

# Court Manual

**YOUR GUIDE TO THE JUDICIAL SYSTEM IN ALASKA**

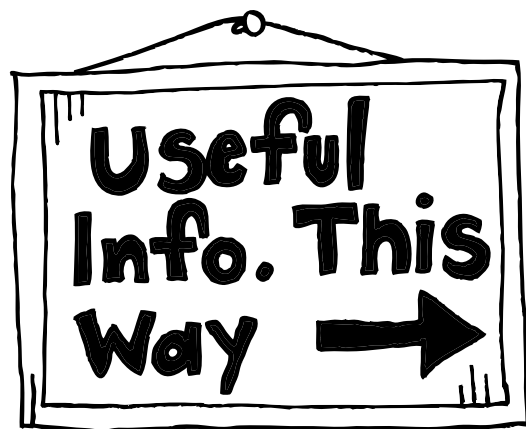
**and UNDERSTANDING INTERPERSONAL VIOLENCE**





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# Court Manual Introduction

You have been given this booklet to help you understand and prepare for going to court. If you have questions about any of the information provided, please call Standing Together Against Rape (STAR) and speak with an advocate.

Sexual assault is a crime. Depending on how a person is assaulted, it can also be called rape, sexual abuse or incest.

Laws are made and enforced in Alaska to keep people safe. If the law is broken, the person who committed the crime can be arrested, charged and tried in a court of law. Sexual assaults are considered crimes against the State. This is because the law of the land has been broken.

This can be confusing. Even though you are the person who was assaulted, it is the State of Alaska that “presses charges” against the person who committed the crime, often called the defendant. Your involvement is really important to prove the crime happened. And you may be requested to provide information, or testimony about what happened.

An advocate is available to support you through this process.

You may have questions.

Other teens have had similar questions.

This book tries to answer some of them.



*This project was supported through the Council on Domestic Violence and Sexual Assault by Grant No. 2007-WF-AX-0042 awarded by the Violence Against Women Office, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.*

# What is a Court Case?

A court case is simply a dispute that goes to court. The court is asked to decide (1) what the facts are, and (2) how the laws of Alaska apply to those facts. There are two kinds of cases: **civil cases** and **criminal cases**. Both criminal and civil cases involve a dispute over the rights and responsibilities of the people involved. In civil matters, the issue is usually money. In a criminal case, however, the defendant might be ordered to pay a fine or sentenced to probation, jail or prison, or even death. It is the possibility of losing life or liberty that distinguishes criminal from civil penalties.

**Civil law** is the law that deals with relationships between individuals. (A corporation is an “individual” under the law.) Civil suits are between private persons, such as a suit by one person to collect a debt from another person. (The word “suit” simply means “civil court case” and the word “sue” means to start a civil lawsuit.) The State of Alaska, just like an individual, can bring a civil action. An example of a civil case many people know about is a civil suit resulting from an automobile accident. One person sues another person for damages to his car or to himself from the accident. Some other kinds of civil cases are suits to collect money, suits for divorce and suits to recover property.

**Criminal law** is the law under which the federal, state, city borough, or tribal government brings a case against a person who has done something against the interest of **all** people. The government charges an individual with violating a criminal law or ordinance (city law) and brings a court action to punish and rehabilitate a person for what he did, so that he and other people will not do those kinds of acts in the future. The charging of a person with a crime and bringing him to trial is called a **prosecution**. The prosecution for all cases under the criminal law must be brought in the name of the federal, state, city borough, or tribal government, even though the case may be started by the complaint of a private person who is called the **complainant**. Some examples of crimes are murder, assault, disorderly conduct and drunk driving.

