensic evidence.**

A survivor has the right to **have their forensic evidence kept for the longest amount of time** that the law allows in case they choose to press charges in the future.

A survivor has a right **to contact law enforcement and be provided with information,** if the survivor did not report anonymously, **on the status of the processing and analysis of their sexual assault forensic evidence and whether a DNA match was found.**

A survivor has the right **to inspect or request copies of law enforcement reports regarding their sexual assault evidence** at the end of the case.

A survivor has the right **to not have their evidence used to prosecute them for any misdemeanor or crime** they may have committed.

# 3

## RIGHTS FOR INTERVIEWS AND DEPOSITIONS (WITNESS TESTIMONIES)

A survivor has the right **to be informed of their rights throughout the process.**

A survivor has a right **to have an advocate with them during an interview or deposition.**

A survivor has a right **to be interviewed by a law enforcement officer of the gender that they choose** and/or that **speaks their preferred language** or be provided an interpreter.

A survivor has the right **to an attorney and to have an attorney with them throughout the criminal legal process.** This does not mean that the attorney will be appointed to them or paid for by the state. However, treatment of a survivor should not be different in any way if they choose not to exercise their right to an attorney.



## 4 RIGHTS IN COURT

A survivor has the right **to a safe waiting area**, whenever possible, away from defendants or family and friends of defendants.\*

A survivor has the right **to be protected from harm or threats that arise** from their cooperation with law enforcement.\*

A survivor has the right **to submit a written impact statement or to read their impact statement at the sentence proceedings** and/or any conditional release proceedings to share how the crime affected them.\*

A survivor has the right **to be present throughout the defendant's entire trial** unless the survivor is being called as a witness or needs to be sequestered to ensure a fair trial.\*

A survivor has the right **to a speedy outcome** of the case.\*

## 5 RIGHTS TO PUBLIC INFORMATION

A survivor has a right **to view public records collected by criminal justice agencies regarding an individual's criminal record**.\*

A survivor has the right **to not have any personal identifying information, other than their name, be included in public documents**.\*

## 6 RIGHTS TO NOTIFICATION OF CRIMINAL LEGAL SYSTEM PROCEEDINGS

**A SURVIVOR HAS THE RIGHT TO BE NOTIFIED OF:**

The **time and place of any scheduled court proceedings** and any changes or cancellations to the schedule.

The **crimes for which the defendant is charged and convicted**, the **defendant's bond** and whenever the defendant is **released from custody** in felony cases.

The **opportunity to provide a statement for a probation officer's investigation** report and to be provided with the contact information of the probation office preparing the report.

The defendant's right to **access any statement** the survivor gave for a presentence investigation report.

The **opportunity to testify** before the Board of Parole.

How to **apply and receive compensation** for their court appearance.

**Any further court hearings** if the defendant is acquitted on grounds of insanity.

The **final outcome of a felony case** in which they were involved.

## 7 RIGHT TO SERVICES

A survivor has the right **to be informed of financial assistance and other social services available**, including the Nebraska [Crime Victim Reparations](#) program.\*

A survivor has the right **to have any stolen or other personal property returned by law enforcement when it is no longer needed for evidence**. Exclusions include weapons, currency and contraband.\*

A survivor has the right **to receive appropriate accommodations from their employer**, including minimizing an employee's loss of pay resulting from their court appearances.\*

## DEFINITION OF TERMS

### ACQUITTED

The defendant has been found not guilty in the case.

### ADVOCATE

Advocates are trained professionals who provide victims of trauma with confidential support. Advocates can provide victims with information, emotional support and referrals to other resources. They can walk you through the various systems you may encounter, including the legal system, medical system, child protection and safety system, and health and human services. Advocates may also be called victim advocates, confidential advocates or victim service providers. If you choose a full law enforcement report, you may be contacted by another kind of advocate who works for the county's victim assistance program, sometimes called a victim/witness coordinator or a victim/witness specialist. This court-based advocate will provide you with resources and help you navigate the criminal legal process but is not confidential.

### BOARD OF PAROLE

The Board of Parole consists of a group of individuals who decide whether an offender should be released from prison early after serving at least a minimum portion of their sentence.

### BOND

A bond is a written agreement whereby the defendant must pay the court the stated amount on the bond if they do not appear on a scheduled court date. This means that the defendant may be released from jail while awaiting their trial, and the bond serves as an incentive for them to fulfill their court appearance obligation later on.

### CONFIDENTIAL COMMUNICATION

Any written or spoken information exchanged between a victim and an advocate in private or in the presence of a third party who is necessary to facilitate communication or further the advocacy process and which is disclosed to the advocate for the purposes of overcoming the adverse effects of domestic violence or sexual assault.

### DEPOSITION

A deposition is a statement taken from a witness under oath outside of the courtroom, typically in a lawyer's office. This process occurs before the trial and is an opportunity for both legal parties to investigate the case by asking the witness a series of questions.

