

YWCA of Silicon Valley Rape Crisis Center

Sexual Assault is ANY unwanted sexual act a person is forced to perform or receive. This includes, but is not limited to, rape.

There are three main considerations in judging whether or not a sexual act is consensual or is a crime.

Are the participants old enough to consent?

In the state of California, Unlawful Sexual Intercourse, commonly known as Statutory Rape, states the minimum age someone must be to have sex is 18. People below this age are considered children and cannot legally agree to have sex. In other words, even if the child or teenager says yes, the law says no. Generally, "I thought she was 18" is not considered a legal excuse, it's up to you to make sure your partner is old enough to legally take part.

Do both people have the capacity to consent?

California law outlines who has the mental and legal capacity to consent including people with a mental disorder or developmental or physical disability, as well as some elderly people, and people who have been drugged or are unconscious during the sex act.

Did both participants agree to take part?

Did someone use physical force to make you have sexual contact with him/her? Has someone threatened you to make you have intercourse with them? If so, it is rape. It doesn't matter if you think your partner means yes, or if you've already started having sex. "No" also means "Stop." If you proceed despite your partner's expressed instruction to stop, you have not only violated basic codes of morality and decency, you may have also committed a crime under the laws of your state (check your state's laws for specifics).

As a survivor of a sexual assault, you have rights. A YWCA of Silicon Valley advocate can go over these rights in further detail. Please call the 24-Hour Crisis Line to speak with an advocate. You have the right to:

Ask questions, if you are uncomfortable or uncertain about something

A YWCA Advocate and/or support person of your choosing present at all law enforcement and legal interviews, medical follow-ups and at all court proceedings. (Penal code 679.04)

Information on the status of your case. For updates on the case, you may contact the detective or the SART office, who can act as a liaison for you.

Confidentiality. YWCA Advocates DO NOT work for law enforcement or the District Attorney's office, and will not disclose any information you discuss without your written consent.

Reimbursement for counseling, medical, and loss of wages associated with the assault, through the California Victim Compensation Board, if you made a report to law enforcement.

Protect your identity. It is against the law for the media to identify you as the survivor of a sexual assault without your permission.

Be treated with respect at all times.

Revoke your testimony at any time. (Except in cases involving domestic violence. The District Attorney may file charges without the consent of the survivor, even when testimony is revoked.)

Add to your initial statement as you start to recall details more clearly. Please contact the detective to add to your statement.

Decline an interview with defense attorneys and their investigators. If you decide to speak with the defense attorney, please make sure that you have your advocate or the prosecuting attorney with you.

Reschedule an interview for a time when you will be better able to participate. Please express this concern to your detective or District Attorney.

Decline phone interviews because you are unable to confirm the identity of the person on the other end of the line. To protect yourself and the case, you can request that all interviews be conducted in person.

You also have the right to do nothing with your case.