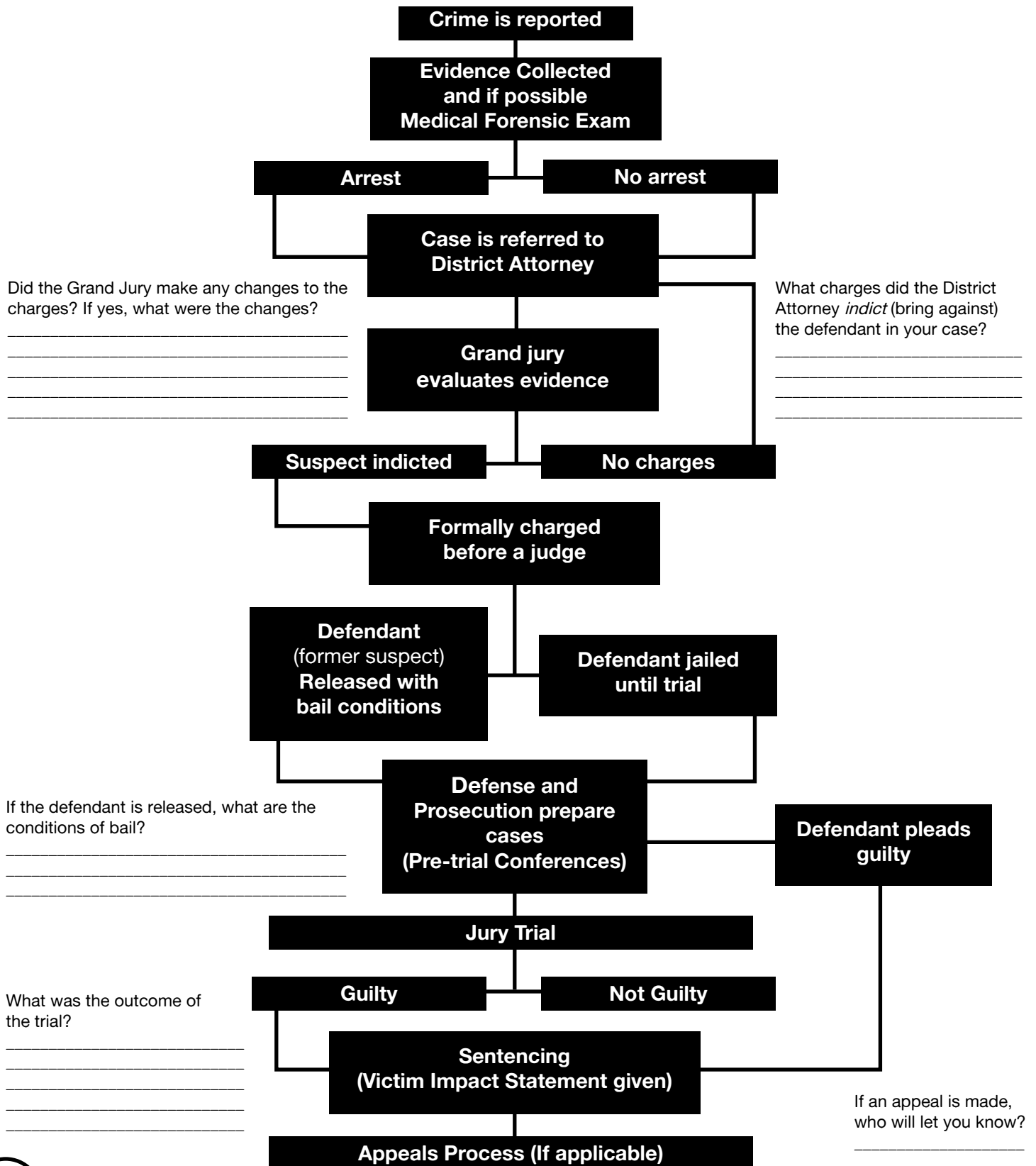
A person can do something which can result in both criminal and civil actions. For example, a person who steals a snow machine and wrecks it could be prosecuted by the state for the crime of theft and sued in a civil action for damages by the owner of the snow machine. The state, through the use of the courts, could bring a criminal action to punish the person by fining him, putting him in jail or both. The owner could demand in a civil court case that the thief pay him for the snow machine he destroyed.



*The contents of this page are based in part on the Profile of the Alaska Court System.*

# Court Process Diagram

## (Where are you in the process?)



# Types of Juries

## The Grand Jury

Hello, we are the grand jury. We are people from your community. We are in a private courtroom with only the prosecutor and one witness at a time. We sometimes get to ask questions. We decide what charges, if any, the District Attorney can prosecute.



## The Trial Jury

Hello, we are the trial jury. We are people from your community. We are in a public courtroom with the judge, the prosecutor, the defendant, the defendant's attorney, the witness and sometimes court watchers. We decide if the defendant is guilty of breaking the law. We sit quietly and listen.



# Who May Be There If I Go to Court?

In a trial, the government has to prove *beyond a reasonable doubt* that someone else hurt someone or they broke the law. The people in the courtroom will be...

**The Judge** is in charge of the courtroom and court proceedings. He or she acts like a referee to make sure everyone plays by the rules and that the trial is fair.

**The Court Clerk** takes care of the paperwork and makes sure the proceedings are recorded.

**The Prosecutor** (or the District Attorney) works for the State of Alaska and presents the case against the *defendant*.

**The Victim Advocate** works for a private agency. His or her job is to provide support and information to you, and to make sure your rights are respected.

**The Defendant** is the person who is on trial. The defendant has the right to question his/her accuser.

**The Defense Attorney** is a lawyer who represents the defendant and protects his/her rights. The defense attorney may ask you questions about what happened.

**Witnesses** answer questions about the crime. Witnesses provide *testimony* or answers to questions about what happened and how it happened. When you testify, you sit in the witness stand located near the judge.

**The Jury** is made up of 8 -18 people from the community who decide if the prosecutor proves the defendant is guilty. If a jury finds a defendant not guilty, it does not mean they do not believe you. It means someone on the jury doesn't feel enough proof was provided to make a decision.

**Judicial Services Officers** are uniformed security officers based in the courtroom to make sure it is a safe place for trial to happen.

