



SEXUAL VIOLENCE AND DISABILITY

Understanding Your Rights

FEBRUARY 2016



**Disability
Rights** OHIO

We have the legal right of way.



INTRODUCTION

People with disabilities are more likely to be a victim of sexual violence than people who do not have disabilities. Sexual violence is when someone makes you do something sexual that you do not want to do. This includes being raped. This is wrong and it is against the law.

If something bad has happened to you, you may have bad feelings. Many people who have bad things happen to them have bad feelings and it is normal to feel these feelings. These feelings may be embarrassment, shame, fear or guilt. If something bad has happened to you, it can be hard to trust people.

It is very important that as a person with a disability, you learn what sexual violence is, what to do if it happens to you, why you should tell the police about it, and how to help other people with disabilities. This booklet was made to help you self-advocate, know your rights as a person with a disability, and to tell you what to watch for if you have to go to the hospital to get help.

WHAT IS SEXUAL VIOLENCE?

Sexual violence includes two different kinds of crimes, sexual assault and sexual abuse. A crime is a wrong-doing.

- Sexual assault is when a person forces you to do something sexual that you do not want to do. When someone forces you to have sex with them it is called Rape. Sexual assault also happens if someone touches you and you do not want to be touched.
- Sexual assault can happen if someone makes you do things by physically hurting you or hurting your body. For example, holding you down or hitting you. Sexual assault also happens if someone makes you do things by tricking you or buying you something or promising you things. For example, if someone will not give you something you need unless you do something sexual for them.
- Sexual assault can also be showing you pictures, videos or images that you do not want to see or watch.
- If these things have happened to you more than once, it is called sexual abuse.

WHAT SHOULD I DO IF IT HAPPENS TO ME?

- **Go to a safe place!** You can call the National Sexual Assault Hotline at 1-800-656-4673 or call 911 if you are in danger and need help right away.
- **Tell someone you trust that someone hurt you.** This person could be a case manager, a health care worker or a police officer. If you tell a family member or a friend, choose someone who can help you get help.
- **Keep telling people until you get help.** If the first person you tell does not know how to help you, keep telling people.
- **Go to the hospital as soon as you can.** It is very important that you go to the hospital within four days of the crime.
- **When you are at the hospital, they will want to do tests.** In order for these tests to work their best, you should not eat, drink or take a bath before doing these tests.
- **If you are telling a police officer or a nurse what happened, you can tell them in private.** You can have someone you trust with you when you tell them, and they can help you understand what is going on. They must give you an interpreter if you are deaf or hard of hearing and you ask for one. You can use assistive technology if you need to.



WHAT IS A RAPE KIT?

A rape kit, also called Sexual Assault Evidence Collection Kit, is a medical exam that is done by a nurse. This nurse has special training in helping people who have been sexually assaulted or abused. This exam must be done within 96 hours, or four days, after the crime. Sometimes, the exam can be done after four days, but it is best to get it done as soon as possible. If you have questions about this exam or are nervous and scared, just tell the nurses, and they can help you. This is what happens during this exam:

- When you first get to the emergency room at the hospital, you or your support person will tell the nursing staff what happened to you.
- The nurses will call a local rape crisis center. This center will send an advocate to the hospital.
- Once the advocate gets there, you will meet them and they will tell you how they will help you. You do not have to talk with the advocate, but they may be able to help you in ways your support person cannot. You can ask them any questions that you want.
- The nurses must call and tell the police that there has been a sexual assault, but they do not have to tell them that you are the person who the assault has happened to. It would be against the law if the nurses did not tell the police. If you don't want to tell the police, your information will be kept private.
- The police will arrive to the hospital. You can choose if you want to talk to them or not. You have the right to tell them everything, and you also have the right not to talk to them. Your support person or the advocate can also speak to them on your behalf if you don't want to. You can tell the police at any time. You do not have to tell them right away.



- The hospital will ask you if it is okay to do the exam. If you say no, then the exam will not be done and evidence will not be collected. It is your right to choose whether or not you want to do the exam. You can get the rape kit test done and tell the police later. But it is best to tell them right away so they can start working on the case right away.
- The nurses will have you stand on a large sheet that will cover the floor. If you are wearing the same clothes you were hurt in, they will ask that you take off the clothes and leave them on the sheet. The nurses will give you a hospital gown to wear the rest of the time you are there. Your clothing will be wrapped up and taken away. It will be used as information.
- The nurses will ask you a lot of questions. These questions will be about what has happened to you. These questions will also be about yourself, including your medical past.
- The nurses might make you pee in a cup and take some tests. The nurses will also cut a few strands of your hair, rub a cotton swab in your mouth, check your fingernails, check your clothes, and check your private areas.
- The hospital staff, the advocate, and the police will all give you information about people and places that can help you understand what just happened to you. If you have any questions about these people or places, ask.

If you would like to know more about your rights or if you feel that something unfair has happened to you, you can call Disability Rights Ohio at 800-282-9181, and then choose option 2. We can help you understand your rights and work with you to make sure you can use your rights.



WHAT ARE MY RIGHTS DURING THE HOSPITAL EXAM?

As a person with a disability, you have the right to ask for help when you need it. These are called accommodations. If you have to go to the hospital for help after someone hurts you, these are things you can ask for as a person with a disability.

- **Not all hospitals or doctor's offices are accessible. Let the staff know any accommodations you might need.** Some accommodations are extra time during the appointment, using your wheelchair, help getting on and off the exam table, or a sign language interpreter.
- **You have the right to be checked by a doctor while lying down, just like other patients.** The hospital has special tables that move up and down so you can get on and off easily. The hospital may also have special staff that can help lift you onto the table. It is not your responsibility to bring someone to help lift you.
- **If you can't undress yourself, the hospital staff must help you.** It is not your responsibility to bring someone to help undress you.
- **At the hospital, you will be weighed.** The hospital has to have a scale that you can get onto, and if they don't, then they will send you to another doctor's office that does have one.

- **If you are deaf or hard of hearing, the hospital will get you an interpreter.** You do not have to pay for the interpreter.
- **If you are blind and cannot read what the doctor is telling you to read, you can ask for these things in Braille.**
- **You have the right to use assistive technology** during the exam. Assistive technology includes any devices or equipment you use to help you because of your disability, such as a communication device, prosthesis, hearing aid, wheelchair, or sensory supports.
- **You have a right to privacy** and everything that you and the hospital staff talk about must be done in private. Not in the waiting room.
- **If your disability makes it hard for you to talk to people, the hospital must give you extra time to tell them what happened** and let you tell your story. You may even want to ask for a longer visit just in case.
- **If you have a service animal, the hospital or the doctor's office has to let you bring your service animal with you.**
- **If you don't understand something, ask!** For example, ask your doctor or nurse to draw you a picture or tell you in writing if you don't understand what they are saying. Here are some ways to advocate for yourself when you don't understand something:
 1. "Please slow down."
 2. "Could you please say that again?"
 3. "What does that word mean?"
 4. "I have a question."
 5. "I don't think you are listening to me."
 6. "Please write down those instructions."
 7. "Please give me more resources."
- **You have the right to have choices about your own health, body, sexual life, and identity.**

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