



# INFORMATIONAL RESOURCE GUIDE FOR SURVIVORS

Booklets also available in: Español, हिन्दी,  
Tagalog, Tiếng Việt, 中文, & ਪੰਜਾਬੀ

## Dear Survivor:

You are a unique, amazing, beautiful person and we are so grateful to be a small part of your journey towards safety, security, and hope. Violence and abuse of any kind tend to cause long-lasting physical, psychological, and emotional harms. Domestic violence, sexual assault, and human trafficking can be especially harmful because they are often perpetrated by people we know, trust, and love. You may be feeling alone, scared, guilty, ashamed, or hopeless. All feelings are valid. First of all, nothing you did makes any part of the abuse you've endured your fault. And, rest assured that you are not alone. There are several organizations that are here to support you based on your needs and priorities. In addition to programs and resources, as a survivor of a crime, you have rights. This guide was written especially for you. It contains important information regarding your rights as a survivor and resources available to you. We hope you find this guide useful. Please connect with your advocate if you have any questions regarding information contained in this booklet. Your advocate is here to support you and advocate for your needs. If you do not yet have an advocate, please reach out to one of the agencies listed in the resources section of the booklet.

Be kind to yourself. Be proud of yourself.

You are loved. You are important.

And, you matter.

# ACKNOWLEDGEMENTS

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The Survivor Booklets were created for, and informed directly by, survivors of gender based violence in Santa Clara County. Input from survivors was collected through focus groups in various languages.

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## What is sexual assault?

Sexual assault is any unwanted sexual contact performed by one person on another without consent. Sexual assault is a serious crime that can have long lasting impacts on the victim. Sexual assault includes:

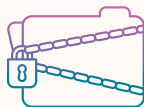
- Attempted rape (in which rape was the motive)
- Fondling or unwanted sexual touching (which includes groping, kissing, etc.)
- Forcing a victim to perform sexual acts
- Unwanted sexual penetration (which could involve non-body parts or objects)
- Sodomy (anal or oral sex) without consent
- Sexual contact with minors, consensual or not
- Using force or violence, or threatening to use force or violence, to make someone have sexual contact when they do not want to
- Threatening to hurt someone's friend, family member, or loved one. to make the person have sexual contact when they do not want to
- Coercing, or pressuring someone, to have sex when they do not want to
- Performing sexual acts on a person that is unconscious or somehow incapacitated





## What is confidentiality?

Confidentiality means keeping information private and not sharing with anyone. Some professionals are required to keep the information their clients share with them private, or confidential. This includes lawyers, therapists, and some advocates. Confidentiality is important so that you share your thoughts, feelings, and concerns without fear that someone else will find out about what you said.



## What is privilege?

Privilege is a legal rule that keeps communications between clients and certain professionals private and safe from disclosures in court. Your confidential sexual assault advocate can assert privilege if they are asked to testify about what you told them in private.



## **What is a sexual assault confidential advocate?**

Under state law certain advocates working with sexual assault agencies can keep conversations they have with their clients confidential. This includes record-keeping such as written notes or emails. If you are working with a confidential advocate, by law what you say to them will remain confidential unless you sign a release. Nevertheless, some advocates may have to report child and elderly abuse; or when someone wants to harm themselves or another person and has a plan on how to cause the harm. Your advocate will explain to you if there is any information they cannot keep confidential.





## What is a confidential advocate's role in supporting me?

Your advocate is there to provide confidential support and to advocate for your rights. Depending on your needs, your advocate can help you find resources and support, but services provided can vary by agency. Ask your advocate what services are available to you. Your advocate will also link you to attorneys that can help with immigration issues, family law, housing, and social services benefits. Your advocate can also accompany you to court hearings, and to interviews with law enforcement, prosecutors, and defense attorneys and will support you in your preferred language. Sometimes this means using a professional interpreter and if so, the conversations will still be confidential. Feel free to share with your advocate anything about your culture that you believe is important for your advocate to know.



## What is a Victim/Witness Advocate?

Victim/witness advocates are typically housed within the office of the district attorney in each county. They serve as your connection to prosecutors, law enforcement and other criminal justice agencies to ensure that you have a voice in the criminal justice process. Your victim/witness advocate can provide you with a thorough overview of the criminal justice system by helping you understand what happens after reporting a violent crime, how to enforce your rights under Marsy's Law, assist you with obtaining criminal case updates, and support you during court hearings and testimony. Victim/witness advocates can also



help you apply to the California Victim Compensation Board program (CalVCB), a program that provides financial assistance with crime-related, out-of-pocket expenses. Victim/witness advocates assist all victims of violent crime regardless of age, background, income, or immigration status.

