

SEXUAL ASSAULT REPORT™

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Victimization and Reporting

Inside the Ebony Tower

by Veronyka James

Introduction

Though several studies have examined the crime of sexual assault, the exact extent of this victimization remains unknown due to various methodological issues, such as the definition(s) used, types of data collection (*e.g.*, official reports versus victimization surveys), and sampling differences (DeKeseredy, 2011; Fisher et al., 2010; Reddington & Kreisel, 2009; Rennison, Dragiewicz & DeKeseredy, 2013; Rozee & Koss, 2001). These studies proclaim varying prevalence and incidence rates of sexual assault, thus, “the stubborn reality . . . is that developing reliable statistics of sexual victimization is a daunting challenge” (Fisher et al., 2010, p. 8; see also Rennison et al., 2013). Despite the inability to gather accurate statistics on the extent of this crime, to illustrate the severity of the problem the statistic often referenced is that one in four women¹ will be a victim of rape or attempted rape in their lifetime (Fisher et al., 2003, 2010; Reddington & Kreisel, 2009).

Although the actual scope of sexual assault victimization remains unknown, researchers agree that it is a serious crime affecting many women, particularly those attending colleges and universities. Studies consistently find that those with the highest rate of victimization are women in their late teens through early 20s (Breiding et al., 2014; Fisher, et al., 2000, 2003, 2010; Kilpatrick & McCauley, 2009; Krebs,

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Nonconsensual Pornography: Circulating Sexual Violence Online

by Amber Morczek

Introduction

Technology is ubiquitous in our culture. From web-based professional communication to dating apps making hooking up more efficient and impersonal, it is nearly impossible to avoid Internet technology and the myriad of devices it contains. Therefore, it is not surprising that violence toward women has evolved to include violence perpetrated within and between nebulous spaces such as the Internet and that one of the largest platforms for sex, violence, and sexual violence is now the web.

Although violence can be perpetrated using online media in many ways, much is sexual in nature. Technologically driven sexual content is increasingly available and in a porn-saturated world, it is no wonder that new iterations of a time-worn concept arise almost daily. Accordingly, it is imperative to critically examine pornography—especially if said pornography is non-consensually created and/or uploaded. Thus, this article will define nonconsensual pornography, how it impacts victims, what is being done to address it, and how it relates to rape culture.

Defining Nonconsensual Pornography

Although we readily hear the term “revenge porn” used as a catch-all, shorthand term to describe the distribution of

sexual images without the subject’s consent, the term does not holistically encompass all means by which one could find sexually explicit imagery of oneself online sans consent. Using the term “revenge porn” often paints an overly simplistic picture of this phenomenon. Indeed, this is not a one-size-fits-all topic, and the term is a bit of a misnomer, as not all nonconsensual pornography involves a vengeful former partner.

While some scholars refer to the non-consensual dissemination of pornographic images and/or videos as simply “revenge porn,” others have opted to use different terminology. Some denote the nonconsensual dissemination or otherwise misuse of sexually explicit images as “nonconsensual pornography” (D’Amico & Steinberger, 2015), while others refer to it as “involuntary pornography” (Driscoll, 2016), “non-consensual distribution of intimate images” (Mathen, 2014), or “image-based sexual exploitation” (Henry & Powell, 2016, p. 2). Despite the varied terminology used to describe this phenomenon, I will use non-consensual pornography.

One of the first notable instances of nonconsensual pornography can be linked to Hustler Magazine in the 1980s. Photos of naked women were submitted by consumers, sometimes accompanied by personal identifying information of the individual

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in the photo. This was the subject of legal action at the time because some of the images were submitted without the subject's knowledge and consent (Salter & Crofts, 2015). However, the history of nonconsensual pornography in the digital age entered mainstream culture via the website, *Is Anyone Up?*

Created by Hunter Moore in 2010, *Is Anyone Up?* became a popular central repository for those who wanted to seek revenge upon their former partners by distributing pornographic images and videos of them without their consent. It also linked to personal information including direct connections to their social media profiles and all the information included. Images contained on the site included "selfies" and/or images or video taken consensually by one's partner. The website, at the peak of its popularity, garnered 240,000 unique visitors per day, but was shut down in 2012 after the FBI investigated claims that many victims had their personal devices hacked and sexually explicit images stolen and distributed using this platform (Slater & Crofts, 2015, p. 240).

More recently, nonconsensual pornography made international headlines when a hacker "gained entry into more

than 100 phones belonging to celebrities through Apple's iCloud" and posted them online (Durio, 2016, p. 3). Celebrity victims included Jennifer Lawrence from The Hunger Games franchise, as well as many other prominent Hollywood names. Similar to the more robust conversations about stalking precipitated by high profile celebrity cases, the media fodder in this case was the result of big name celebrities falling victim.

It is clear there is a demanding audience for nonconsensual pornography. A simple online search quickly led to *MyEx.com*, whose description read:

What's the ultimate humiliation when your girlfriend cheats on you or acts like a crazy bitch? Put them on the Internet of course! MyEx is a revenge site where you can submit your ex or view other people's and although ThePornDude isn't sure if it's completely user submitted, it's quite fun looking through all of the shamed exes! Along with photos of their exes, users submit details about them, like if they cheated, or are a slut. Some of these details are really crazy but amusing to read! You'll get sex tapes, guys, girls and even celebrities submitted to this site so there's plenty of variety no matter which way

you swing. You could waste a lot of time on this site and even submit your own ex if she/he proves to be a cunt! (MyEx, 2016).

Here victims are described using hostile, abusive, and dehumanizing language, and framed as deserving objects for degrading online fodder and perverted voyeurism. While this single website is but a microcosm of a broader system that enables and glorifies violence, it provides some disturbing insight into how deeply rooted hostility, a lack of consent, and sexual violence are eroticized and desired by those providing content for and visiting websites such as this. I believe this speaks more broadly to how victimization is viewed: as normative, warranted, justifiable, and enticing. There are multiple perspectives to critically examine: the motives of those manufacturing and uploading nonconsensual pornography, those who enjoy consuming it, and our culture's indulging abuse.

Facets of Nonconsensual Pornography

Nonconsensual pornography is used to describe a wide variety of pornographic images that were created, misused, distributed, or otherwise accessed without

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When People With Disabilities Are Victims of Sexual Violence: A Message to Policy Makers

by Shirley Pacey and Teresa Tudor*

People with disabilities experience sexual violence at rates greater than people without disabilities, according to the Bureau of Justice Statistics, National Crime Victimization Studies (2007-2011). Other studies indicate that people with disabilities are three to 10 times more likely to experience violence than people without disabilities. One study found approximately 5 million crimes were committed against people with developmental disabilities in comparison to 1.4 million child abuse cases and 1 million elder abuse cases (Petersilia, 2000). People with disabilities have a larger number of perpetrators and duration of abuse was longer (Nosek et al, 2003). The research provides the landscape for prevalence and may even suggest impact and possible strategies for addressing sexual violence against people with disabilities; although the voices of survivors are critical, they may not be captured.

As women with hidden disabilities, and professionals working to end violence against people with disabilities, we have a passion for understanding this violence, especially sexual assault. We have been honored to hear many survivor stories, to empower survivors to serve on collaborative teams, to create prevention materials and to change systems to better respond to survivors with disabilities. We have learned much from the brave individuals who have let us walk beside them and want to share the “top ten” lessons in hope of empowering others. In the words of those deeply affected by sexual violence, we honor their voices.

- **We Have Been Hurt.** Sexual violence is a very real part of our lives. We feel shame and guilt and fear and confusion. It may not be in our record. No one may

know that we suffer. It most likely happened many times and by more than one person. For some of us, it has been so common we think it is just a part of life. We may not report because we fear losing services and independence, not being believed, not being considered a credible witness, not getting victim services. We may not know there is anyone who can help us so . . .