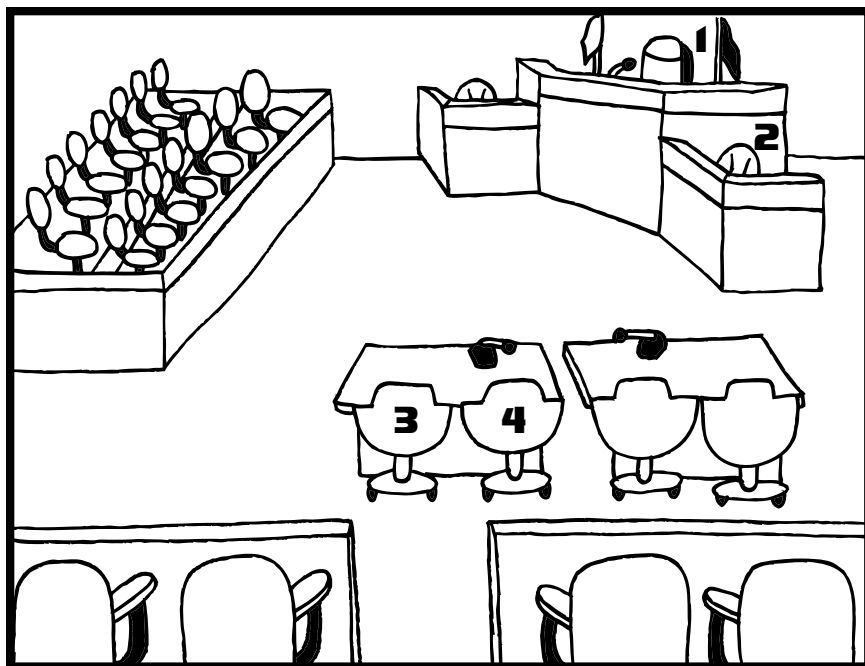
*Information provided by the U.S. Department of Justice Office of Justice Programs,  
Office for Victims of Crime*



The Nesbett Courthouse in Anchorage



# People in the Courtroom at a Jury Trial



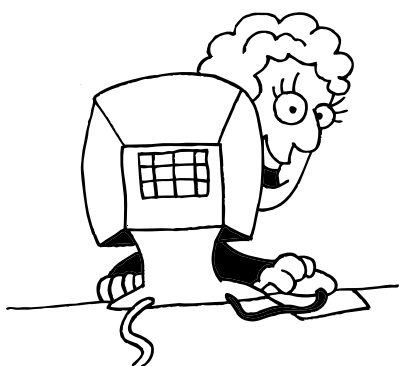
## 1. The Judge

The judge is the boss of the courtroom and makes sure people follow the rules.

The Judge is:

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## 2. The Clerk of Court

The clerk of court helps the judge by taking notes and giving the people the oath.



## 3. The District Attorney

The district attorney (or prosecutor) has to know Alaska's laws to decide if a law has been broken. The district attorney's job is to try to prove the defendant broke the law. The D.A. is:

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## 4. Law Enforcement Officer

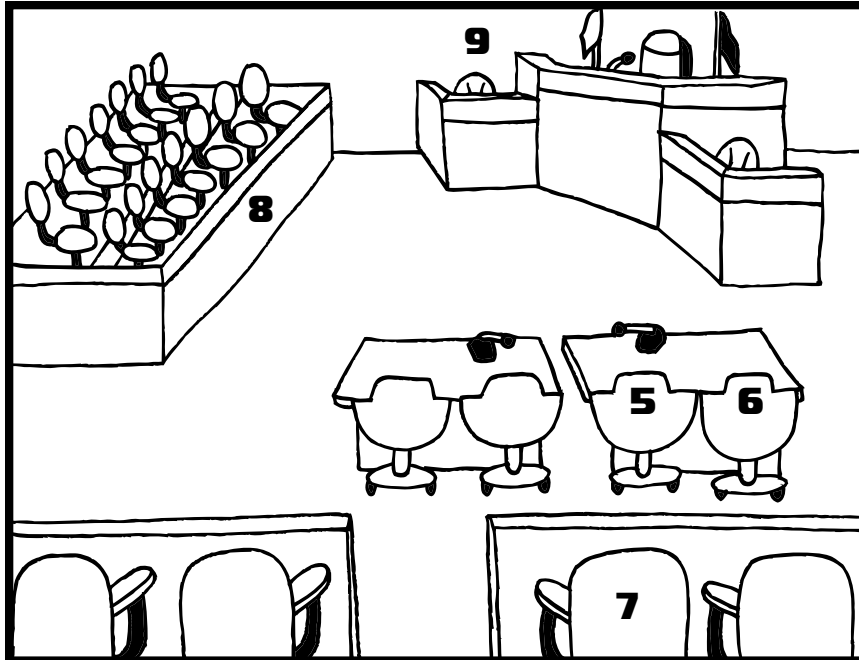
The officer's job is to listen to the witnesses. Sometimes he or she will whisper or pass notes to the prosecutor. The officer is a witness, too.