## What is a Victim/Witness Advocate? Continued

### Limits to confidentiality:

Victim/witness advocates are part of the prosecution team. Therefore, they have the constitutional duty under the Brady rule to disclose exculpatory, or any information that may impact a criminal case – this just means that your victim/witness advocate is not able to discuss any facts of a criminal case with you. You should not speak about any of your past actions or behaviors that may impact your credibility in court.



### The Brady Rule

The Brady rule comes from Brady v. Maryland, a 1963 Supreme Court case that held that anyone part of the prosecution team (attorneys, police, victim/witness advocates) has to provide all



evidence to the defense. This includes evidence that might help the defense show they are innocent of the crime charged (known as exculpatory evidence).

## What are my rights as a survivor of sexual assault?

California Penal Code Section 680.2 requires that all local law enforcement agencies develop a card that explains in clear language the rights of sexual assault victims, and makes this card available to each provider in its jurisdiction responsible for medical evidentiary or physical examinations arising out of sexual assault (Cal. Pen. Code, § 680.2, subd. (a); (d).): These rights include:

1. To decide if you want to get a physical exam, be part of a criminal case, or report the assault.
2. Seek an emergency protective order with the help of law enforcement.
3. Seek a civil protective order with the help of an advocate or the restraining order self-help center in the local courthouse.
4. Request sex offender registry information.
5. Seek financial assistance through the California Victim Compensation Board.
6. Have a confidential sexual assault advocate and a person of your choice present during the exam or investigative interview.



## What are my rights as a survivor of sexual assault?

7. Request a person of the same or opposite gender as you to be present in the room during any interview with law enforcement or the district attorney.

8. Request in writing and receive a free copy of the initial crime report.

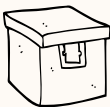


9. Ask the status and results of the testing of all evidence related to your assault.

10. Know that DNA evidence on the body, clothing, and other items may last from 12 hours to 7 days.



11. Know the evidence related to your assault will be tested. By law, evidence should be taken to the crime lab within 20 days by law enforcement and tested within 120 days. In Santa Clara County, all evidence must be tested within 30 days.



12. Know that evidence related to your assault must be kept for 20 years, or until the age of 40 for victims under 18. In Santa Clara County, evidence will be kept indefinitely

## **What are my rights as a survivor of sexual assault?**

\*California Penal Code Section 679.04 ensures that survivors of sexual assault can have a sexual assault counselor (as defined by Evidence code section 1035.2) and a support person of the victim's choosing present at any interview by law enforcement authorities, district attorneys, or defense attorneys. However, the support person may be excluded from an interview by law enforcement or the district attorney if the law enforcement authority or the district attorney determines that the presence of that individual would be harmful to the purpose of the interview. Also, if the person that abused you is charged with a crime, you have rights under Marsy's Law. The California Constitution outlines crime victims' rights. These rights are also known as "Marsy's Law". Your advocate will explain these rights to you. One, for example, is to know if the defendant gets released from jail on bail or their own recognizance. Please connect with your advocate and ask them to explain these rights further.

## What services are available for me?

While there is not a guarantee of any service, some services available to you include: access to a 24 hour hotline support, follow up services, individual or group counseling services, safety planning, linkage to resources, advocacy and accompaniment services to interviews with law enforcement, district attorneys, court, medical exams, school or work meetings related to the event, support with restraining order paperwork, and transportation. Lastly, depending on availability, there may be emergency hoteling or financial support for survivors and their families.



## Will I have to pay for services?

All services provided by confidential advocates are free of charge and available in your first or preferred language. Also, ask your advocate about possible financial support available for you to pay for certain things like gas, food, bills, cell phone, and medical expenses.

## **I do not speak English, how can I connect to services and support?**



You have the right to have an interpreter in your first or preferred language when you are in contact with law enforcement or prosecutors, in court hearings, during medical exams, and when working with your confidential advocates. If you are contacting any of these agencies, please ask for an interpreter ahead of time. For more information on how to request interpretation, please talk to your advocate.



## **What if I'm undocumented? Will I be deported?**

Immigration is a complex process and there is hardly an easy answer. However, there are immigration relief options for survivors of sexual assault. Please talk to an immigration attorney regarding any immigration concerns. Your advocate can connect you to an attorney for a free consultation.







## **What happens if I report the abuse to the police department?**

If you are in danger, please call 911. You have rights regardless of your immigration status. The police are here to protect you and should not ask about your immigration status. If they do, you can refuse to answer this question. To understand what happens after a report is made to the police, please contact the local Victim Witness Unit for an explanation of the criminal complaint process. (408) 295-2656. If you prefer to talk to an attorney before talking to the police, ask your advocate for a resource.