- **We need you.** We need to be educated about our rights. We need sexual assault centers, law enforcement, sexual assault nurse examiners (SANEs) and disability agencies to work together. We need policies and laws and resources that will support our right to live safely and make sure we can access services (including yours) when someone hurts us. But first we need you to understand that . . .
- **We Are Not All the Same.** People with disabilities are a diverse group and there is no one-size-fits-all. Our disability labels include physical disabilities, intellectual disabilities, mental illnesses, developmental disabilities, blind, and deaf. Everyone with a particular label is unique. Designing access requires time, expertise, and willingness. Don't worry; you don't have to be the expert on disabilities because we are. If you want to know how to support us, ask. We appreciate when medical staff ask us how our bodies work and the best position to conduct the exam, or the police officer asks us to repeat something that isn't understood. We have learned that this does not happen easily so understand that . . .
- **Focused Effort Is Essential.** There is so much work to be done in the area of sexual assault that people with disabilities get lost in the general efforts of prevention and victim services. In order to truly achieve access to victim services for people with disabilities, there has to be a focused effort, or we are left out. History is the best proof of that. As we create a systematic response to people with disabilities please note that we are at greater risk for sexual violence because of others' attitudes and actions towards us rather than because of our

disabilities. When we are not given critical information because you think we can't understand, we are at greater risk. When systems cover up allegations, we are at greater risk. When people touch us without permission, we are at greater risk. One woman said, “I've been seen naked by hundreds of people and no one has ever asked permission.” Changes must be made at the policy level to keep us safe and to hold offenders accountable. We know in our hearts that . . .

- **We Can Be Part of the Solution.** We understand what it is like to live with disabilities and to experience violence. We understand the barriers to accessing services. Some of us have served on collaborative teams and identified policy issues. Some of us have advocated for policy changes and made them happen. Some of us participate in education classes with our peers. In order for you to see our expertise and talents, you need to believe that . . .
- **We Are More Than Our Labels.** Our diagnosis does not tell you what you need to know about us. We want you to know our *abilities* and talents and contributions. We want you to know our deepest dreams and even our purpose. When you know our strengths, you can help us to expand our life possibilities. You can help balance what has been taken from us. You can see us as a person, very much like yourself, doing the best we can. As you recognize that we are more alike than different, please know that . . .
- **We Want to Be Included.** When we are victims of sexual violence, we want policy makers to have considered our particular needs when making policy decisions. We want to access to the best practices in terms of victim services, forensic examinations, respectful and accessible interviews, thorough investigations, accessible prosecution of the offenders who hurt us, and counseling, and then please remember that . . .
- **We Want to Be Counted.** Right now crime data reported by law enforcement

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*A View From the Field***A Conversation With T. Christian Miller**

by Stephanie Frogge

Editor's Note: In this issue's column we interview T. Christian Miller, a senior reporter with ProPublica, a non-profit, public interest newsroom. T., along with co-author Ken Armstrong of The Marshall Project, was awarded the Pulitzer prize for explanatory reporting for their article, "An Unbelievable Story About Rape," in December, 2015. T. can be reached at T.Christian.Miller@propublica.org.

SAR: What was your first job in the field?

Miller: That's a very good question. We're an investigative non-profit. One of our interests was the NFL's treatment of women, and my editor was anxious to explore the story of Darren Sharper, who had been charged with nine rapes in four states. We thought he must have some history and wondered what the NFL's role was in that. When I began reporting this story I filed FOIA (Freedom of Information Act) requests with different police agencies and couldn't find anything on these allegations. Now I'd covered cops and courts as a reporter for many years. I'd written stories about a group of women who were assaulted by their doctor while unconscious. So what stood out for me was how poorly the police had done in the Sharper case. Several women reported being assaulted by him and related similar stories, but were in different jurisdictions. One story you could poke a hole in but not four or five. It was an "ah hah" moment. How could this be? At *ProPublica* we get a lot of time on stories; I get a "masters degree" on some topic each year. The Sharper story led to others, and I became more interested in sexual violence because from an investigative standpoint, there is an obvious need for coverage.

SAR: What do you identify that shows we are making progress in our work to end sexual violence?

Miller: The work made possible by VAWA—the Violence Against Women Act—seems so practical to me. We need to do a better job of training police and prosecutors. It seemed like such common sense to me that police needed to be trained much better. As part of my reporting I learned about the You Have Options program out of Oregon, and I realized it was hard for me to understand why a woman would report a rape but not be willing to engage in prosecution. I was quizzing the people

involved, especially police, asking, "Doesn't that make you crazy?" Their response was illuminating. Their perspective was that over the long term, you *are* building an arrest. And the fact that those ideas are gaining perspective in the law enforcement community is very positive. It's a much broader, more encompassing angle than one that says if she's not willing to prosecute today then there's something she's not telling us or she's lying. To me that's a sign of progress. In general, the attention that rape and sexual assault have gotten over the last five years, and as a journalist I've seen the spike in stories, is a sign of progress. I believe those stories already existed but the media coverage is a reflection of the attention being paid to it. By way of illustration, the last Pulitzer given to a story around the issue of sexual violence was in 1991.

SAR: What do you think shows that we're not making the progress we should?

Miller: By FBI standards there are still 120,000 rapes each year. We've a long way to go to solve the problem of violence against women. I believe the media should identify victims of sexual assault the same way it identifies victims of other crimes. That position is not widely shared in my industry; I'm a bit of an outlier on that. But I believe that by not publishing names we are complicit in the stigma, and it reinforces cultural stereotypes around sexual violence.

SAR: Can you tell us about something you did or discovered recently that has or will help you professionally, such as a publication or article you read, or a workshop you attended?

Miller: I find that victims of trauma are the ones with the expertise. Dart Center has been very helpful in terms of advice on how to interview and interact with victims of trauma. I also read a good article recently about how police should interview victims. I've learned about the neurobiology that impacts issues of chronology, and I know I'll be much more tolerant of those gaps in narrative as victims share their stories. Historically, I would have had a hard time with a story told by a woman who couldn't remember things, and I wonder now how that bias unconsciously has impacted my journalistic work.

SAR: What gives you hope about the field?

Miller: For me personally this is a very dark line of work. Whether you're examining this from the perspective of the victim or the attacker,

those are dark places to be. We are talking about that aspect of it much more openly now. As a cop you would have to be completely blind to the outside world to not know that sexual violence is an important issue. For victims, I think there's a more understanding community than there was historically. The military is taking this much more seriously. In some areas there are real reform efforts. I think women, and to lesser degree men, have more resources available to them today. It might be patchwork, it might be incomplete, but there are systems now for victims.

SAR: What do you rely on that helps you be personally resilient?

Miller: That's a good question. Honestly, right now I'm a little bit gun-shy about covering rape stories. I need a break. I'm fortunate in that I can step back for a while. I find that being able to focus on other things is helpful. I don't identify as a crusader because I'm not in this like others are. I realize I've hit my limit and need to pull back. My role as a journalist is to go to the most ignored issues and people and shine some light on that. Unfortunately, I think reporters in general deal with this in pretty bad, unhealthy ways.

SAR: What do you do in terms of self-care?

Miller: Exercise is a huge thing in my life; it's my number one stress release. I've actually stopped drinking because I worry about self-medication and have a history of alcoholism in my family. I'm a Quaker. My faith is important to me; my weekly services are very helpful to me. Finally, I give myself permission to step away from those things I need to step away from.

SAR: If you could wave a magic wand and make one dramatic legal or policy change, what would it be?

