



## Chapter 9

### Other Legal Issues

***In this chapter, you will find information on...***

- *Civil Legal Remedies and Resources*
- *Crime Victims Compensation/Restitution*
- *Requests for HIV Testing of Convicted Sex Offenders*
- *Campus Sexual Assault*
- *Sex Offender Registration & Community Notification*
- *Parole or Probation*

More than 35 million Americans are victimized by crime each year. The consequences of crime frequently extend far beyond the criminal act. All too often victims are left with expenses for medical procedures, physical rehabilitation, counseling, and lost wages. Although many crime victims and their families have some knowledge about the legal system, they are often unaware that there are two systems of justice available in which to hold the offender accountable, the *criminal justice system* and the *civil justice system* (*National Crime Victim Bar Association; Information for Victim Service Providers, [www.victimbar.org/provier\\_information.htm](http://www.victimbar.org/provier_information.htm)*).

This chapter contains general information that the legal advocate needs to understand to help survivors of sexual assault. This chapter will give you a basic understanding of these issues, policies, and related laws. You will be able to share the information in this chapter with survivors and will know where to go to find more information if necessary. It is important to remember that you cannot provide legal advice to survivors of sexual assault and you could be held liable for the “unauthorized practice of law” if you do (See

Appendix A, *NYS Judiciary Article 15 §484*).

## **Civil Legal Remedies and Resources for Survivors of Sexual Assault**

The advocate's role is to inform the survivor about the option of seeking civil legal remedies. The survivor will need to hire an attorney who will assist her with her case. You do not need to accompany the survivor to any of the court proceedings. However, it is appropriate for you to support the survivor by helping her understand the process and advocating on her behalf with her attorney and civil court personnel if necessary. You, as the advocate, play an important role in providing survivors with referrals to attorneys who are well-qualified, sensitive to the needs of sexual assault survivors, and have experience with civil litigation.

Civil litigation has developed as an additional way by which sexual assault survivors can hold the offenders legally responsible or hold responsible a school, hospital, hotel, shopping mall, housing development or other businesses or institutions which failed to prevent through adequate safety measures or failure to respond to employee complaints the sexual violence. Restitution (as part of criminal cases) and crime victim compensation were, at one time, the only ways survivors could be "reimbursed" for losses due to their assaults. As a legal advocate, you should know that survivors also have the option of seeking civil damages for the physical and psychological pain of the assault. You should inform the survivor that irrespective of the outcome in the criminal court, she may pursue civil court action against her assailant.

The civil court process is different from the criminal court process discussed in Chapter 5. The burden of proof is less, there is no determination of guilt but rather liability for injuries or other harm, offenders (including third parties) are not sentenced to prison but if found liable, are ordered to pay monetary amounts. Offenders are not tried for harming the state, but the individual. Therefore it is up to the survivor to initiate action by filing a claim before the court stating what happened, by whom and what damages occurred. In criminal court, a survivor's complaint is investigated by law enforcement then presented and prosecuted by the district attorney at no cost. In

addition to physical and psychological harm, a sexual assault survivor may need assistance with housing, school, employment, family court or other issues that arise as a result of the crime that are not handled by district attorneys or covered by crime victims compensation.

An attorney must represent a survivor in civil court. Generally cases filed by victims of crime are taken on a *contingency basis*. Although this does mean the attorney only receives a fee if the survivor is awarded money, often they still request some up front money to cover filing fees, the taking of disposition, administrative costs such as postage, etc. that many survivors do not have. Civil litigation for sexual assault survivors is a specialty area so there might not be experienced people in your community. It is important that attorneys are sensitive to the needs of sexual assault survivors, and have experience with this particular field of litigation. In addition to inquiring of your local district attorney, bar association or legal aid, you may also contact:

- **The Legal Project**

Provides free phone consultations with an attorney to advise, assist with negotiations, possibly link or refer to an attorney to actually do the representation.

[www.legalproject.org](http://www.legalproject.org) or (518) 435-1770

- **National Crime Victim Bar Association**

Provides referrals to local attorneys who special in victim-related cases. They also can provide training to advocates on the civil justice system (202) 467-8753 or [victimbar@ncvc.org](mailto:victimbar@ncvc.org)

As with any accompaniment, you may be asked to provide support to the survivor as she goes through the civil justice process. Advocates also need to be aware of the possibility of being subpoenaed as a witness even if it did not occur or was quashed in the criminal case.