The officer is:

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# People in the Courtroom Continued



## 5. The Defendant

The defendant is the person the police and the prosecutor say has broken the law. Defendant's name:

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## 6. The Defendant's Attorney

The defense attorney's job is to help the defendant. He or she gets to ask questions after the prosecutor has finished asking you questions. Defense Attorney's name:

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## 7. The Victim Advocate

Works for a private agency. His or her job is to provide support to you, and make sure your rights are respected. The Victim Advocate is:

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## 8. The Trial Jury

The trial jury's job is to decide if the defendant is guilty of breaking the law. These people are from the community, and listen during the trial.

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## 9. The Witness...YOU!

Your job is to answer questions and to always tell the truth. That job never changes.

# Waiting to Testify

Sometimes court gets over quickly but most of the time it takes quite a while. After you meet with the attorney, you will probably have to wait for a while, so it's a good idea to bring a book or something to do.



# The Job of a Witness and Taking the Oath

The job of a witness is to tell the truth. Remember, that job never changes. Telling the truth is so important in court that all witnesses take an oath, to make sure they tell the truth. An oath is like a promise.

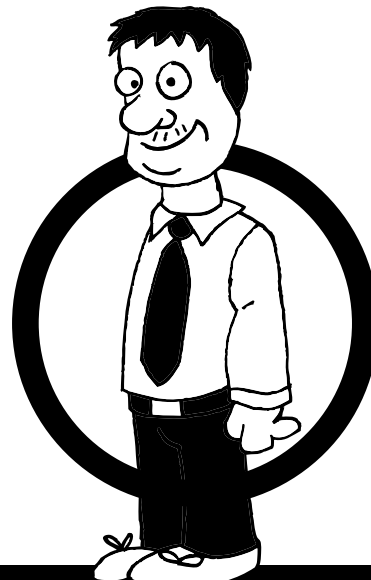
Testifying means answering questions in court after taking the oath. When brought into the courtroom, you will be taken to the witness chair, then you will take the oath.

A person the judge has chosen will give you the oath. He or she will ask you to raise your right hand and ask you to swear or promise to tell the truth. You take the oath to tell the truth by saying, "I do."