Miller: I'd return to the conversation we had earlier. I would figure out a way to solve the issue of journalists' role in maintaining complicity by our practice of not naming victims. I would erase that convention that we've always followed, and I'd make it consistent with the way we cover all other crimes.

SAR: We don't usually ask this question of our other interviewees, but do you know that your bio on *ProPublica* doesn't mention your Pulitzer?

Miller: [Laughing]. No, I haven't looked at it recently. I'll have to get on them about that. I guess that's one way they keep us humble. ■

Case Law Summaries

by Annie E. Perry

Montana: Convictions Reversed Where Rape Shield Law Improperly Applied to Exclude Evidence That Victim Had Suffered Prior Abuse

The Facts. Defendant James Colburn was charged with two counts of incest for incidents between Colburn and his daughter, C.C., that occurred when she was 11 years old. He was also charged with one count of sexual intercourse without consent and two counts of sexual assault for incidents between Colburn and a neighbor girl, R.W., also age 11. Both girls presented testimony at trial. In addition, the State presented the testimony of a nurse examiner who had conducted a forensic interview with both girls. The expert described disclosures made by the girls detailing inappropriate touching by Colburn, and she testified that these statements were consistent with those of a child who had experienced sexual abuse. Colburn sought to call another expert to critique the technique used by the nurse examiner, suggesting that she used leading and suggestive questions and that proper interviewing techniques would have yielded different results. The district court excluded this expert from testifying based on a lack of specific training in the interviewing protocol.

Colburn also sought to introduce evidence that R.W. disclosed to another interviewer that she had been sexually abused by her own father. Colburn theorized that R.W. used her allegations against Colburn to determine whether her mother would believe her and, if so, then disclose that her own father had abused her. He also argued that there was

an alternative source for her knowledge of the details of sexual behavior. The district court applied Montana's Rape Shield Law to prohibit the introduction of any evidence that R.W. had sexual contact with any other person. The jury convicted Colburn of all of the charged offenses. He appealed, claiming that the district court erred in its rulings on the admission of evidence.

The Appeal. The Supreme Court of Montana first determined that the district

*The district courts
abuse of discretion
resulted in a new trial
for the defendant.*

court wrongly excluded the defense expert on interviewing techniques. It was clear to the court that the proposed expert "was qualified by both education and experience to provide a critique of [the] interviewing techniques as it related to leading or suggestive questions and the effect such questions could have on the results." Given the importance of the forensic interviews, expert opinion about the interview techniques was a "significant exclusion," and therefore the district court abused its discretion.

The court next determined that the district court applied the Rape Shield Law without balancing Colburn's right to present evidence in his defense. "Here, the proffered

evidence that R.W. was abused by her father was neither speculative nor unsupported, given that he was convicted on charges stemming from his sexual assaults against his daughter." Colburn's defense of the charges involving R.W. depended upon undermining the credibility of her account that he abused her, and to counter the expert testimony that R.W.'s detailed knowledge of sexual activities arose from being sexually abused by Colburn. Thus, the proposed evidence was "an essential part" of Colburn's "important right to confront the witnesses against him and to mount a meaningful defense to the charges." The court concluded that the district court abused its discretion by "mechanistically applying the Rape Shield Law to exclude Colburn's proffered evidence." The convictions were reversed and remanded to the district court for a new trial. *State v. Colburn*, No. DA 14-0181 (MT 2016).

Montana: Rape Shield Law Prohibited Evidence of Prior Assaults Against Child Victims

The Facts. Defendant Christopher Awbery was charged with two counts of incest against his daughter when she was age 12 or younger and with various sexual assault crimes against three other victims under the age of 16. All of the charges were felonies. Each victim testified at trial, describing how she was sexually assaulted by Awbery. Each victim described incidents of rape, of being penetrated with a vibrator, and of Awbery's threats to hurt people close

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does not include information on disabilities (except hate crimes). We want to be counted so we can have accurate numbers, and we can measure when our efforts at systemic change are effective.

In closing—

- **We Appreciate You.** Thank you for learning what you can about sexual violence in the lives of people with disabilities. Thank you for taking the time to listen and understand. Thank you for including us in the solution, and thank

you for making policy changes that honor our lives and protect our safety.

The voices and experiences of survivors with disabilities provide direction for all who respond to sexual violence as they develop policies, refine practices, enhance staff development efforts and examine accessibility of services.

Special Resources: www.illinoisimagines.org. Illinois Imagines is a statewide project to improve services to women with disabilities who have been victims of sexual violence. The website includes general resources addressing sexual violence

and includes a toolkit for service providers regarding the post-sexual assault exam.

References

- Harrell, E. & Rand, M. (2010). *Crime Against People with Disabilities, 2008*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- Nosek, M. A., Walter, L. J., Young, M. E. & Howland, C. A. (2003). Lifelong patterns of abuse experienced by women with physical disabilities. *Journal of Interpersonal Violence* (submitted).
- Petersilia, J. (n. d.) *When Justice Sleeps: Violence and Abuse Against the Developmentally Disabled*. PowerPoint presentation. Irvine, CA: University of California, Irvine. ■

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the consent of the person represented. It is produced and/or distributed for a variety of reasons including, but not limited to “coercion, blackmail, fun, sexual gratification, social status or monetary gain” (Henry & Powell, 2016, p. 4). All too often it is a confusing and trauma-laden ordeal exacerbated by the almost immediate spread of information in the Internet age. Perpetrators of nonconsensual pornography can include current and former intimate partners, friends, family members, and even complete strangers (e.g., those who hack

campaign against her. She states, “[T]he worst part was how he impersonated me. He talked to literally thousands of men and tricked them into believing they were talking to me” (D’Amico & Steinberger, 2015, p. 25). The victim went on to say, “My nightmare came true when men started showing up at my door thinking that the person on the other side (me) was interested in having sex with them. I even had someone leave pictures on my doorstep with a note that said, ‘I’ll find you’” (D’Amico & Steinberger, 2015, p. 25). In other words, not only did the perpetrator distribute the victim’s photos without her consent, but he

images with “like-minded individuals” online (p. 5). There have also been reports of rape victims being discouraged from reporting to authorities because the perpetrator filmed the assault and threatened to release the footage if the victim reported the crime (Powell & Henry, 2016, p. 5). According to Powell and Henry (2016), there appears to be a “growing trend” of perpetrators taking photos or video during the commission of a sexual assault and distributing them online (p. 5).

Exploitation of Children and Teens

Children and teens may also become victims of nonconsensual pornography upon sending sexually explicit images to peers or adults, who then circulate them without consent and/or otherwise use them as blackmail to secure more images (Powell & Henry, 2016, p. 4). According to research conducted by Powell and Henry (2016), a common strategy of perpetrators is to create a fake online identity to solicit sexual imagery that is then used as leverage to secure further sexually explicit content (p. 3). For example, in 2016, a 41 year old father in upstate New York was accused of creating a series of fake social media accounts in which he posed as a 16 year old boy in order to coerce his 14 year old daughter into sending him sexually explicit images. When the young girl tried to terminate the online relationship, he then threatened to release the photos she had sent; he even went so far as to concoct a story about the boy threatening to commit suicide to entice her into sending more images (O’Brien, 2016).

Sexual imagery in this context can also be used to groom young children and teens into contact sexual abuse. In the above-mentioned case, the father of the young girl referenced the sexually explicit photos his daughter took and how much he liked them while he sexually abused her (O’Brien, 2016). This horrific case and far too many others like it highlight the inflexibility and inadequate nature of the term “revenge porn.” Nonconsensual pornography can take many forms that transcend the stereotypical scorned ex-lover narrative to impact children, teens, and adults alike.

