

Top 10 things to know for Sexual Assault Prosecutions:

1. Rape is about power and control, not the act of sex.
2. Approximate 2/3 of rapes are committed by someone known to the victim. (U.S. Department of Justice. *2005 National Crime Victimization Study*. 2005.)
3. There is no reliable statistics for the number of rape allegations that are false. A 1996 statistic from the FBI indicates that 8% of all rape reports were "unfounded." However, "unfounded" can mean anything from "false" to "insufficient evidence."
4. Whoever the victim first discloses the sexual assault to can testify to that disclosure in court. This is known as the "rape complaint" exception to the hearsay rule. *State v. Devall*, 489 N.W.2d 371 (S.D. 1992).
5. Make contact with the victim early and often (especially children). Develop a relationship; and be respectful of their rights. For reference see SDCL 23A-28C.
6. If your jail facility records inmate phone call, request that an investigator check the defendant's phone calls often. These can be an invaluable source of information.
7. If your jurisdiction convenes a Grand Jury, this is the preferred way to put the victim's testimony on record for purposes of probable cause. The victim will feel safer and less exposed if she does not have to be in the same room as her attacker.
8. Be sure you understand what language the victim uses to describe various body parts; as well as various acts of sexual intercourse. This is especially important with children and adolescents. Do not assume victims use or understand the same words that you are using.
9. Questions asked during jury selection can determine how the trial ends. Look for resources such as other prosecutors, the NDAA or the South Dakota Network Against Family Violence and Sexual Assault for help in developing your voir dire.

10. A woman who is married can be raped by her husband. A woman who is in a relationship can be raped by her significant other. A woman who has a reputation for sleeping around can be raped. *Men can also be rape victims.* Other prosecutors, the NDAA, and the Network can help provide resources and information in prosecuting difficult rape cases. Reach out and do the best you can in fighting for sexual assault victims.