

Possible advantages of reporting

- The perpetrator may be held accountable
- The victim may feel a sense of closure
- Reporting may validate the victim's feelings
- The victim may be eligible for Crime Victim Compensation*

Possible disadvantages of reporting

- There is no guarantee of charge and conviction
- It may not result in the desired outcome for the victim
- A conviction may not bring closure
- Victims may feel that they have to re-live the assault

After an Assault: Reporting to Law Enforcement

The decision to report a sexual assault belongs to the victim. No one should force or coerce the victim into reporting an assault to the police. It is also important to note that some survivors – particularly those from marginalized communities – may mistrust system intervention, including law enforcement. Advocacy services should be provided, regardless of the reporting decision by the victim. This information sheet is designed to provide information on what happens after a report to help victims make informed decisions about engaging with the criminal justice system.

If a victim reports a sexual assault to law enforcement, the following may occur: law enforcement investigation, referral to the district attorney for a charging decision, plea bargain or trial, sentencing by the court, and imprisonment and/or supervision of the defendant. Not all cases make it through this entire process.

THE INVESTIGATION: The investigation may include: interviews by law enforcement officers, interviews of the suspect, and sometimes, the collection of additional physical evidence from the scene.

THE DISTRICT ATTORNEY: The district attorney (DA) will only charge the defendant with a crime if they believe there is enough evidence to show beyond a reasonable doubt that the defendant committed the crime.

AFTER CONVICTION: The Wisconsin Department of Corrections oversees the sentence of the offender after conviction. Offenders in the community on probation or supervision are supervised by an agent that will impose rules of supervision and pursue any revocation against the offender for a violation of these rules.

*Crime Victim Compensation (CVC) is a fund operated by the Office of Crime Victim Services through the Wisconsin Department of Justice. It is designed to cover a wide range of costs associated with the crime (including medical expenses, lost wages, counseling, and more). For more information about who is eligible and how to apply, visit <http://www.doj.state.wi.us/ocvs/office-crime-victim-services> or call (800) 446-6564.

FREQUENTLY ASKED QUESTIONS

Can I have an advocate accompany me during a law enforcement interview?

With limited exceptions, sexual assault survivors have the right to be accompanied by an advocate at law enforcement interviews and other proceedings throughout the criminal justice process.

If I report to the police, do I have to press charges?

The district attorney, not the victim, makes charging decisions, although the victim's report is considered in the decision. Sometimes, when the district attorney believes it is necessary for community safety, they might proceed with a case even when the victim doesn't want to.

Will the perpetrator be arrested immediately after I make a report?

Each law enforcement agency decides if and when to arrest the perpetrator. Many will investigate the crime before making an arrest.

Will I have to testify at trial?

In many sexual assault cases, one of the best pieces of evidence is the victim's testimony. Victims should be prepared to testify if their case goes to trial.

Will I have to see the defendant at trial?

It is likely that the victim will have to see the defendant because they have a constitutional right to be present at trial. Many courthouses, though, are structured to ensure the victim has as little contact with the defendant as possible.

How long will it take before my case goes to trial?

Investigations can vary in time from hours to weeks. If a trial does occur, it would not be uncommon for it to take place anywhere from nine months to a year after the report, or more.

The court process

If the defendant is charged, there will be a series of pre-trial proceedings that establish bail conditions for the defendant and have the defendant enter a plea. The trial includes opening arguments, presentation of evidence, and closing arguments. The jury/ judge must determine a verdict of guilty or not guilty. In Wisconsin, a defendant convicted of a crime can receive a sentence of probation or a period of confinement in jail/prison that may be followed by a period of community supervision.

After conviction

The Wisconsin Department of Corrections oversees the sentence of the offender after conviction. Offenders in the community on probation or supervision are supervised by an agent that will impose rules of supervision and pursue any revocation against the offender for a violation of these rules.