Faux Nonconsensual Pornography and the Porn Industry

Given the growing popularity of non-consensual pornography, the porn industry is following suit with faux nonconsensual

She states, “[T]he worst part was how he impersonated me. He talked to literally thousands of men and tricked them into believing they were talking to me.”

into victims’ electronic devices or online data storage bases such as Apple’s iCloud).

Intimate Partnerships

Much like other forms of gender-based violence, nonconsensual pornography frequently happens within the context of pre-existing relationships. For example, it can occur within the context of sexting (e.g., the exchange of sexually explicit messages). While sexting can be a healthy means of sexual experimentation and expression, it can quickly become problematic if the recipient misuses the sexts and the sexual images (Morelli, Bianchi, Baiocco, Pezuti & Chirumbolo, 2016). For example, an individual may send a pornographic image of oneself to another person who may forward it to others and/or upload it online, frequently without permission from the subject of the message (Morelli et al., 2016).

Nonconsensual pornography also takes place within the context of domestically violent relationships wherein it is used as a tool to humiliate, traumatize, and terrorize victims in the context of a current *or* former relationship. For example, perpetrators may openly threaten to distribute nonconsensual pornography and perhaps act on the threat to do so as a means to maintain power and control over their victims (Citron & Franks, 2014) and/or to coerce victims of domestic violence into engaging in sexual intercourse (Bloom, 2014).

According to one victim’s account, her ex-boyfriend posted her nude photos online after the relationship ended and used the photos to engage in an online harassment

then used the platform created by the act to further intimidate, harass, and threaten her, all while further compromising both her physical and emotional wellbeing.

Sexual Assault

While in some cases victims of nonconsensual pornography originally posed for sexually explicit imagery willingly, in other cases pornographic images have been produced during a sexual assault in which the victim did not and/or otherwise could not consent to sex, let alone to the production of images or video. Nonconsensual pornography has been created while a victim is asleep, unconscious, impaired by drugs or alcohol, and/or during the commission of a rape (Citron & Franks, 2014; Henry & Powell, 2016, p. 4). The highly publicized Steubenville rape case in 2012 is a deeply unsettling example of this phenomenon in which perpetrators photographed an unconscious 16 year old victim while she was being brutally assaulted. They then went on to callously brag about the event on video and share the photos of the assault with their friends. More recently, in March 2016, a 29 year old man raped a 17 year old girl while an 18 year old woman broadcasted the rape *live* on a video-streaming app called Periscope (Futty, 2016).

In interviews with law enforcement conducted by Powell and Henry (2016), one police officer described a case involving marital rape in which a husband was drugging his wife to the point of unconsciousness, photographing and videotaping himself sexually assaulting her, and then sharing the

Worth Reading

Russ Immarigeon*

Sexual Violence

On Being Raped

Raymond M. Douglas
Beacon Press (2016)

Several years after being raped, historian Raymond M. Douglas, then 18 years of age, found himself confronted with “the nearest thing to a universal law: regardless of one’s sex, age, or race, when a person is raped, everybody else knows better than the victim why it happened and what it really means” (p. 58).

Douglas, who was raped by a middle-aged Catholic priest working with him and other young men, notes that as far back as 508 B.C. the daughter of a Roman counsel committed suicide after being raped. At one point after his rape, Douglas, depressed, considered (and rejected) a similar path “as a solution for the inconvenient problem posed by the existence of rape victims.” (p. 48).

Still, Douglas came to the despairing realization: “Even in societies in which this method of redressing the moral order has fallen into disuse, cultural demands are still rigorous. The victim of rape must provide acceptable proof of nonconsent, nonculpability, and nongullibility; assume responsibility for preventing the attacker from committing future crimes (or, through failing to report the rape, accept a share of the guilt for those crimes); pass through the appropriate stages of trauma, minimization, reorganization, and renormalization in an orderly and timely manner; and emerge from the experience a better and stronger person, symbolized by the abandonment of the passive and stigmatizing status of victim in favor of survivor” (pp. 48-49).

On Being Raped is a brief and insightful exploration of male rape, a significantly under-examined offense. Male rape was far less considered at the time of Douglas’s rape. He had no one to turn to, no place to find safety, and not even a literature to put his experience into context. At one point, years after his assault, Douglas went to a counseling center, but the center was primarily focused on addressing sexual assault

against women, which at the time was in its infancy. The women working there were largely unprepared for handling cases of sexual assault against men. Douglas left his home country with the hope of some solace.

On Being Raped is an eye-opening account of Douglas’s efforts to examine, understand, and respond to his rape. More a memoir than a treatise, Douglas nonetheless goes beyond individual narrative, stretching out to assail the society that far too frequently covers its eyes, and closes its ears, when confronted with the “knotty problem” details such as those found in this compelling volume.

Overall, Douglas’s concise account covers six chapters, each with challenging titles, such as those on “inconvenient truths,” on “doing the right thing,” on “being a man,” on “not getting over it,” and on “unsatisfactory resolutions.” Among the latter are two major premises: the importance of simply recognizing the prevalence of male rape; and the inadequacy or non-existence of relevant social and legal resources.

In particular, Douglas raises the crucial concern of “an extremely high level of rape denial, rape apology, and rape minimization—a set of prejudicial attitudes that have recently gone under the umbrella term of ‘rape culture’—prevalent throughout a wide variety of societies with respect to men who have been raped. Simply put, if men wished to disclose their victimization, there are alarmingly few venues in which it would be safe for them to do so. Such studies as have been carried out are almost unanimous in finding that health-care professionals, law enforcement officers, nongovernmental organizations, and the general public tend ‘to be skeptical about reports of male sexual assault unless these reports involve male children’” (p. 105-106).

Copies: Beacon Press, 24 Farnsworth St., Boston, MA 02210-1409, www.beacon.org. Price: \$20.00, 111 pages.

When Men Murder Women

R. Emerson Dobash and Russell P. Dobash
Oxford University Press (2015)

Almost 40 years ago, R. Emerson Dobash and Russell Dobash published a now-classic study, *Violence Against Wives* (The Free Press, 1979) that sparked decades of research on domestic violence. In recent

years, Dobash and Dobash have engaged in the Murder Study, an extensive study “designed to investigate all types of murder committed by and against men, women, and children, and to do so in a way that would expand knowledge about the act of murder, the situations and circumstances in which it occurs, and the men and women who commit this most extreme act of violence” (p. 245).

Murders are largely committed by men, and men primarily kill other men. However, men also kill a significant number of women. In this study, Dobash and Dobash explore three types of violence wherein men murder women: 105 cases involving the murder of intimate partners; 98 cases of sexual murder; and 40 cases of men murdering older women.

Data for this study come from in-depth interviews with 180 men and 20 women and reviews of 786 male case files and 80 female case files. Study participants (and case files) came from prison headquarters in London, England and Edinburgh, Scotland. The interview schedule used for this study can be found as an appendix to this volume.

Dobash and Dobash’s findings on sexual murder (when men were seeking sex) include: “Men who committed a sexual murder of a woman under 65 were usually younger than their victim, unemployed, single or separated/divorced, and living on their own. Most of the men and women were acquainted, although many were strangers. The type of relationship between the perpetrator and the victim affected the nature of his access to her. For those who were strangers, men had no ‘legitimate’ form of social access to the women that might be used as a route to obtaining sex from her. As such, he used immediate force, violence, and/or subterfuge in order to gain sexual access. Social access was not a problem for men who were acquainted, but this did not imply sexual access, which still had to be ‘negotiated’ and/or forced. Although sexual access was not a problem with respect to women who were working as prostitutes, other issues still had to be negotiated. Even when physical violence was not ‘necessary’ in order to gain sexual access to the woman, many men nonetheless used immediate and excessive force” (p. 251).