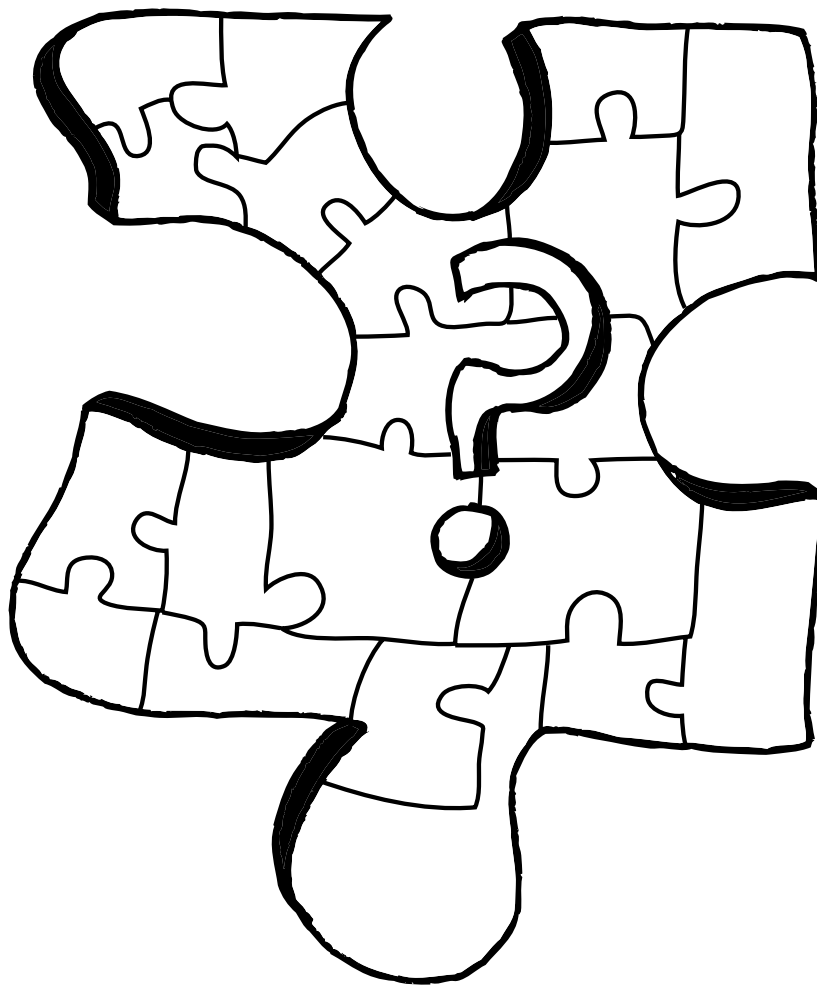
# When You Go to Court

- Many people will wear nice clothes and look presentable for court.
- Do not chew gum or wear hats in the courtroom.
- Cell phones and/or pagers need to be turned off, or left outside the courtroom.
- Be on time. The prosecutor will tell you what time you need to be at the courthouse. Wait outside the courtroom with your advocate until you are called into court.
- When you are called into the courtroom, you'll be asked to spell your name and take the oath. You may have to attach a small microphone to your clothing so your testimony can be heard and recorded by the Clerk.
- You can ask for a break if you feel you need one.
- Tell the truth as you know it to be. If you don't know the answer to a question, it is okay to say "I don't know" or "I don't remember". Never guess or make up an answer.
- If you don't understand a question let the district attorney know. Don't guess what the questions mean or volunteer information (provide more information than was asked).
- Don't feel you must answer a question right away. Taking a moment before you respond helps you to understand the questions, form your answer, and it gives the prosecutor time to object to the question.
- Look at the attorney when the question is given to you. Look at the jury while you answer. "Yes" or "no" answers are usually best as well as brief explanations (if necessary). Avoid long answers.
- If you are interrupted, stop speaking until the judge tells you to continue.
- When you are through testifying, the judge will excuse you and you may step down. You may be called to testify again during the trial until you are released from your subpoena.



# The Judge or the Jury's Decision

After all the witnesses have testified, the judge or the jury has a job to do. That job is to decide if there is enough evidence to prove the defendant broke the law. This is like putting a puzzle together. Sometimes the jury or the judge will feel confused or think an important piece is missing. If that happens, they may find the defendant not guilty of breaking the law. It is never the fault of a witness if the defendant is found not guilty. The witness does his or her job by answering questions and telling the truth.



# Know Your Rights!

If you are the victim of a crime, you have many rights. Below, we have listed some of them. For a complete list of rights, please contact your Advocate.

- Fair, respectful treatment by all;
- Protection from the accused;
- Access to prosecutors;
- Timely processing of your case;
- To be present at all proceedings where the accused is present;
- Restitution, or compensation from the convicted party for damages;
- Informed when the accused is released or if custody status changes;
- Transportation to a safe place or shelter;
- Assistance in obtaining orders of protection;
- Right to privacy – Your personal information is confidential, and in the cases of sexual assault crimes, your name cannot be used in the public record;
- You are not required to speak with defense attorneys or their investigators outside of providing testimony in the courtroom.

To check if a defendant is in custody, you can search on the web for that individual's name:

<https://www.vinelink.com/vinelink/initMap.do>

To see what is happening in a case step by step:

<http://www.courtrecords.alaska.gov>

To see if a defendant has a hearing on a particular day, and where it is, go to:

<http://www.state.ak.us/courts/trialcts.htm>

For additional resources or help understanding what you find on these websites, please contact your Advocate.



# Understanding Sexual Assault Trauma

Going to court isn't easy, especially if you have experienced some type of sexual assault. Answering all the questions can be very difficult, and explaining what happened can be embarrassing. Many people who have been through what you are experiencing had similar feelings.

Understanding a common process of healing may help you feel better about the situation. **Rape Trauma** describes a common pattern of emotion many people experience. Take a look at the stages described and see if you had or still have any of these feelings.

## 1. Acute Phase

The Acute phase or "crisis" phase happens right after something bad has happened. This is when you are responding to trauma and you may have some of the following reactions:

**Expressed:** This is when the survivor is openly emotional. He or she may appear agitated or hysterical, he or she may suffer from crying spells or anxiety attacks.

**Controlled:** This is when the survivor appears to be without emotion and acts as if nothing happened and everything is fine. Even though a person appears to be fine that does not mean everything is ok on the inside. He or she may be in shock.

**Shocked Disbelief:** This is when the survivor reacts with a strong sense of disorientation. He or she may have difficulty concentrating, making decisions or doing everyday tasks. He or she may also have problems recalling the assault.

## 2. The Outward Adjustment Phase

The adjustment phase occurs when you are trying to get your life back to normal. You may not want to answer any more questions and wish that people would just leave you alone. It is important to remember that everyone responds differently so whatever way you are handling the situation is okay; as long as you aren't hurting yourself or other people. What can be challenging about this phase is that it often occurs at the same time court hearings are happening. You may find yourself experiencing some of the reactions listed below:

<b>Minimization</b>	Pretends that "everything is fine" or that "it could have been worse"
<b>Dramatization</b>	Cannot stop talking about the assault and it is what dominates their life and identity.
<b>Suppression</b>	Refuses to discuss the assault, acts as if it did not happen.
<b>Explanation</b>	Analyzes what happened. What the individual did, what the person who assaulted you was thinking/feeling.
<b>Flight</b>	Tries to escape the pain (moving, changing jobs, changing schools, changing appearance, changing relationships, etc.)

There are many behaviors that appear during this phase including:

- Continuing anxiety
- Severe mood swings
- Sense of helplessness
- Persistent fear or phobia
- Depression
- Rage
- Difficulty sleeping (nightmares, insomnia, etc.)



