

## **Deciding to Pursue Legal Action**

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The decision to pursue legal action is a very personal one, and it should not be taken lightly. Everyone will have a different reason for choosing whether or not to pursue charges. Regardless of whether you are considering speaking to the police hours after an attack, or years down the road, it is important that you weigh your options and make the choice that is right for you.

### **Family and friends**

Survivors will often experience pressure from family or friends to report the attack to police. While most people mean well, they often do not understand what is involved and the emotional toll that the process can take on an individual. No matter what your family and friends tell you, you do not *have* to report; this is your experience and this is a decision that you must make for yourself.

Keep in mind that for someone who hasn't experienced rape or abuse, the obvious solution is to report. Someone broke the law, and they need to be held accountable. Unfortunately, most people do not understand that real life is not like Law & Order, and that there are many factors that need to be taken into account. Do not be afraid to speak up for yourself and to explain that this is a decision you need to make.

### **Weighing your options**

When you are trying to decide whether to speak to the police and start the legal process, it is important to evaluate all of your options. Some thoughts you may include:

*I want him to pay for what he did.*

*I will be responsible if my perpetrator attacks another person.*

*If I do not press charges will people not believe me?*

*Will it be my fault if I am attacked again?*

Although these feelings are valid and very natural, you should avoid letting them influence your decision. Remember that you are not responsible for what the perpetrator did, nor are you responsible for what they may or may not do in the future. And while seeking justice is a very valid reason for pursuing prosecution, it isn't a good idea to base your decision solely on that, because there is an unfortunate but real possibility that the perpetrator will not be found guilty. Your primary concern here should be you. Look at your reasons for wanting to pursue charges, and think about what you expect to get out of the process. Some important questions you should ask yourself are:

*Will this help keep me physically safe?*

*Will I have people to support me through the process?*

*What would I like the outcome to be?*

*How will I feel if I do not get my desired outcome?*

*How will this benefit my healing?*

Ultimately, your reasons and expectations should focus on you and your healing, and should not be dependent on the perpetrator or the outcome of the trial. If your only objective is to have the perpetrator found guilty, you could end up disappointed. But if you focus on yourself and your personal goals, you are more likely to be satisfied, regardless of the outcome of the trial. Many victims who go through the legal process find that it helps them move forward with their healing. It is important to look at all the possibilities and think about how you would deal with those potential situations.

### **Deciding not to report**

If you decide that you do not want to pursue charges, you may consider filing a police report. In some areas, you can file a report without having to go through the entire process. Speak to your local police department to determine whether this is a possibility for you.

Regardless of whether or not you choose to file a report, remember that you are not responsible for the perpetrator's actions. It is absolutely possible to reclaim your life and

heal from this without prosecution or a guilty verdict.

## **Deciding to report**

If you decide that this is something you want to do, it would be helpful to contact a victim's advocate. Ask a detective, the prosecutor assigned to your case or your local rape crisis centre how you can find one. An advocate is trained to help you navigate the legal system, and they can explain the process, answer your questions and provide support.

It is also a good idea to keep track of everything that goes on during this process. Take note of what you said during your initial statement to police, as it may be several months or over a year before you have the opportunity to testify. This way you can review your notes before the trial. Remember that your initial statement will likely be written by a police officer. If you do not agree with what is said in the statement or if there are errors, make sure you say so. You should only sign the statement if you feel comfortable. To keep track of all the people you have spoken to and all the steps you have taken, you may use a form such as the one found [here](#). You might also consider keeping copies of any evidence that you turn over to police for our own files, if possible.

The process may be long and at times difficult, but remember that it is possible and you will get through it. It is very important that you seek out support to help you through the process. This may include finding a victim's advocate or therapists, speaking to family and friends, or asking for advice and support on the message board from survivors who have been through the process.

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