For men murdering women, the main methods were strangling, beating, and bludgeoning with various types of

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instruments. Greater levels of violence appear to be applied to stranger victims; men murdering in public spaces used more force more quickly.

“In sexual murders, ongoing disputes between the victim and offender were rare, as were previous incidents of violence to the victim. Confrontations associated with sexual murder were highly circumstantial as women attempted to repulse the aggressive sexual demands of the murderer and/or attempted to defend themselves against his violent actions. These altercations were not linked to long-term conflicts associated with such things as jealousy, possessiveness, or other issues but are, instead, more accurately defined as acts of self-defense in response to an attack.”

“More women were killed in their own home or place of residence, although women who were strangers, including those working as prostitutes, were often killed in isolated locations. Sex/murderers were likely to be drinking and drunk at the time as was a minority of the victims. While alcohol was not the ‘cause’ of this violence, as some perpetrators suggest, it may have played a role in the sexual attack and murder, as the poor judgments of the men transformed the woman’s sociability into an agreement to sex. However, alcohol was not necessary to induce this type of thinking, because most of the men, whether drunk or sober, were not interested in women’s feelings and concerns” (pp. 251-252).

Women working as prostitutes ran the highest risk of being murdered, especially as men in this study had simplistic and distorted views of women, difficult and angry relationships with them, and distorted and hate-focused views of prostitutes.

Copies: Oxford University Press, 2001 Evans Rd., Cary, NC 27513, Phone: (800) 445-9714. Price: \$49.95, 360 pages.

*Campus Sexual Assault***Campus Sexual Assault: College Women Respond**

Lauren J. Germaine
Johns Hopkins University Press (2016)

Research often starts with a single story. In Laren Germain’s case, it was a young college woman who spoke with her about being raped. Both Germain and the student were tentative and tongue-tied, knowing little about what to say or how to respond.

Germain, now the director of evaluation, assessment, and research at the SUNY

Upstate Medical University, began to investigate. In the opening chapter of this slim volume, she describes the history of the few studies of college-or university-based sexual assault, the role of campus culture on threatening or dangerous behavior, and the history of federal interventions such as Title IX (1972), the Crime Awareness and Campus Security (Cleary) Act (1990), and the Campus SaVE (Sexual Violence Elimination) Act (2013). These latter interventions were signed into law by Democratic and Republican presidents, the latest such

acting to protect themselves; acting to achieve justice outside the bounds of the institutional or judicial systems; and others” (p. 21).

Indeed, Germain identifies eight forms of agency women exercised after being assaulted:

- **Embodied Agency—Corporeal Actions:** actions in preservation of, service to, or using the body (for example, cleansing the body);
- **Managing Identity:** acting in attempt to control the way in which one is perceived

Germain stresses “the many ways that students who have experienced campus sexual violence act as agents themselves: deciding what resources to utilize or not utilize; deciding whom to tell or not tell; acting to protect themselves; acting to achieve justice outside the bounds of the institutional or judicial systems; and others.”

effort being President Obama’s creation of the White House Task Force to protect Students from Sexual Assault (2014).

Campus Sexual Assault is a qualitative study of 26 women who experienced sexual violence on an unnamed mid-sized, East Coast university campus. “By interviewing students,” Germain writes, her goal was “to work with students who had experienced campus sexual violence, to explore their post-assault experiences and perceptions in hopes of informing institutional responses so that they take into account what people actually do following experiences with campus sexual violence. The goal was to examine the forms of agency that women exercised and to begin creating processes and policies that are supportive of their decisions and instincts in context” (pp. 13-14).

In separate chapters, Germain describes these university women’s exercise of agency, such as showering or sleeping shortly after being attacked; managing their identity, especially after leaving the scene of their attack or after waking up the next day; deciding to remain silent about or to disclose being attacked to authorities or friends and family members; and figuring out what constitutes justice or empowerment.

Overall, Germain stresses “the many ways that students who have experienced campus sexual violence act as agents themselves: deciding what resources to utilize or not utilize; deciding whom to tell or not tell;

(for example, cutting one’s hair in an attempt to appear less attractive);

- **Silence:** choosing not to share one’s story with one or more people or institutions;
- **Self-Expression:** outward assertion of one’s thoughts, feelings, or story (for example, through the creation of artwork);
- **Pursuit of Individually Defined Justice:** working outside of existing structures to attain a personal sense of justice or closure (for example, writing a letter to educate a perpetrator about the impact of his actions);
- **Transitive (Formal):** working in conjunction with an institutional system, most commonly the college or hospital (for example, pressing charges with an internal university adjudication board);
- **Transitive (Informal):** working in conjunction with another individual or group toward a purpose or outcome (for example, asking a friend to walk one home); and
- **Empowerment:** independent or collective actions that demonstrate or amplify social, political, or spiritual power (for example, leading a Bible study for women who have experienced campus sexual violence).” (pp. 21-22)

Copies: Johns Hopkins University Press, 2715 N. Charles St., Baltimore, MD 21218, www.press.jhu.edu. Price: \$29.95, 128 pages. ■

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pornography. In other words, nonconsensual pornography is being created to cater to the demand from consumers for nonconsensual sexual interactions authentic or otherwise (Brown, 2016). This includes, but is not limited to, pornography in the faux revenge porn “ex-girlfriend” genre (Brown, 2015), which depicts sleeping and/or otherwise unconscious victims, and/or that otherwise depicts blatant forced sex. This poignantly speaks to the porn industry’s evolution into an industry which is generating content that frequently and unabashedly depicts violence toward women and titillates viewers via a combination of sex, invasion of privacy and bodily autonomy, humiliation, and abuse (Morczek, 2015a; Morczek, 2015b).

Increasingly featured on mainstream Internet porn websites, faux nonconsensual pornography provides devotees with the content they desire: content depicting sexual violence. Although this insight may be disturbing to some, the growing popularity of nonconsensual pornography is not surprising to those who research pornography. There is already a plethora of readily accessible mainstream pornography that eroticizes the verbal and physical abuse of women, incest, childhood sexual abuse (e.g., via depictions of grooming found within the popular “teen porn” genre), and/or rape (Morczek, 2015a).

Impact on Victims

Much like victims of other forms of sexual violence, victims of nonconsensual pornography are negatively impacted in a variety of ways (Powell & Henry, 2016). The impact is exacerbated by the fact that many images and videos are posted with victims’s identifying information and links to social media profiles, if not posted directly on victims’ social media profile. Research indicates victims of nonconsensual pornography can suffer from anxiety, panic attacks, severe emotional distress (Citron & Franks, 2014), and body shame (Osterday, 2016). Other scholars point to strain on families and friendships, as well as high levels of stress contributing to difficulties with schoolwork or job-related duties (Driscoll, 2016, p. 81).

Victims also report experiencing loss of educational and/or professional opportunities as the result of nonconsensual pornography since many professionals and institutions rely heavily on “online reputations” as a meaningful employment-screening tool (Citron & Franks, 2014, p. 352). Nonconsensual pornography can “flood” search engines when a victim’s name is searched

online, thereby damaging the victim’s reputation, sometimes irreparably. In fact, some victims have been forced to seek legal name changes as a result (Bloom, 2014, p. 241). In some cases, nonconsensual pornography can lead to further coercion and blackmail, as well as both online and physical harassment, further jeopardizing mental health and physical safety. Much like other forms of gender-based violence, nonconsensual pornography robs victims of the freedom to create and sustain their own narratives and to move freely throughout their lives.