## **Where can I go if I am in danger or have no place to live?**



If you are in danger or have no place to live, please call one of the sexual assault agencies listed in the last page of this booklet. The sexual assault agencies are available 24 hours a day, seven days a week, and are here to support you with emergency shelter or hotel.

## What is a victim rights attorney?

Victims of a violent crime have certain rights, including the right to be treated



with dignity and the right to compensation for injury or loss. Victim rights attorneys can help survivors in different ways, such as speaking on their behalf in court or at a sentencing hearing. Let your advocate know if you want to know more about victim rights attorneys.



## What are my housing options?

There are laws that protect survivors of sexual assault from unlawful evictions. Also, your advocate may be able to connect you to long-term housing services, if this is something you need. Talk to your advocate about your rights as a tenant, and about long-term housing options.



## What protections exist to ensure I am safe at work?

There are several laws that protect survivors of sexual assault in the workplace. This includes ensuring a safe environment and allowing survivors the time off they need to participate in the legal process. Let your advocate know if you need a free consultation with an employment law attorney to discuss your rights.



Some victims of Sexual Assault have encountered other situations of abuse/violence, such as Human Trafficking (HT) or Domestic Violence (DV). Please speak to your advocate if you think you have been a victim of either HT or DV.

### What is Domestic Violence?



Domestic violence is known as intimate partner abuse or intimate partner violence and is what happens when a person uses violence, threats, put downs (insults), coercion, manipulation, sexual abuse, isolation, or other abusive behaviors to control their partner.



### What is Family Violence?



Family violence happens when a person is abused or harmed by a relative. The relative can be a blood relative, (sibling, parent, or child), or a relative through marriage (father/mother-in-law, brother/sister-in-law). The abuse can be emotional, financial, physical, and sexual.



## What is Human Trafficking?

Human trafficking is a crime that involves the use of force, fraud, or coercion to exploit a person for some type of labor/services and/or commercial sex act(s). Human trafficking can be separated into four main categories: sex trafficking, labor trafficking, domestic servitude, and commercial sexual exploitation of children. Individuals under the age of 18 who are solicited to perform or perform a commercial sex act (or sex act in exchange for basic needs) do not have to show any force, fraud, or coercion. They cannot legally consent to any sex acts, and therefore are considered a victim of human trafficking with all the rights and protections available per the law.



# RESOURCE CONTACTS

## Bay Area Legal Aid (BALA)(LSP)

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800-551-5554 (Intake line not crisis line)

*www.baylegal.org*

Service Area: Santa Clara County

Languages: Spanish

Services: • Legal services • Help with immigration  
• Support for individuals with disabilities.

## Community Solutions (VSP)

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877-363-7238

*www.communitysolutions.org*

Service Area: Santa Clara County & San Benito County

Languages: Spanish, Triqui

Services: • Support services • Legal services  
• Shelter/housing\* • Therapy/counseling • Transportation  
• Food & toiletries • Help with immigration\* • Survivor  
leadership & mentorship • Support for individuals with  
disabilities.

## RESOURCE CONTACTS

### Katharine and George Alexander Community Law Center(**LSP**)

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408-288-7030 ext. 221

[www.law.scu.edu](http://www.law.scu.edu)

Service Area: Santa Clara County

Languages: Spanish

Services: • Legal services • Help with immigration  
• Support for individuals with disabilities.

### Legal Advocates for Children and Youth (LACY) (**VSP & LSP**)

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408-280-2416 (Intake, not crisis)

[www.lawfoundation.org](http://www.lawfoundation.org)

Service Area: Santa Clara County

Languages: Spanish

Services: • Legal services • Help with immigration  
• Support for individuals with disabilities.

All services are provided in english and the languages listed for each individual agency

VSP = Victim Service Provider LSP = Legal Service Provider

\* = Note that there may be some restrictions to this service and not all services are guaranteed.

## RESOURCE CONTACTS

### Step Forward Foundation (**LSP**)

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(408) 915-8698

[www.stepfwd.org](http://www.stepfwd.org)

Service Area: Santa Clara County & San Benito County

Languages: Spanish

Services: • Legal services • Help with immigration  
• Support for individuals with disabilities.

### YWCA Golden Gate Silicon Valley (**VSP**)

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800-572-2782

[www.yourywca.org](http://www.yourywca.org)

Service Area: Santa Clara County

Languages: Spanish

Services: • Support services • Legal services  
• Shelter/housing\* • Therapy/counseling • Transportation\*  
• Childcare • Food & toiletries\* • Help with immigration\*  
• Support for individuals with disabilities.







# VICTIM RIGHTS ADVOCACY PROJECT

Victim Rights Advocacy Project