- Eating difficulties (nausea, vomiting, compulsive eating, etc.)
- Denial
- Withdrawal from friends, family and/or activities
- Hyper-vigilance (overly aware of your surroundings, noises, etc.)
- Reluctance to leave house and/or go places that remind the individual of the assault
- Sexual problems
- Difficulty concentrating
- Flashbacks

### 3. The Resolution Phase

The resolution phase means that you have come to some sort of peace about the assault. Instead of feeling badly all the time you have learned how to handle the pain in a healthy way. Unfortunately, this phase often takes a long time to reach. Talking to a trusted friend, advocate or parent, writing in a journal and drawing are just a few ways people heal.

### Flashbacks

Many people who have experienced trauma also have flashbacks. A flashback is a past experience that replays clearly in your mind.

### What Flashbacks May Feel Like

**Emotional flashbacks** may feel like intense fear, anger, or sadness without understanding why these feelings occur.

**Visual flashbacks** occur when you can see part of all of the traumatic experience as if it were happening in front of your eyes.

**Auditory flashbacks** are triggered when you re-experience the voices or sounds you heard during the trauma.

**Body flashbacks** occur when you re-experience the physical pain and other physical feelings associated with the abuse.

### Facing the Fear of Flashbacks

1. Tell yourself you are having a flashback.
2. Remind yourself the worst is over.
3. Take deep and slow breaths.
4. Use your senses and become aware of your surroundings.
5. Speak to the part of yourself that is hurting.
6. Get in touch with your need for boundaries.
7. Get support.
8. Give yourself time to recover.
9. Honor your experience.
10. Be patient.
11. Find a therapist that listens to you or call a Crisis Line
12. Join a self-help group.
13. Remember you are not losing your mind, you are healing.

*This information was provided by RAINN.*



# Understanding Interpersonal Violence

Many families in Alaska are effected by domestic violence in addition to sexual assault. If you feel you may be in a violent relationship, there are many services available to you. Please call STAR for more information on domestic violence services. If you are unsure whether your relationships are healthy, you can always speak with an advocate about your concerns. Another tool available to you, to help you understand what a violent relationship looks like, is the Power and Control Wheel.

The Power and Control Wheel (below) lists eight different ways an abuser can control a relationship. If you can identify some of these issues within your relationship, call an advocate to learn about safety planning and options available to you.

Discovering that you may be in an unhealthy relationship can be traumatic. Often times an abused partner will blame themselves for the problems, or feel guilty for staying with an unhealthy partner. Leaving a relationship is hard, no matter what. The Cycle of Violence may help you see how hard it is to leave.

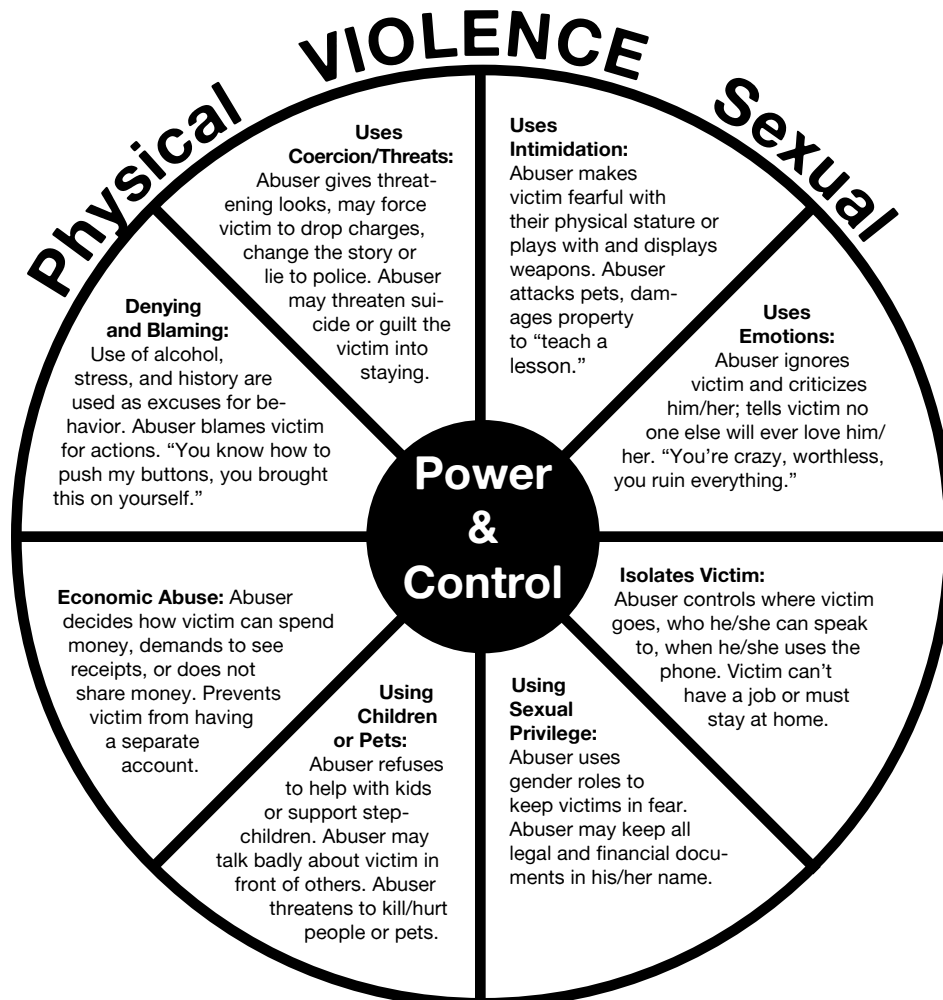
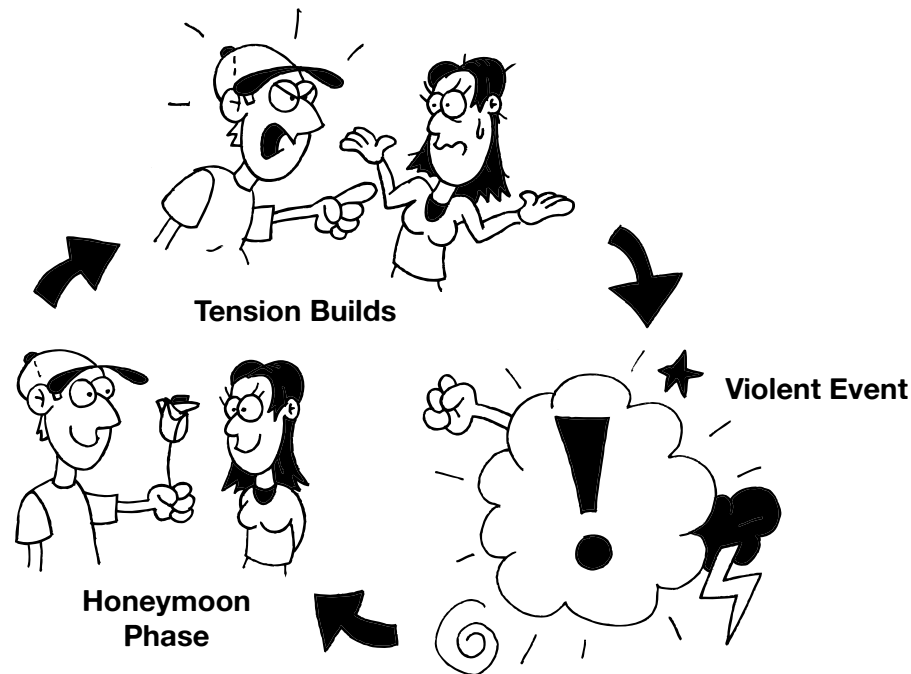