This creates a seemingly endless loop of re-victimization and “demonstrate(s) that the consequences of these nonconsensual online postings may extend well beyond the initial goals and expectations of the original bad actors (p. 25).” As noted by Mathen (2014), “Non-consensual pornography radiates outward in concentric circles. Images can be viewed by family members, classmates, friends, coworkers, and neighbors; by entire schools, workplaces, or social groups; and by the world (p. 531).” Thus the impact can permeate multiple levels of a victim’s existence and the aftermath can wholly saturate the victim’s life.

The impact from even a single image being shared via the Internet non-consensually can be dramatic and devastating. Someone’s life can be destroyed with the click of a mouse. In some of the most tragic cases victims attempt or complete suicide after friends, family members, colleagues, and strangers view nonconsensual pornographic imagery (Bloom, 2014; Driscoll, 2016, p. 80). Research has also found that risk of suicide is even higher in younger victims of nonconsensual pornography as they can be “more fragile and susceptible to bullying” (Bloom, 2014, p. 242).

Remedies for Nonconsensual Pornography

Although anyone should be able to express their sexuality in ways they choose without the expectation of mistreatment, many people believe the issue of nonconsensual pornography can be solved by simply not taking sexually explicit photos or videos. This viewpoint is naive and problematic as it spawns a narrative laden with victim-blame, injustice, and indifference that is similar to antiquated “don’t get raped” messaging. Given the detrimental impact of nonconsensual pornography, it is imperative that comprehensive formal remedies exist for those impacted.

Over the last decade there has been much more emphasis on criminalizing instances

of nonconsensual pornography, as criminalization provides one means to illustrate societal intolerance for this act as well as to hold offenders accountable. However, not all jurisdictions have remedies specifically criminalizing nonconsensual pornography and to date, only 27 states have such laws (Cyber Civil Rights Initiative, 2016). If a state does not have existing laws regarding nonconsensual pornography, existing statutes may be used to prosecute offenders. For example, child pornography laws may be used if the victim is a minor (Citron & Franks, 2014). According to Patton (2015), harassment and anti-stalking laws might be a viable remedy if the victim’s contact information was posted online or if harassment based on the post or posts is persistent (p. 15). Further, extortion laws may also prove fruitful, particularly if victims are coerced into giving money or property against their will via force or fear (p. 15). Although no strategy is consistently effective, these existing criminal remedies may prove useful to nonconsensual pornography victims, as they offer a more immediate remedy in jurisdictions that have yet to pass legislation directly governing the matter (Patton, 2015).

If the victim is unwilling, unable, or is otherwise unsuccessful at pursuing the issue criminally, two main civil means exist for victims: copyright and tort law. Seeking remedy via copyright infringement is advantageous when “selfies” are posted online without the individual’s consent, as the individual depicted in the photo or video is the legal owner of the content (D’Amico & Steinberger, 2015). Thus, the victim can request that a website remove a photo or video based on copyright infringement. Despite its merit in some instances, this clearly is not a catch-all solution, as many uploaded images were not taken by the victim and are therefore not subject to copyright (D’Amico & Steinberger, 2015). Moreover, the images or video in question may have already been transferred to other websites by the time the victim becomes aware of their misuse and is able to seek redress via copyright (D’Amico & Steinberger, 2015). Thus, tort laws such as defamation, invasion of privacy and intentional infliction of emotional distress have also been used to seek remedies for victims of nonconsensual pornography. However, this is not ideal either, as victims may have difficulty finding a lawyer to take their case (Bloom, 2014). Even if they do, litigation can be very time-consuming, arduous, and costly (Durio, 2016, p. 13).

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In seeking redress directly from websites hosting nonconsensual pornography, it is important to keep in mind that many websites that host such content are broadly immune to liability. Because of Section 230 of the Communications Decency Act, website hosts are not liable for content posted by users (*i.e.*, third-party speech), nor do they have any legal obligation to identify who posts (Bloom, 2014). Rather, websites hosting nonconsensual pornography sometimes have a monetary incentive to take a hands-off approach to user-generated content, as they have an interest in delivering what customers want (Bloom, 2014). Thus, although requests to remove content may be successful, this is not always a viable means of redress. Fortunately, in a recent development to combat the problem, two major search engines—Google and Microsoft’s Bing—have removed links to sites hosting nonconsensual pornography from their search engines with the common goal of curtailing its distribution and consumption (Chavez, 2015). The caveat to this policy is that neither search engine will seek out the content independently, but rather act only when a victim requests its removal from the website. (Chavez, 2015).

Despite the increasing demand and enactment of formal remedies for victims of nonconsensual pornography, it is nearly impossible—even with the most comprehensive and effective policy—to repair all of the damage created in its wake. The Internet (and accordingly, the much more insidious and murky dark web) is a massive, dynamic, and obscure place where it is difficult, if not impossible, to track every single nonconsensual pornographic image or video and erase it. Indeed, in the words of one law enforcement officer who handles these cases, “[o]nce it’s on the Internet it’s there forever” (Powell & Henry, 2016, p. 9). In other words, nonconsensual pornography is particularly damaging because (a) it can be perpetrated with relative or complete anonymity; (b) there is an enormous audience feeding into the online fodder; (c) it is seemingly permanent, as photos and videos can be uploaded and then languish on the web, moving from website to website; and (d) it can destroy lives (Bloom, 2014, p. 246). Although strides are being made to address this issue and assist victims, they are not yet sufficient to fully address the problem.

Rape Culture: Contextualizing Nonconsensual Pornography

Much like other forms of sexual violence, we must contextualize nonconsensual pornography within the culture in which it flourishes. Nonconsensual pornography is not operating in isolation, but rather is firmly rooted in rape culture: a culture that normalizes, passively and actively condones, trivializes, satirizes, and all too often glorifies sexual violence toward women (Morczek, 2015a; Morczek, 2015b). Pornography, consensual or otherwise, is just one means to condone, normalize, and perpetuate the universal impact of sexual violence, specifically toward women (Morczek, 2015a).

Sexual Violence and Gender

Sexual violence in a rape culture is all too often highly gendered; therefore, nonconsensual pornography must be considered as a gendered act. Although women can and do post images and videos online without consent from the pictured individual, studies note that this “is primarily perpetrated by men and disproportionately impacts women” (Bloom, 2014; Salter & Crofts, 2015, p. 233). Therefore, much like other forms of cyber-harassment and sexual violence, women tend to be victimized much more often than men (Bloom, 2014). Researchers also believe that women may suffer more harm than men when victimized, as depictions of unabashed female sexuality are often considered shameful, whereas male sexuality is naturalized and men are often lauded for their sexual prowess rather than being scrutinized for it. (Citron & Franks, 2014).

Highlighting the gendered nature of nonconsensual pornography does not imply that there is no impact on victims who do not identify as women. However, it is critical to highlight how the negative impact from nonconsensual pornography, like other forms of sexual violence, unduly impacts women, and moreover, how a rape culture grooms us to view this violence as an expected consequence of existing while female.

Slut Shaming and Victim Blaming

Much like other forms of sexual violence within a rape culture, nonconsensual pornography inhibits victims’ bodily autonomy and sexual agency. In a rape culture, women’s bodies and expressions of sexuality are regulated; the belief that a woman is in full

control of her sexuality and free to express it on her own terms is still considered unpalatable and even negligent to many. It is clear a duality exists in which women are simultaneously praised for their sexuality while frivolously shamed for any consensual expression of it. This creates and fosters a rigid binary wherein women are either sluts or virgins and are chastised to varying degrees for either. Although women’s bodies are frequently on display for men, sexualized through the male gaze, and celebrated for doing so, it inevitably results in some degree of slut shaming. This creates a lose-lose situation for women: either we give in to the overwhelming cultural imperative indicating that to have value we must display our sexuality for consumption, *or* we stifle our sexuality to avoid being called a slut only to then be called a prude. This problematic and delicate balance is achievable by few and is increasingly concerning in a porn-laden society.