### DISPOSITION

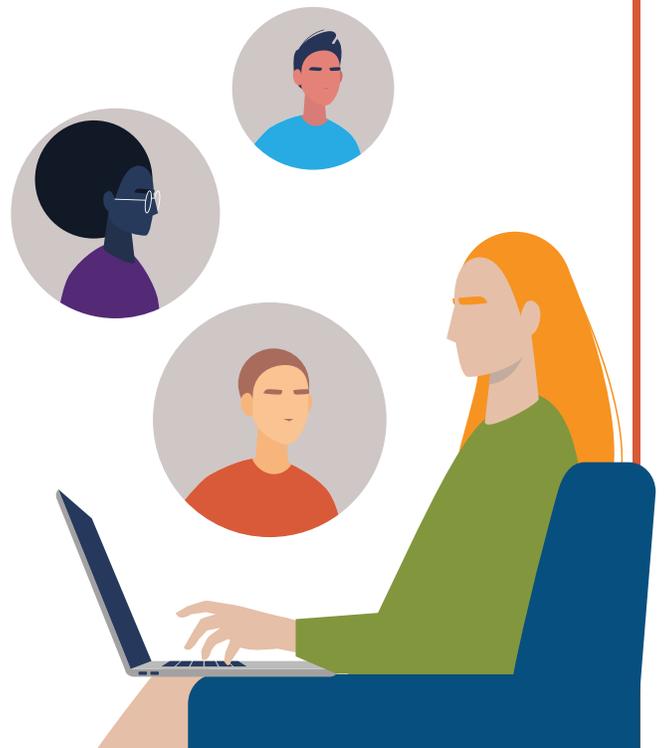
A disposition is a court's final determination in a criminal case. Common dispositions include conviction, acquittal and dismissal.

### DNA EVIDENCE

DNA is the material found in cells that determines characteristics such as eye, hair and skin color. Each person's DNA is different, except for identical twins. This means that DNA can be used to accurately identify a perpetrator, similar to the way we use fingerprints. DNA evidence can be collected from blood, saliva, sweat, urine, skin tissue and semen. That's why it's important to try to avoid bathing, cleaning your fingernails or urinating until after a sexual assault forensic exam has been performed.

### EMPLOYER INTERCESSION SERVICES

Employer intercession services ensure that employers of victims and witnesses will cooperate with the criminal legal process to minimize an employee's loss of pay and other benefits as a result of their court appearances.



## DEFINITION OF TERMS

### IMPACT STATEMENT

An impact statement is a written or oral statement provided to the sentencing judge by the victim. The statement gives the victim an opportunity to share the emotional, physical, and financial impact they have experienced as a result of the crime, and it may also help the judge determine the defendant's sentence.

### MEDICAL EVIDENTIARY EXAM

A medical evidentiary exam is a medical exam conducted by a Sexual Assault Nurse Examiner (SANE) to collect possible DNA evidence or other evidence from the victim's body, clothes and other personal belongings after a sexual assault. The exam gives the victim the option to safely store DNA evidence or other evidence if they ever want to report the assault to law enforcement and pursue legal action against the perpetrator. The exam also includes additional important medical care and treatment for the victim, such as care for sexually transmitted infections, emergency contraception for pregnancy, and follow-up resources.

### PEACE OFFICER

A peace officer includes sheriffs, coroners, jailers, marshalls, police officers, state highway patrol officers, members of the National Guard on active service and all other persons with similar authority to make arrests.

### SENTENCING PROCEEDING

A sentencing proceeding is a court hearing in which a judge determines the penalties for a defendant who has been convicted of a crime. The penalties decided upon by the judge are the sentence that the defendant must serve.

### SEXUAL ASSAULT FORENSIC EXAM

A sexual assault forensic exam is a medical exam conducted by a Sexual Assault Nurse Examiner (SANE) to collect possible DNA evidence or other evidence from the victim's body, clothes and other personal belongings after a sexual assault. The exam gives the victim the option to safely store DNA evidence or other evidence if they ever want to report the assault to law enforcement and pursue legal action against the perpetrator. The exam also includes additional important medical care and treatment for the victim, such as care for sexually transmitted infections, emergency contraception for pregnancy, and follow-up resources.

### SEXUAL ASSAULT NURSE EXAMINER (SANE)

A Sexual Assault Nurse Examiner (SANE) is a Registered Nurse who has received special training so that they can provide comprehensive care to sexual assault victims. In addition, they are able to conduct a sexual assault forensic exam and may provide expert testimony if a case goes to trial.

### SUBPOENA

A subpoena is a legal document, issued by the court, requiring a person to testify as a witness at a specified time or place and or to bring documents to a legal proceeding.

### TESTIMONY

A testimony is a written or spoken statement usually given in court. Survivors may have the opportunity to testify before the Board of Parole or at a court proceeding to have their lived experiences considered.

### WITNESS FEE

Witness fees are monetary amounts paid to witnesses for their time in appearing in court and may also include travel expenses. In Nebraska, witnesses appearing before the district court, county court and or grand jury shall receive twenty dollars, and witnesses appearing before the small claims court shall receive eight dollars, for each day they are in attendance. Witnesses residing more than a mile away from where the court is held are entitled to compensation for travel mileage.

**NEED HELP?** Go to the nearest emergency room and request a Sexual Assault Nurse Examiner (SANE) or in Douglas County—call the Women's Center for Advancement (WCA) 24-hour crisis line at [402-345-7273](tel:402-345-7273) or in Sarpy County—Heartland Family Service (HFS) 24-hour crisis line at [800-523-3666](tel:800-523-3666).

**IF YOU ARE IN IMMEDIATE DANGER CALL 911.**