Your major responsibility, in addition to emotional support, is to make the survivor aware of her options and how to access them. There is a free publication for survivors entitled *Civil Justice for Victims of Crime* available from National Crime Victim Bar Association that can be downloaded from their site: <http://www.victimbar.org/>

## **Crime Victims Compensation**

In 1966, New York State established the Crime Victims Compensation Board to provide crime victims or their dependents or survivors with monetary awards. Compensation is distributed to victims of crime who suffered serious financial hardship due to physical injury, disability or death resulting from the crime. In 1982, their name was changed to the Crime Victims Board (CVB) to reflect its position as the statewide coordinator for crime victims programs. In 1985, the New York State Senate was instrumental in enacting comprehensive legislation that expanded the scope of CVB. The law incorporates the use of federal funds for crime victims programs and represents a significant improvement in compensation award amounts and eligibility (*See Appendix N for Executive Law Article 22-Crime Victims Board*).

In New York, police officers are required to inform all victims of crime of the existence of CVB. CVB has been working closely with law enforcement agencies to ensure compliance with this law. Also, in hospitals throughout New York State, emergency rooms must display the CVB poster which describes the services it provides for crime victims.

The most critical issue for sexual assault survivors, with respect to CVB compensation, is that current New York State statutes provide for compensation if the victim reports the crime to law enforcement or undergoes a forensic exam. Since national statistics indicate that only 16% of all sexual assault victims report to law enforcement, most of the survivors would not have been eligible for CVB compensation prior to 2000.

The enactment of the Sexual Assault Reform Act (SARA) in 2000 has broadened the eligibility for compensation to victims of sexual assault in New York State. With the passage of SARA, a medical facility that provides a forensic rape examination (FRE) to a rape or sexual assault victim is considered to be a “criminal justice agency,” just like the police or a district attorney’s office. A victim who has sought a FRE is considered to have “reported” the crime without taking further action. Accordingly, the victim can not be denied compensation on the basis of not reporting the crime “to the proper authorities” under Executive Law 631 (1);

After reporting to the proper authorities (as noted above), an application, and a notarized affidavit must be completed. If you are under the age of 18 or incompetent, the claim application must be filed in your behalf by a relative, guardian, conservator, committee or attorney. The application should clearly indicate in the crime description that the claim is a sexual assault and that a Forensic Rape Examination (FRE) was performed. If the victim has documentation of the FRE from a hospital or medical provider, attach a copy of it to the application. “FRE” should be entered on the CVB claim application in both boxes for police agency or precinct and the complaint UF 61# box. A personal injury (PI) affidavit should be submitted with the claim form if a victim assistance program assisted the victim with filing the claim. If no affidavit is submitted, an affidavit will be sent to the claimant for completion (*See Appendix W for example of CVB forms*).

A crime victim may receive a monetary award for the following out-of-pocket expenses:

- Non-covered expenses for medical or other benefit programs.
- Lost earnings or loss of support, up to \$600 per week, up to a maximum of \$30,000. The amount must be in an amount equal to the actual loss sustained, provided, however, that no such award shall exceed six hundred dollars for each week of lost earnings or support. (For crimes committed on or after 7/13/96)
- Burial expenses up to \$2,000. (For crimes committed on or after November 1, 1996, \$6,000.)

- Crime scene cleanup and securing of a crime scene not exceeding twenty-five hundred dollars
- Occupational rehabilitation expenses.
- Counseling services.
- Cost of repair or replacement of essential personal property lost, damaged, or destroyed as a result of a crime up to \$100.00.
- Transportation expenses for necessary court appearances in connection with the prosecution of the crime.
- The cost of residing at or utilizing the services of a domestic violence shelter.
- For a victim of a crime who has acted as a “good samaritan”, the cost of lost, damaged or destroyed property up to \$5,000. (A victim of a crime acts as a good Samaritan when attempting to prevent a crime, lawfully apprehend a perpetrator of a crime, or assist a police officer making an arrest.)
- The cost of reasonable burial expenses without regard to the financial difficulty of the survivors when a police officer dies from injuries received in the line of duty as a direct result of a crime.

