

Nevada Office of the Attorney General



Your Rights as a Survivor of Sexual Violence

You have many rights and choices when deciding how to proceed following a sexual assault. This document is meant to summarize some of the most critical rights and choices you have. You will likely have questions initially, and over time, as to what your rights and choices are. There are numerous people who may be involved in helping you understand these, including advocates, police officers and detectives, and prosecutors. Feel free to reach out if you have questions or need assistance.

Here is a list of important phone numbers in your area:

Rape Crisis Center (702) 366-1640

Crisis Support Services of Nevada (775) 221-7600

Your right to a Forensic Medical Exam:

You have the right to receive a forensic medical exam. At a forensic medical exam a specially trained nurse called a SANE (sexual assault nurse examiner), will perform an exam which includes collecting evidence of a crime from your body. There is no cost to you for having this exam done. Evidence is best recovered as soon as possible after an assault, preferably within 72 hours. However, you have the right to request a forensic exam up to seven (7) days after an assault, although the integrity of the evidence collected may be compromised the longer you wait.

You have the right to have a friend, family member or sexual assault advocate present during your exam.

You have the right to a free shower, if it is available, after the exam is finished.

After the exam is finished, the nurse will put all of the evidence together into what is called a Sexual Assault Kit, or SAK. If you report the crime to the police, the nurse will submit your SAK to law enforcement so it can be analyzed for evidence, including DNA. Your kit will be submitted to a forensic laboratory within 30 days of your exam, and the forensic laboratory will test your kit within 120 days.

Testing your SAK for evidence can take time. You have the right to know where your SAK is at all times and the results of any tests conducted on your SAK. After your forensic exam, the SANE nurse will supply you with a paper that includes your kit number and instructions for signing in to Nevada's SAK tracking system, Track-Kit. The tracking system tracks your kit by number only, with no record of any names. You will be able to see when your kit is transferred between the medical facility, the police department and the laboratory, and when the testing is finished.

Your kit will only be tested if you file a police report. If you do not file a report, your kit will be placed into storage without a time limit on when you can file a police report. The statute of limitations for reporting a sexual assault is 20 years, so your kit will be stored that entire time in case you choose to report later. If you file a police report, which starts your kit through the testing process, and then you decide you do NOT want it tested, you can send a written letter to the police, telling the police to NOT test your SAK for evidence. Depending on when you do this, you may or may not be able to interrupt the testing process.

Your rights with the police:

You have the right to report your crime to police if what occurred is defined as a crime by law. You do not have to report the crime to police; this is your choice. If you do not report a sexual assault initially, you have up to 20 years to report to police.

If you do choose to report, the police will likely need to interview you to learn more about what happened. They will likely ask detailed questions and may want to talk to other witnesses and individuals. These questions are part of the process of investigating a crime. These things do not mean that the police do not believe your report of what happened.

You have the right to hire an attorney and have that attorney present to assist you at your interview with law enforcement. This attorney is not responsible for prosecuting your case or for moving it through the criminal justice system.

You may have a friend, family member, or sexual assault advocate present during your interview. The police may not recommend this, as it can impact how the case might move forward.

If the gender of the person interviewing you is important to you, you have the right to request to be interviewed by someone of the gender of your choice if someone of that gender is available at the time.

If you do choose to report to police, the police will likely investigate the crime. You have the right to view police documents related to your case. To view your police files, you will need to send a letter to the police officer in charge of your investigation. It may take up to several weeks

or months to get access to these files. Some of the information in these files may be crossed out or redacted.

After the investigation, police may determine it is or is not appropriate to refer your case for prosecution. If they do not submit your case for prosecution, it is not that they do not think what happened was important, or that they do not believe you. This decision is based, in part, on the amount of evidence they are able to collect, if there are witnesses, as well as how strong they feel the evidence is, along with other factors.

If law enforcement submits the case for prosecution, a prosecutor will decide if there is enough evidence to charge someone with a crime. A prosecutor is a lawyer who works for the government and charges people with crimes. There may or may not be a trial to determine if someone is guilty of committing a crime. The prosecutor will give you information on how you can be involved in the process. You have the right to be informed of what is happening with your case, and whether someone is convicted of a crime.

In some cases, you may be compensated financially for expenses you have related to the crime. In rare cases, the person who committed the crime may have a responsibility to compensate you. In order to access these programs and resources, you would need to report the crime to police. It is best to speak with an advocate to learn more about Victim of Crime Compensation and how to go about applying for those resources by contacting them at the Rape Crisis Center (702) 366-1640 or the Crisis Support Services of Nevada (775) 221-7600.

Your right to be protected:

If you feel unsafe, you can ask a court to tell a certain person or people to stay away from you. This is called an order of protection. Again, working through an advocate to help you secure an order of protection will help with the process, as it requires documents and can be confusing.

If you don't want to file an order of protection, you can always contact 911 if you are in an urgent unsafe situation.

You are not alone. Help is here for you:

Not sure where to find the Justice Court in your area? You can look it up here:

https://nvcourts.gov/Find_a_Court/Justice_Courts/

For more information about Orders of Protection, go to:

https://nvcourts.gov/AOC/Programs_and_Services/Protection_Orders/Overview/

To read the statutory timelines as set out in NRS 200.3784:

<https://www.leg.state.nv.us/nrs/nrs-200.html#NRS200Sec3784>

Updated: January 10, 2020