



National Alliance to
End Sexual Violence

*A NATIONAL VOICE FOR STATE
AND LOCAL ADVOCATES DEDICATED
TO ENDING SEXUAL VIOLENCE.*

December 9, 2013

A National Perspective on Recent High-Profile Sexual Assault Cases

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National Alliance to End Sexual Violence Statement: A National Perspective on Recent High-Profile Sexual Assault Cases

Stebenville. Chapel Hill. Maryville. Tallahassee. Billings. Nashville. Storrs. Across our nation incidents in cities, towns and universities have put sexual assault in the headlines along sports teams and fraternities. As national leaders in the efforts to respond to sexual violence and support survivors, it is deeply disturbing to us that as a nation we've made seemingly little progress in addressing this issue. Why haven't things changed? Why are we still blaming victims?

For the almost 1 in 5 women who have been the victim of an attempted or completed rape in this country, national commentary must be, in large part, an excruciatingly painful burden added to the already tough work of living with the devastating impacts of the crime. Our hearts go out to each survivor, and we promise that you are not alone, even though it may feel that way much of the time.

There is also no escaping the facts, and we ask everyone to acknowledge them:

- A sex crime, a crime against a person, is charged as a crime against the state. The final decision of whether to move forward belongs to the prosecutor and that decision is based on the perceived quality of the evidence. Many survivors are scared of pursuing criminal charges, and cases rarely go forward without their cooperation. A prosecutor's decision to drop a case does not necessarily mean the accused is innocent.
- Probable cause is needed. Not charging an individual does not mean the victim was lying or that a crime did not occur.
- Federal data sources suggest that there is little or no change in the rate of prosecution, conviction, and incarceration for rape in the last two decades. Of 100 forcible rapes that are committed:
 - o Approximately 5-20 will be reported;
 - o 0.4 to 5.4 will be prosecuted;

- o 0.2 to 5.2 will result in a conviction;
- o Only 0.2 to 2.9 will yield a felony conviction;
- o Only 0.2 to 2.8 will result in incarceration of the perpetrator;
- o Only 0.1 to 1.9 in prison and 0.1 to 0.9 in jail.

- Sexual trauma affects survivors in many ways, including memory and the ability to recall details of the crime.
- Individuals cannot legally consent to sex when they are incapacitated.
- False reporting of rape is rare.

There is also no escaping some very tough questions, and we ask everyone to wrestle with them:

- Can our heroes be cruel and still seem nice and be good athletes and coaches?
 - What facts and feelings do we use to form an opinion about an incident of sexual assault?
 - How and why do we try to distance ourselves from the experience of victims?
 - What makes it so difficult to believe someone who reports a sexual assault?
 - Can we participate in the status quo when so many around us are suffering and need us to stand with them?
 - How does the culture of male-centered activities such as sports teams and fraternities create an atmosphere that allows sexual violence?
 - How are racism and rape intertwined?
 - What leads “ordinary” young men and boys to engage in behavior that profoundly lacks empathy?
 - How much weight and responsibility do we place on victims reporting sexual assaults when comments are made about “ruining” the lives of athletes and those in positions of power?
- Those of us who have been working in the anti-sexual violence movement for decades know that a culture based on male dominance plays a key role in sexual violence. Unless and until we are willing to examine all of the ways this plays out in our society, including a “boys will be boys” mentality, the change that must occur will not. Football towns will continue to sweep sexual violence under the rug with cheering fans echoing in the background; institutions of higher learning will continue to follow the letter rather than the spirit of the law when responding to sexual assault; and too many young women will have their dreams threatened.

As we gather in stadiums and around television sets over the next few weeks to watch the big game, we ask you to consider that someone deeply hurt by sexual violence sits somewhere very nearby. Consider the possibility that the person might be your daughter, your girlfriend, your wife, your friend, your mother, your brother or your son. And ask yourself if you can contribute in some way, whether it be by speaking up when you hear inappropriate comments or by encouraging your friends or business partners to make a donation to your local rape crisis program. We call upon members from every facet of society to take a stand against sexual violence today by making a decision to consciously avoid the trap of victim-blaming.

¹Black, M.C., Basile, K.C., Breiding, M.J., Smith, S.G., Walters, M.L., Merrick, M.T., Chen, J., & Stevens, M.R. (2011). The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Summary Report. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. Available at:

http://www.cdc.gov/ViolencePrevention/pdf/NISVS_Executive_Summary-a.pdf

²Lonsway, K.A. & Archambault, J. (2009). The ‘Justice Gap’ for Sexual Assault Cases: Future Directions for Research and Reform. *Journal of Violence Against Women*. Available at:

<http://counterquo.org/assets/files/reference/Justice%20Gap%20for%20Sexual%20Assault%2005-25-10.docx>.

ⁱⁱⁱThe NAESV gratefully acknowledges the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, for allowing us to reproduce, in part or in whole, the video Interview with Dr. Rebecca Campbell on the Neurobiology of Sexual Assault. The opinions, findings, and conclusions or recommendations expressed in this video are those of the speaker(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice.

^{iv}Lonsway, K. A., Archambault, J., & Lisak, D. (2009). False reports: Moving beyond the issue to successfully investigate and prosecute non-stranger sexual assault. *The Voice*, 3(1), 1-11. Retrieved from the National District Attorneys Association: http://www.ndaa.org/pdf/the_voice_vol_3_no_1_2009.pdf and Heenan, M., & Murray, S. (2006). Study of reported rapes in Victoria 2000-2003: Summary research report. Retrieved from the State of Victoria (Australia), Department of Human Services: http://www.dhs.vic.gov.au/__data/assets/pdf_file/0004/644152/StudyofReportedRapes.pdf