

Victim or Survivor:

Terminology from Investigation Through Prosecution

A common question among those who work in the field of sexual assault is, “Which term is better to use, *victim* or *survivor*?” Although both terms are appropriate, they serve different needs. The term *victim* typically refers to someone who has recently experienced a sexual assault; additionally, this word is commonly used when discussing a crime or when referencing the criminal justice system. The term *survivor* often refers to an individual who is going or has gone through the recovery process; additionally, this word is used when discussing the short- and long-term effects of sexual violence. Some people identify as a victim, while others identify as a survivor. The best way to be respectful is to ask for their preference. This National Sexual Assault Kit Initiative Training and Technical Assistance (SAKI TTA) resource explores the use of the terms *victim* and *survivor* within the criminal justice system from the perspective of practitioners who work with victims-survivors.

Importance of the Term *Victim*

Within the criminal justice system, the term *victim* describes a person who has been subjected to a crime; the word serves also as a status that provides certain rights under the law. However, the word does not imply weakness, assume guilt, or assign blame. Investigators and prosecutors use this term to illustrate that a crime has been committed against a person.

Words only have the power that we, as individuals and a society, give them.

—SAKI Prosecutor

Stakeholders and practitioners continue to work together to reform the community response to sexual assault through community-based activities such as meetings and trainings. This work centers around the legal definition and an individual’s progress through the criminal justice system; with this in mind, the term *victim* is predominantly used in this context.

Necessity for Both Terms

Both terms have their place and serve different purposes. Although *victim* is a legal definition necessary within the criminal justice system, *survivor* can be used as a term of empowerment to convey that a person has started the healing process and may have gained a sense of peace in their life. Either term can be used based on the situation, and different entities within the criminal justice system will use terms that work for their role in the process.

For example, law enforcement, systems-based advocates, and prosecutors will primarily use the term *victim*; community-based advocates and other similar service providers are more likely to use the term *survivor*. Practitioners and individuals working with victims-survivors must understand that the terms can be used interchangeably in a respectful way. Although practitioners and victims-survivors alike typically have a preferred term, both terms are needed and appropriate based on the context and possible requirement for a legal status.

A person who identifies as a survivor may not see themselves as a victim because they have gained strength through their process of healing. Explaining the definition of *victim* within the criminal justice system will help the individual understand the term as a legal status, not as a label. Remember, don’t assume that because someone felt empowered by the term *survivor* that they will always identify with that term. How a person feels about their experience and the impact of their assault goes beyond the use of terminology, and a survivor may not always feel empowered. Consistent and open communication about how a victim-survivor feels is a critical part of continued support.

Voice from a Survivor

*Survivor is a term that empowers me and allows me to communicate that I have been through an ordeal, but I have come out the other end. I certainly do use the term **victim**, especially when I am describing the assault itself. I use the term **victim** to express that this crime is horrific, life changing, affects everyone that is near and dear to me.*

I think that what has really been important throughout my journey, regardless of who I am speaking with—whether it is an advocate, a detective, or a prosecutor and whatever term they utilize when speaking with me. That isn't what I remember—what I remember is the kindness, the regard, the patience; that is the most important thing.

—Sexual Assault Victim-Survivor

Whether being referred to, or identifying with, the term *victim* or *survivor*, individuals who have experienced a sexual assault can feel empowered through building rapport with the investigators, advocates, and prosecutors. By being open about the different use of the terms, jurisdictions can demonstrate to victims that their community is working not only to support them on their path to recovery but also to hold offenders accountable. The more a victim-survivor understands what to expect, what their options are, and which terminology is necessary as they progress through the criminal justice system, the more likely they will feel empowered and begin the healing process.

Authors:

RAINN (Rape, Abuse & Incest National Network) is a dynamic organization comprising experts to provide the best-in-class services for survivors, inform and educate the nation about sexual violence, and improve the public policy and criminal justice response to sexual violence. The victim services experts at RAINN take a victim-centered, trauma-informed approach to developing programs and services that support survivors of sexual violence and their loved ones.

Natasha Alexenko is a survivor of sexual assault and the backlog of unsubmitted sexual assault kits. In 2011, she started Natasha's Justice Project, a nonprofit dedicated to eliminating the untested sexual assault evidence kits throughout the country. Natasha is a survivor, an activist, and an educator who is working to change the criminal justice system's response to sexual assault.

Lieutenant Jordan Satinsky is currently the Deputy Commander of the Special Victims Investigative Services Division in the Montgomery County Police Department. He has been a law enforcement officer since 1999 and has investigated child sex/physical abuse, adult sex crimes, elder/vulnerable adult abuse, domestic violence, and homicide. Lieutenant Satinsky founded the Sex Assault Unit for the county police and was instrumental in integrating the police department in the local Family Justice Center.

Marya Simmons is a SAKI TTA partner and consultant with extensive experience training victim/witness advocates and providing ongoing support and crisis intervention for victims. Ms. Simmons also serves as a liaison for victims with prosecutors and law enforcement officers. Previously, Ms. Simmons served as the victim-witness unit supervisor for the Cuyahoga County Prosecutor's Office in Ohio.