Chart adapted from the publication by Domestic Abuse Intervention Project, Duluth, MN.

# Learning How to Break The Cycle



## The Cycle of Violence

- The cycle will speed up over time, repeating more and more.
- The violence may become more deadly each time it repeats.
- Even after getting help, the cycle may continue if you stay in contact with the abuser.
- Education and support can break the cycle.

This picture explains how the Cycle of Violence works. The first stage is the honeymoon phase, also called the non-violent stage, where you and your partner are getting along and have forgiven each other after the argument you had a few days ago. Quickly, things become stressful. It seems like you can't do anything right and feels like you have to walk on egg-shells around him/her. This is called the tension phase, and there is no certain length of time it will last. Finally, something big happens. Whether you are called bad names, pushed, or hit, the tension breaks. A violent event has occurred, you may be injured or believe that you want to leave the relationship. The police may become involved, you may leave, or maybe no one knows what happened. Eventually, things settle down and you feel comfortable or find it is necessary to talk with him or her. Your partner feels badly about what happened (honeymoon phase) and promises you it will never happen again. After a while you become convinced your partner will do anything to "fix" the relationship.

If the police are involved you may even change your story to protect your partner. You may want to stay with your partner and want all legal action to stop. Things go back to normal for a while, but then you feel the stress and tension building again. You may find it more difficult to get help, or get away safely.

What you have to know is if a violent event occurs again and you try to get help, some people may not think you are telling the truth. You may feel like you have lost support, which may make you feel you have no options for help. STAR understands the difficulty of leaving a violent relationship and we can help.

# Self Care for Those Affected by Sexual Assault

Self care is just that – learning to care for your own well being. For victims of sexual assault, this is a valuable method for healing. Since so many victims choose not to disclose to others, their primary source of support comes from within themselves. Here are a few ideas for taking care of yourself.

## **Keep a journal**

Writing down your feelings is not only a great way to get your emotions out, but also can help you track your own healing process. Looking back over entries in a journal can help you identify the progress you've made.

## **Put yourself on a schedule**

Make an appointment to do an activity you enjoy. Rent a movie, soak in the tub, read a book, ask a friend to lunch. It is your responsibility to make time for yourself...no one else can do it for you.

## **Exercise**

We all know exercise releases chemicals in your body which make you feel better. When your body feels good, your heart and mind have a better chance of feeling that way, too. Find a way to move your body!

## **Build a network**

You never have to talk about the assault if you are not ready. But that doesn't mean you have to be lonely and isolated. Be brave and spend time with friends or make new ones who can help keep you afloat. Book clubs and craft groups are a couple suggestions for meeting new people.