The following individuals may be eligible for an award through the Crime Victims Board:

- Innocent victims of a crime who has sustained personal physical injury (sexual assault is a physical injury)
- Victims of unlawful imprisonment in the first degree
- Victims of a kidnapping in the first or second degree
- You are an elderly (60 or older), disabled victim of a crime who has suffered a loss or damage to articles of essential personal property
- Surviving spouses, parents, children or person dependent upon the victim who died as a direct result of the crime

- The person(s) who has paid or incurred the burial expenses of an innocent victim who died as a direct result of a crime (Limited to burial expenses only)
- A child (under 18) victim of or witness to a crime or his/her parent, guardian or sibling
- Victims of crime under the age of 18 or *incompetent*, for whom a claim application may be filed in your behalf by a relative, guardian, conservator, committee or attorney
- You are a victim of a stalking offense

The procedure for filing a claim follows:

1. Complete the claim application and mail to:
 

**NYS Crime Victims Board,  
845 Central Avenue,  
Albany, NY 12206-1588.**
2. No award may be made unless the board finds that a crime was committed the crime directly resulted in personal physical injury to, or death of the victim
3. In a claim involving sex offenses or a family offense, the police report need only be made within a reasonable time considering all circumstances, including the victim's physical, emotional, and mental condition and family situation.
4. A Crime Victim Specialist evaluates the claim to ascertain that all pertinent information has been received, calculates the out-of-pocket loss and investigates the financial status of the claimant in claims involving losses greater than five thousand dollars.
5. The claim is forwarded to a board member who reviews the claim and renders a decision.

6. Claimants who are dissatisfied with the decision of a board member may apply for an administrative review of the decision. This application should be made in writing to the chairperson of the board.
7. The chairperson designates three members of the board, not including the board member who made the original determination, to review the decision.
8. An informal hearing may be scheduled in which the claimant may present any evidence or argument relevant to the claim.
9. The review panel then renders a final decision.
10. If a claimant is still dissatisfied by the final decision of the board, she has four months to commence a proceeding to review the decision based on Article 78 of the Civil Practice and Rules Law.

### **Emergency Awards:**

In some instances, the victim is deemed to be potentially eligible for emergency compensation benefits if she would suffer an undue financial hardship if some immediate payment is not made. The Board is authorized to award up to \$1,500 under emergency conditions. This is utilized most often when HIV PEP is prescribed. Forms can be downloaded from [www.cvb.state.us/app\\_forms.htm](http://www.cvb.state.us/app_forms.htm).

### **Restitution**

New York State Penal Code §60.27 states that restitution or reparation may be considered as part of the sentence imposed upon a person convicted of an offense. As the advocate, you need to provide survivors with information on their rights to restitution. If the survivor has not been informed by the district attorney about the restitution process, you should ask the prosecutor's office to explain the process to her and to begin the necessary paperwork.

Sexual assault survivors often suffer losses that may include medical bills, loss of wages, damaged or un-recovered property. In counties where there are victim/witness assistance programs attached to the district attorney's office, the person assigned to work with the survivor can help her fill out the necessary forms required for restitution to be considered.

The district attorney needs to advise the court before sentencing that the victim seeks restitution, the extent of injuries or economic loss of the victim, and the amount of restitution or reparation sought by the victim. The victim may also repeat this in the victim impact statement to be read to the court during sentencing.

The court may order restitution or reparation to cover the victim's attorney's fees, and/or the out-of-pocket loss to the victim. To determine the exact dollar amount to be paid by the defendant, the judge will take the victim impact statement into consideration and may conduct a hearing. If the court decides that restitution should be paid to the survivor, the judge will sign the order for restitution.

If restitution is ordered and is not part of probation, the order for restitution is sent to the county clerk's office. The defendant pays restitution to either the district attorney's office or the county clerk. Whoever receives payment from the defendant is then responsible for distributing it to the victim. As the advocate, you should contact the agency in charge of distribution of restitution to ask about the payment schedule so you can share this information with the survivor. If restitution is required as a condition of probation, the court will send a copy of the order for restitution to the probation office assigned to the defendant. The defendant's probation officer will work out a payment plan with the defendant and monitor restitution payments. As the advocate, you may have to help the survivor by contacting the probation officer to ensure the restitution order is implemented. A very high percentage of restitution remains uncollected.

The survivor should understand that if she moves or changes her address during the time when she is receiving restitution payments, she will need to inform the appropriate office of the change. As the advocate, you should ask the office distributing the restitution to the survivor to protect the survivor's safety by keeping any and all addresses confidential.