It is easy to levy blame when it comes to nonconsensual pornography, as these expressions of sexuality tend to work against women. Victims are interrogated for taking sexually explicit images instead of questioning why a perpetrator would disseminate these images without explicit consent. As Citron and Franks (2014) note, “We should no more blame individuals for trusting loved ones with intimate images than we blame someone for trusting a financial advisor not to share sensitive information with strangers on the street” (p. 348). This flawed ideology is along the same vein as “don’t get raped” risk reduction messaging wherein women are taught to protect themselves from sexual violence rather than teaching men not to perpetrate it (Morczek, 2015b).

Antiquated sexual scripts and rape myths are also factors, especially in terms of consent. A woman’s consent to one sexual act (*e.g.*, taking sexually explicit photos or videos) is “taken as consent for other contexts” (*e.g.*, permission to share photos with the public) (Citron & Franks, 2014, p. 348). As Citron and Franks (2014) note, “While most people today would rightly recoil at the suggestion that a woman’s consent to sleep with one man can be taken as consent to sleep with all his friends, this is the very logic of revenge porn apologists” (p. 348). Unfortunately, there’s still work to be done in spreading the obvious message that consent is fluid: retractable at any time, for any reason, and under any circumstance.

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Redress for Victims

There is no panacea for sexual violence within a rape culture. Much like formal remedies for other forms of sexual violence, remedies for nonconsensual pornography are often slow growing and chronically under-achieving on individual, community, and societal levels. Many scholars attribute the lack of comprehensive remedies for victims of sexual violence as a direct reflection of the norms set forth in a culture which normalizes and minimizes violence toward women. As Salter and Crofts (2015) note, “the lack of protection afforded to victims may represent a *de facto* endorsement of these norms” (p. 234). The authors continue, the dearth of “protections for victims is reflective of a broader disinterest in, or even hostility to, women who are subject to harm and abuse after engaging in behavior deemed immodest or risky” (p. 241). In other words, women who do not fulfill this often hypocritical antiquated narrative of modesty or chastity, as evidenced by their appearance in sexually explicit imagery, are subject to scrutiny and blame, and are viewed as deserving parties to the resulting abuse. Much like other forms of gender-based violence, victims are blamed for their actions, and perpetrators are reflexively emancipated from responsibility. Again, rape culture metaphorically drives the perpetrator to and away from the scene of the crime (Morczek, 2015b, p. 59).

Likewise, the sometimes flippant attitude toward such offenses also demonstrates how we continue to conceptualize harm. There seems to be an uninformed yet unwavering distinction between how physical harm is viewed versus harm not blatantly physical. This is best exemplified by the continued conceptualization of domestic violence as purely physical abuse despite the myriad of ways victims are abused by their partner (e.g., emotional abuse, financial abuse, spiritual abuse, etc.). If the harm does not cause physical assault on a victim’s body, it may be considered less impactful and result in a sluggish response. In terms of nonconsensual pornography, remedies may be slow because notions about harm have not kept pace with how harm is experienced in a technology-saturated world: harm that flourishes within the intangible and sometimes shadowy spaces on the web. Within a rape culture, gender-based violence is experienced in a variety of ways. Limiting and otherwise demarcating harm as purely physical creates false narratives about how violence is experienced, silences victims, exonerates perpetrators, and sustains an antiquated rhetoric regarding sexual violence.

Conclusion

Despite legal mandates and public outcry, nonconsensual pornography is proliferating at an alarming rate. As long as there is a demanding audience and an easy means to commit the crime, perpetrators will flourish unimpeded. Whether nonconsensual pornography is conceptualized as a new issue associated with technological advancement or simply another facet of the existing expressions of gender-based violence, it should serve as an impetus to action for prevention educators, clinicians, counselors, victim advocates, law enforcement professionals, courtroom workgroups, corrections professionals, and legislators. We must understand that sexual violence includes seemingly amorphous spaces such as the Internet as well as harm not purely physical in nature. It is imperative to critically think about and create spaces for constructive dialogue on pornography, consensual or otherwise, especially for those growing up in a culture saturated by it.

Violence is no longer localized to tangible institutions such as college campuses, military apparatuses, prison facilities, or even the home, but rather amalgamated within spaces both nebulous and concrete. Technology is yet another means that strips victims of gender-based violence of their dignity, dehumanizes them, and publically adorns them with shame and anguish. They experience both self- and societal blame. The Internet is a massive entity transcending borders and cultural mores. We must reframe our perceptions of gender-based violence to include this omnipresent force, and do so while acknowledging it is taking place within a rape culture that serves to minimize, rationalize, and condone its perpetration.

References

- Bloom, S. (2014). No vengeance for “revenge porn” victims: Unraveling why this latest female-centric, intimate-partner offense is still legal, and why we should criminalize it. *Fordham Urban Law Journal*, 42(1), 233-289.
- Brown, K.V. (October 15, 2015). “Is this real?” The problem with fake revenge porn on PornHub. Retrieved from <http://fusion.net/story/214811/fake-revenge-porn-on-pornhub/>.
- Chavez, R. (July 22, 2015). Microsoft joins Google in removing links to revenge porn. Retrieved from <http://mashable.com/2015/07/22/microsoft-joins-google-will-remove-links-to-revenge-porn/#jWki48uObOqn>.
- Cyber Civil Rights Initiative. (2016). Revenge porn laws. Retrieved April 27, 2016 from <http://www.cybercivilrights.org/revenge-porn-laws/>.
- Citron, D. K. & Franks, M. A. (2014). Criminalizing revenge porn. *Wake Forest Law Review*, 49, 345-391.
- D’Amico, E. & Steinberger, L. (2015). Fighting for online privacy with digital weaponry: Combating

revenge pornography. *Entertainment, Arts and Sports Law Journal*, 26(2), 24-35.

Driscoll, S. E. (2016). Revenge porn: Chivalry prevails as legislation protects damsels in distress over freedom of speech. *Roger Williams University Law Review*, 21(1), 75-162.

Durio, L.C. (2016). Turn your cameras off in the bedroom: “Revenge porn” is now a felony in Louisiana. *Southern University Law Review*, 43(2), 1-15.

Futty, J. (April 13, 2016). Pair accused of live-streaming sexual assault. Retrieved from <http://www.dispatch.com/content/stories/local/2016/04/13/rape-indict.html>.

Henry, N. & Powell, A. (2016). Sexual violence in the digital age: The scope and limits of criminal law. *Social & Legal Studies*, 1-22. doi: 0964663915624273.

Mathen, C. (2014). Crowdsourcing sexual objectification. *Laws*, 3(3), 529-552.

Morczek, A. (March/April 2015a). The synergistic connection between sexual violence and rape culture. *Sexual Assault Report*, 18(4), 49-64.

Morczek, A. (May/June 2015b). Pornography: The mass production of sexual violence. *Sexual Assault Report*, 18(5), 65-80.

Morelli, M., Bianchi, D., Baiocco, R., Pezzuti, L. & Chirumbolo, A. (2016). Not-allowed sharing of sexts and dating violence from the perpetrator’s perspective: The moderation role of sexism. *Computers in Human Behavior*, 56, 163-169. MyEx. (April 12, 2016). Retrieved April 12, 2016 from <http://thepornmude.com/743/myex>.

O’Brien, J. (March 14, 2016). I lion father posed as daughter’s texting boyfriend to trick her into child porn. Retrieved from http://www.syracuse.com/crime/index.ssf/2016/03/lion_father_posed_as_daughters_texting_boyfriend_to_trick_her_into_child_pomog.html.

Osterday, Mitchell. (2016). Protecting minors from themselves: Expanding revenge porn laws to protect the most vulnerable. *Indiana Law Review*, 49, 555-579.