*Remember, a moment for yourself can be a moment of healing.*



# Resources



## **Standing Together Against Rape (STAR)**

1057 W. Fireweed Lane Suite 230

STAR offices are open 8-5 pm Monday - Friday

Office Number: (907) 276-7279

Crisis Line Number: (907) 276-7273

TTY: (907) 278-9988

Website and online contact: [www.staralaska.com](http://www.staralaska.com)

## **Alaska Native Justice Center (ANJC)**

3600 San Jeronimo Drive Suite 264

Anchorage, AK 99508

Phone: (907) 793-3550

Fax: (907) 793-3570

Website and online contact: [www.anjc.org](http://www.anjc.org)

## **Abused Womens Aid in Crisis (AWAIC)**

Domestic violence: shelter, counseling, advocacy, crisis line,  
children's services, batterer counseling and education

Office Number: (907) 276-7279

Crisis Line Number: (907) 272-0100

Website and online contact: [www.awaic.org](http://www.awaic.org)

**Anchorage District Attorney:** (907) 269-6300

## **The Rape, Abuse, Incest Network (RAINN)**

1-800-656-HOPE

Can automatically connect the caller to the nearest available  
sexual assault services provider

## **Alaska Council on Domestic Violence and Sexual Assault**

Alaska Department of Public Safety

Website and online contact: [www.dps.state.ak.us/Cdvsa](http://www.dps.state.ak.us/Cdvsa)

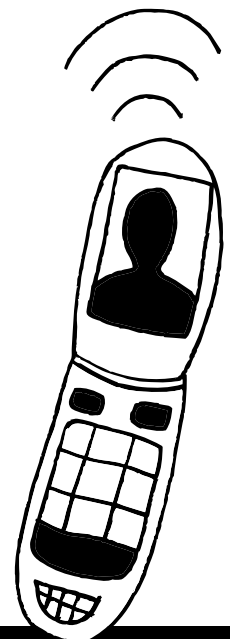
## **Alaska Network on Domestic Violence and Sexual Assault**

Website and online contact: [www.andvsa.org](http://www.andvsa.org)

## **Emergency Contraception: 1-888-NOT-2-LATE**

Also available from Alaska Women's Health Services

(907) 563-7228



# Resources Continued

## **Violent Crimes Compensation Board**

Financial compensation for victims of violent crimes

(907) 456-3040

1 (800) 764-3040

## **Alaska Internet Sex Offender Registry**

Website and online contact: [www.dps.state.ak.us/Sorweb/sorweb.aspx](http://www.dps.state.ak.us/Sorweb/sorweb.aspx)

## **The Arc of Anchorage**

Christine King, Case Manager

2211 Arca Drive

Anchorage, AK 99508

Phone: (907) 277-6677

TTY: (907) 258-2232

Fax: (907) 272-2161

Website and online contact: [www.arc-anchorage.org](http://www.arc-anchorage.org)

## **Alaska Immigration Justice Project**

431 West 7th Ave., Suite 208

Anchorage, AK 99501

Phone: (907) 279-2457(AIJP)

## **State of Alaska Office of Victims' Rights**

D. Victor Kester, Director

1007 West 3rd Avenue, Suite 205

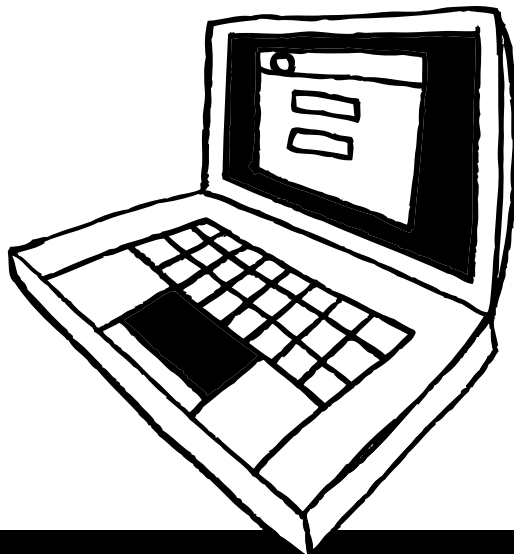
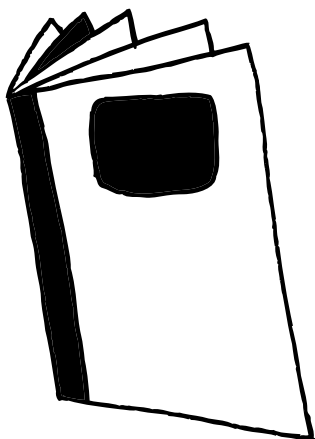
Anchorage, AK 99501-1936

Phone: (907) 272-2620

Toll Free within Alaska: (866) 274-2620

Fax: (907) 272-2640

You may also e-mail the office at:  
[officeofvictimsrights@legis.state.ak.us](mailto:officeofvictimsrights@legis.state.ak.us)







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