## **HIV Testing of Convicted Sex Offenders**

Sexual assault survivors face the possibility of becoming infected with HIV, the virus that causes AIDS, as a result of their assault. The risk of contracting HIV from a perpetrator is very slight, and depends on several factors. Studies reported in the Journal of Interpersonal Violence and the Journal of Emergency Nursing suggest that other factors may affect the risk of HIV infection during sexual assault:

- The number of perpetrators
- The amount of virus the victim was exposed to in each exposure
- The number of exposures
- The virulence of the viral strain
- The type of assault (oral, anal, or vaginal)
- The victim's susceptibility to infection<sup>1</sup>

Please see chapter 8 medical section for information on HIV prophylaxis and post exposure for survivors following a sexual assault.

In New York State, there is currently no mandatory testing of accused sex offenders. However, according to §390.15 of Criminal Procedure Law;

In any case where the defendant is convicted of a felony offense found in Article 130 of the Penal Law, or any subdivision of section 130.20, where an act of "sexual intercourse" or "criminal sexual conduct" has been committed, the court must, upon a request of the victim, order that the defendant submit to human immunodeficiency (HIV) testing.

Because of the lengthy passage of time between the assault and most convictions, it is

very important the advocate stress to the survivor all the ways that offender test results might provide her misleading information.

If the survivor does decide to request HIV testing of a convicted sex offender, the following process must be followed:

- A request for HIV testing of a convicted sex offender must be made in writing, filed with the court, and provided by the court to the defendant or the defendant's attorney.
- The request must be filed with the court prior to or within ten days after entry of the defendant's conviction. A request for HIV testing may be filed at any time before sentencing.
- The request will be sealed by the court and not made available for any purpose, except as necessary for judicial proceedings related to the request.
- If the victim is an infant, under 18, or *an incompetent*, the request may be filed by a representative for that victim.
- The test must be performed within fifteen days of the date on which the court ordered the test. If the defendant is not tested within the prescribed fifteen days, the court must again order that the defendant undergo an HIV test.
- The testing is conducted by a state, county, or local public health officer designated by the order.
- A public health officer will notify the victim and the defendant of the test results unless the defendant requests that he not be notified.
- The disclosure of test results shall be limited to: that information which is necessary to fulfill the purpose for which the order is granted, that person requesting test results, the victim, the victim's immediate family, guardian, physicians, attorneys, medical or mental health providers, and the defendant's past and future contacts to whom there was or is a reasonable risk of HIV transmission.
- The court order for HIV testing shall include measures to protect against disclosure of the identity of the person requesting the testing and the HIV status of the person

being tested and may include such other measures as the court deems necessary to protect confidential information.

The advocate can assist the survivor in requesting a court order for HIV testing of the convicted perpetrator by being a liaison between the survivor and the district attorney.

## **Campus Sexual Assault**

Throughout the country, sexual assault on college campuses is an enormous problem. A 2000 study, "The Sexual Victimization of College Women" indicated for every 1,000 women on campus there may be 35.3 incidents of sexual assault with less than 5% being reported to law enforcement. In approximately 9 out of 10 incidents of sexual assault the offender was known to the victim. These numbers show a need for increased education with regard to prevention and reporting strategies e.g. "proxy reporting".

Many rape crisis programs have made contacts with colleges and universities in their communities, providing them with education and outreach services, as well as providing students with counseling and advocacy. However, additional efforts are necessary.

On some college campuses students are poorly advised or not being fully informed as to options available when it comes to reporting sexual assault and available services, this all being in violation of federal and state mandates). On some campuses, student judicial boards and campus activists have become advocates for holding campus sex offenders accountable.<sup>2</sup>

Advocates need to have an understanding of what services campus providers are able to provide to survivors of sexual assault as well as how to help a survivor if she wishes to report the crime to campus police. \* It needs to be noted that only the State University system schools in New York State have police departments serving their campus communities. Private schools and community colleges have various models of law enforcement on their respective campuses that in most instances rely on local law

enforcement for crimes against people and some more serious property crimes. Every campus provides a different level of service to its community; so the advocate should become familiar with what is provided on the particular campus. Survivors have the option of reporting the assault to a local law enforcement agency in addition to or in lieu of reporting to campus police, public safety, security or other campus officials.

If the survivors on campuses choose to report to campus police, they must be aware of the particular campus judicial process. Some campuses embrace accurate reporting as a means of illustrating full compliance with existing laws along with showing proactive measures that are in place with regards to responding to sexual assault issues on their campuses. Conversely, some colleges and universities have a desire to keep crime statistics low due to the fear that a high crime rate will reflect poorly on the college, discouraging potential students from attending, or decrease financial contributions from alumni. With this in mind, college officials may also want to keep reports of sexual assault quiet. These differing attitudes may impact how campus judicial proceedings are handled.

