

The Law & Rape

Forcing or coercing someone to have sexual intercourse or engage in any sexual contact is against the law.

CA PENAL CODE 261: Rape is an act of sexual intercourse accomplished...against the victim's will by means of *force, violence, duress, menace, or fear of immediate bodily injury* on the victim or another.

VIOLENCE: Use of physical force to injure

DURESS: Forcible restraint or restriction

MENACE: Threat or danger

FORCE: exceptional degree of strength or energy

- Force is an essential element of rape. No particular amount of force is necessary in order for it to be defined as rape. Any amount of force which is used to overcome a person's resistance is enough to constitute a rape.
- Force can be physical or merely the threat of physical force which causes fear of injury or fear for one's life. Even if no weapon is used and the victim is not physically harmed, as long as they believed they were in danger it is considered rape.

Did you know a person *can not* consent to sex if:

- They are under the age of 18;
- They are incapacitated or physically helpless while under the influence of alcohol or drugs;
- They are unconscious, asleep, or physically helpless & unable to communicate an unwillingness to act;
- They suffer a mental disease or defect that makes it so that they are unable to judge the other person's conduct.

Community Violence Solutions

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Things You Can Say to Help a Friend

"I believe you!"

- *Letting your friend know that you believe that they were sexually assaulted will help your friend a great deal. Most victims never report the crime due to fear of being believed. Reassure your friend that you believe they are telling the truth—even if there is no physical evidence.*

"What do you need from me right now? How can I help you best?"

- *Ask what your friend needs. Don't make assumptions or tell your friend how to handle the situation. Let her/ him be in control of who knows about the assault & how they manage their life—this will help them regain the control that was lost during the assault.*

"I'm here to listen--not judge."

- *Be supportive by listening, not judging or prying. Questions like, "Why did you go there alone?" are blaming, not reassuring. Let her/ him share only what she/ he is able to. Let them take their time sharing the details—don't pry or judge.*

"It's not your fault!"

- *Never blame your friend. Don't let them blame themselves either. Rape is never the victim's fault even if she/ he didn't yell for help, or fight back or was drinking. Keep reminding them it's not their fault.*

"You survived & that's what really matters."

- *Reassure your friend that the most important thing is they are alive and got through the situation as best as they could.*

"It's okay to talk about your feelings as long as you need—I'm here."

- *It's normal to feel angry, afraid, anxious & depressed—there's no right way to respond to a sexual assault. Remind your friend of that & if their feelings intensify & seem to overwhelm her/ him, support them in seeking help. Have them call our crisis line 24/7 at 1.800.670.7273*

Rape Trauma Syndrome - A General Guideline

Patterns of Response Among Rape Victims

PHASE 1: ACUTE REACTION

Victims of sexual assault often display one of two primary style of handling crisis: expressed and controlled. In the expressed style, the victim openly demonstrates emotions (anger, fear and anxiety) by crying, yelling, talking, etc. in the controlled style, the feelings of the victim are masked or hidden, and a calm, composed, or subdued effect may be noted. The survivor may express one or both of these styles depending upon personality, cultural experiences and her/his prior handling of crises. There is no "right" style of coping with crisis.

Characterized by: Shock, disbelief, dismay; followed by anxiety, fear, sometimes guilt, shame, helplessness, susceptible to influence of helping persons.

Support: Victim will try to decide who to tell about assault and/or who to call to provide additional support.

Duration: Acute phase may last a few days to six weeks after the assault. Survivors need to make time to make needed decisions; regain some control and to resume previous activities. Duration of phase depends on intervention and coping skills of the survivor.

PHASE II – OUTWARD ADJUSTMENT/DISTANCING

Characterized by: return to work, home, or school pursuits; blocking of trauma; must deal with feelings about assailant and assault. May have anger and resentment. Survivor may move, change jobs, relationships, etc.

Duration: Outward Adjustment Phase begins about a week after the assault to an undetermined period depending on intervention response and coping skills of the survivor.

PHASE III – RESOLUTION

Characterized by: Survivor may need to talk about the assault; may have periods of depression; may express anger at assailant for having used her/him; or at her/himself for being used; and at society for encouraging assault.

Duration: the beginning of this phase depends primarily on the coping skills of the survivor, the intervention provided, and the strength of her/his support system. A person does not ever forget the assault. Though a survivor may resolve individual issues around the assault, integration of the experience is a life long process.

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