The federal Crime Awareness and Campus Security Act of 1990, amended in 1993 and 1998 includes reporting obligations, security provisions and the requirement to maintain a daily public crime log and is now known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. These federal laws along with the New York Campus Security and Sexual Assault Prevention Act of 1990 have opened up campus crime statistics that previously *may* have been under reported. The federal act requires colleges and universities to publish and disseminate annual security reports containing policies on responses to sexual assaults, reporting procedures, and campus crime statistics. The state act mandates that the institutions publish and disseminate a statement of the applicable laws, ordinances, and regulations on sex offenses, and the nature of and common circumstances relating to sex offenses on college campuses.

The federal act requires timely reporting to the campus community on crimes that are reported to campus security or local police agencies, providing local police share this information. Federal and state reporting require that local police share with colleges in their jurisdiction any incidents of crimes that occur on the “periphery of campus”. NYS Education Law Article 129-A section 6 requires Memoranda of Understanding (MOU) that outline what agency will take the “lead” on certain criminal investigations. Neither the state nor the federal act requires a specific policy or procedure to be used by colleges and universities. It is up to the individual institution to draft policies and procedures that comply with the act. The security report the campus issues includes:

- statistics on crime occurrence on campus for the most recent school year, and the two preceding school years, for murder, all sex offenses, robbery, aggravated assault, burglary, motor vehicle theft and arson;
- a statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities;
- a statement of current policies concerning campus law enforcement; a description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices;
- a description of programs designed to inform students and employees about the prevention of crimes, awareness of rape, acquaintance rape, and other sex offenses.

The advocate must be aware of how each of the universities in your community handles reporting sexual assault crimes. You may be called upon to assist a survivor through campus as well as criminal proceedings. It is typical for the dean of students to deal with all crimes that are reported internally. However, there may be other officials who are involved with the handling of campus crimes including campus law enforcement, campus police, security, and student advisory boards. You may want to ask your local colleges to provide you with a copy of reporting guidelines, the campus judicial process, and their disciplinary code and procedure for students who commit a crime.

University disciplinary penalties may include any of the following depending on the severity of the crime and the campus disciplinary code:

- A written reprimand.
- Disciplinary probation. Probation may also include community service, restitution, or counseling.
- Suspension for up to two years.
- Expulsion from the institution.

### **Sex Offender Registration**

The Sex Offender Registration Act, commonly referred to as Megan's Law, requires all sex offenders to register with the Division of Criminal Justice Services and to verify their address annually for a period of at least 10 years after their registration. A sex offender is a person convicted of any of the offenses set forth in Penal Code §130, §255, §263, and §135. The act does apply to sex offenders on parole or probation on January 21, 1996, as well as those sentenced thereafter. This means that those who were convicted of sex offenses whose crimes were committed before January 21, 1996 are not included unless they were still on probation or parole as of that date.

The act creates three procedures for informing the public about the presence of a sex offender in their community.

- 1) It authorizes local law enforcement agencies, at their discretion, to provide relevant information about offenders to entities with vulnerable populations related to the nature of the crime committed.
- 2) It establishes a 900 telephone number that parents and others can call to inquire as to whether a person is listed in the registry.
- 3) It calls for the distribution to law enforcement agencies of a subdirectory containing information about those offenders who pose a high risk to

public safety.

The amount of information that can be disseminated about an offender depends upon his “risk of repeat offense and the threat posed to public safety.” The act establishes three risk levels which follow:

- **Level 1 (low risk)**

No community notification is authorized under the act.

- **Level 2 (moderate risk)**

The law enforcement agency may release relevant information which may include: approximate address based on zip code, a photograph, and background information such as crime of conviction, modus operandi, type of victim targeted and any special conditions that may have been imposed on the offender.

- **Level 3 (high risk)**

The law enforcement agency may release relevant information, which may include: name and aliases, exact address, a photograph, background information, along with the above.

The assessment of risk is made in three distinct ways:

- For offenders on probation or parole on January 21, 1996, the assessment is made by the Division of Probation and Correctional Alternatives and the Division of Parole (DPCA).
- For offenders released on probation or sentenced to a conditional or unconditional discharge after January 21, 1996, the sentencing court is required to determine the level of risk at the time of sentencing.
- For those released after January 21, the Board of Examiners of Sex Offenders will recommend a risk level to the original sentencing court, and

the court will “make a determination with respect to the level of risk.”

Sex offenders are required to notify the Division of Criminal Justice Services (DCJS) if they change their address, a form is available from local law enforcement agencies, probation or parole officers, and from DCJS.

The Act does permit an offender to petition for relief from the duty to register.

## **Community Notification**

The Sex Offender Registration Act makes community notification discretionary, which means that each individual law enforcement agency must decide whether or not to participate in a community notification program. Some police departments have developed detailed approaches for public notification, while others operate on a case by case basis.

When a sex offender covered by Megan’s Law moves into a community, the local law enforcement agency is notified. That agency may notify “entities with vulnerable populations” about the offender’s presence if the offender poses a threat to the community’s safety. Vulnerable populations may be schools, day care centers, or other child care centers. The law enforcement agency may disseminate the information it receives about offenders to others at their discretion. The Act states that anyone who can give a good cause for knowing, such as a parent of a young child, has the right to see a list of sex offenders at their police department. The information may not be used to commit a crime against a person listed in the registry or to engage in illegal discrimination or harassment against such a person.

As the advocate, you should check with your local law enforcement agency to find out what system they have developed for community notification.

The Sex Offender Registration Act established a number (1-900-288-3838) which

parents, employers, and others can call to determine whether a specific person is a convicted sex offender listed in the registry. If the person is listed in the registry, you will be informed of that fact, and you will receive additional information about the offender if he poses a threat to public safety. You must be 18 years of age and provide your name, address, and telephone number to request information.

There is a fee of \$ .50 associated with a telephone inquiry about convicted sex offenders. Someone calling the registry is able to inquire about up to 5 individuals. You should be prepared to provide the name of the person for whom you want the registry searched, along with at least one of the following identifiers:

- the person's street address and apartment number
- driver's license
- social security number
- birth date
- physical appearance (eye or hair color, height, ethnicity, distinctive markings)

Based on the information you provide, a trained employee will determine whether the person is listed in the registry.

In 1998, as part of Jenna's Law, **VINE**, Victim Information and Notification Everyday was created. New Yorkers can now receive information relating to crime, sentence, and release dates of persons in state prison by phone 24-hours a day in English and in Spanish. Victims of crime can also register for notification if an offender is released. In order to register, you must provide a telephone number and self-selected four digit Personal Identification Number (PIN). To receive information, a survivor must contact the district attorney where the case was prosecuted for the defendant's New York State Identification Number (NYSID), Department of Correctional Services Identification Number (DIN), or date of birth. A touch tone phone must be used to call VINE at 1-888-

VINE-4NY (1-888-846-3469).

## **The Advocate's Role with Parole or Probation**

When an individual is placed on parole or probation after being convicted of a sexual offense, that person may be arrested for any violation of his conditions of probation or parole. Possible violations include: leaving the state of New York, being arrested by any law enforcement agency, possession of a firearm, illegal drugs, or drug paraphernalia, contact with the survivor, or any other condition of probation or parole. If a law enforcement official believes that the offender is in violation, an investigation will be conducted. Depending upon the results of the investigation, the agency may begin the revocation process.

As the advocate, your role in this process is to support the survivor and provide her with any information relevant to the conditions of parole or probation. The district attorney can inform you of any specific conditions that the offender must abide by. If the offender violates any of these conditions, you can inform the survivor to report any violation of which she has knowledge. For example, if the offender threatens or otherwise harasses her over the phone or in person, she should report the incident to the police or to the offender's parole or probation officer. If the law enforcement agency who receives the information does not act on the incident report, you can inform the survivor about contacting the offender's probation or parole officer, then the district attorney's office for assistance.

Victims of crime have rights. One of those rights is the right to be informed when the offender is eligible for release or parole, and when a probation hearing has been scheduled. Survivors of sexual assault also have the right to provide written and oral testimony to a member of the state parole board prior to the offender's release from prison. (*See Appendix O for the form used by victims to request notice of an inmate's release.*) The survivor should keep the district attorney informed of her current address, as well as any address changes. She should also inform the Department of

Probation of her address and phone number as well as her desire to be notified if any probation hearings are scheduled. As the advocate, you may also keep contact with these offices if the survivor so desires.

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<sup>1</sup> AIDS Policy Center. (Washington, D.C., May 1991). *Intergovernmental AIDS Report*.

<sup>2</sup> Gottlieb, Scott. (March, 1995). There's No Such Thing as Justice on Campus. *USA Today*.