Patton, R. B. (2015). Taking the sting out of revenge porn: Using criminal statutes to safeguard sexual autonomy in the digital age. *The Georgetown Journal of Gender and the Law*, 16, 407-442.

Powell, A. & Henry, N. (2016). Policing technology-facilitated sexual violence against adult victims: Police and service sector perspectives. *Policing and Society: An International Journal of Research and Policy*. doi:10.1080/10439463.2016.1154964.

Salter, M. & Crofts, T. (2015). Responding to revenge porn: Challenges to online legal impunity. In L. Comella & S. Tarrant (eds.), *New views on pornography: Sexuality, politics, and the law* (pp. 233-253). Santa Barbara, CA: Praeger.

Singhal, A. (June 19, 2015). “Revenge porn” and search. Retrieved from: <http://googlepublicpolicy.blogspot.com/2015/06/revenge-porn-and-search.html>.

Stroud, S.R. (2014). The dark side of the online self: A pragmatist critique of the growing plague of revenge porn. *Journal of Mass Media Ethics*, 29(3), 168-183.

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Linquist & Barrick, 2010; Planty et al., 2013). According to Fisher et al. (2010), women within this age bracket “are almost *four times* more likely to be raped than all other female age groups” (p. 65, emphasis added). Studies indicate that this is particularly true for those enrolled in colleges/universities. This group has been found to be at a greater risk for assault than those within the same age bracket in the general population (Banyard et al., 2005; Fisher et al., 2000, 2003, 2010; Karjane et al., 2005; Kilpatrick & McCauley, 2009; Krebs, Linquist, Warner, Fisher & Martin, 2009; Krebs et al., 2010; Sampson, 2002). This suggests that there is something unique about being in college that increases the risk of victimization and that this population is worthy of study (Banyard et al., 2005, 2007; Fisher et al., 2000, 2003, 2010; Gross, Winslett, Roberts & Grohm, 2006; Karjane et al., 2005; Krebs et al., 2009, 2010; Mouilso, Fisher & Calhoun, 2012).

Sampson (2002) found that women, especially women in college, are at high-risk of being victims of sexual assault and that approximately 25% have been victims of attempted or completed sexual assault. Sampson (2002) also found that women in college are at more risk of being sexually assaulted than women in the 16 to 24 age group who are not in college (see also Fisher et al., 2010; Kilpatrick et al., 2007). Additionally, Fisher et al. (2000, 2010) examined the sexual victimization of college women using the National College Women Sexual Victimization (NCWSV) study and found that for a period of one year about 5% of college women are assaulted, and over five years (a typical college career) this figure rises to between one-fifth and one-quarter (see also Karjane et al., 2005). Other studies estimate that between 20% and 50% of women experience some form of unwanted sexual contact during college (Fisher et al., 2000, 2003, 2010; Gross et al., 2006; Hines, Armstrong, Reed & Cameron, 2012; Koss, Gidycz & Wisniewski, 1987; Krebs et al., 2010; Lawyer et al., 2010).

Despite being a serious crime impacting many women enrolled in colleges and universities, sexual assault remains the least reported of all crimes (Banyard, 2005, 2007; Belknap, 2010; Fisher et al., 2000, 2003, 2010; Reddington & Kreisel, 2009; Rennison et al., 2013; Russell, 1982; Sampson, 2002; Sinozich & Langton, 2014; Weiss, 2009, 2011, 2013). Additionally, the relationship between race and reporting remains

contradictory. Thompson et al. (2007) found that non-white women who had been sexually victimized were more likely *not* to report victimization to the police than were white women due to a belief that they would be blamed or due to not wanting to involve the police. According to Thompson et al. (2007), “this suggests that concerns over racial discrimination may impede non-white women from reporting to the police” (p. 281). In contrast, Fisher et al. (2010) found that African-American non-Hispanic college women were more likely to report sexual victimization than those incidents involving white victims. Differences in sexual assault rates, reporting, and race/ethnicity may be dependent on the type of assault that occurs. Mohler-Kuo et al. (2004) found that white undergraduate women were more likely to report rape while intoxicated than women of other races, but that white women were *less* likely to report experiencing other types of rape than women of other races. Although research has indicated that race may play a role in reporting sexual victimization, further research needs to be completed to understand this relationship.

Although there have been many studies examining sexual assault on college campuses, the scope of this crime, contextual factors, and both victim and offender characteristics, many of the studies that sample college women do not include a random sample of African-American women (Roze & Koss, 2001). Additionally, most research ignores or has weakly examined the possible interaction between sexual victimization and race/ethnicity. According to Krebs et al. (2010), “very little of this research has involved historically black college and university (HBCU) students” (p. 1-1). As a result, there is a gap in the literature and the knowledge surrounding this crime, the scope of the problem, and/or reporting of the crime on Historically Black College/University (HBCU) campuses. “The gap in research makes it difficult to fully understand the sexual assault experience of African American students in general, given that almost 20% of African-American baccalaureates receive their degree from HBCUs” (Krebs et al., 2010, p. 1-1; see also Provasnik & Shafer, 2004). There has been a lack of research in general examining sexual assault victimization and race/ethnicity, and, in particular, a lack of research examining HBCU students, including research examining their reporting behaviors.

The exception to this is the research conducted by Krebs et al. (2010), which examined the prevalence and other contextual

factors, such as reporting, of sexual assault at four HBCUs. The study examined four HBCUs in the fall of 2008 and surveyed 3,951 undergraduate women. Krebs et al. (2010) found that “of the 3,951 women . . . 14.2% reported experiencing an attempted or completed sexual assault since entering college” (p. ES-3) and 9.6% of the sample reported experiencing a completed sexual assault since entering college. Similar to other studies, Krebs et al. (2010) found that the majority of victims (of both forced and incapacitated sexual assault) reported the incident to someone close to them, such as a friend or family member. However, only 10% of forced sexual assault victims indicated that they reported the incident to law enforcement, while only 3% of victims of incapacitated sexual assault reported the incident to the police. Similar to other research, Krebs et al. (2010) found that “among victims who did not report the incident to law enforcement, the most commonly reported response by both types of victims (46% in both cases) was that what happened was not serious enough” (p. 4-25). Although Krebs et al. (2010) could not compare their results to other results of HBCU students, they state that these rates were slightly lower than those of non-HBCU students; “a previous study using the same methodology found that 13.7% of non-HBCU undergraduate women experience a completed sexual assault after entering college (Krebs et al., 2009)” (p. 5-1). As suggested by the researchers, this difference in prevalence between HBCU and non-HBCU student could be explained by the lower rates of incapacitated sexual assault experienced by HBCU students since HBCU students drink much less frequently than non-HBCU students (Krebs et al., 2010).

Littleton et al. (2013) examined sexual assault and health risk behaviors and ethnicity, however not specifically with HBCUs. They surveyed 1,620 women from one of three southeastern universities who reported their ethnicity as European American, Asian American, Latina or African American. Of the sample, they found that 324 (20%) had been a victim of a completed sexual assault. Littleton et al. (2013) found that “Asian American women were less likely to report being a victim of sexual assault than were European American women . . . and African American women were significantly less likely than European American women to report that they experienced substance-induced impairment or incapacitation at the time of assault” (p. 10). They

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did find that African-American women and Asian-American women were less likely to engage in hazardous alcohol usage than European-American women, which as suggested by Krebs et al. (2010), may explain lower instances of sexual assault, or at least incapacitated sexual assault experienced by African-American women.

Research Method

The present study used a survey methodology to examine students' experiences with victimization, particularly sexual assault victimization, and what influences students to report (or not report) these crimes to university police at a private, Southern HBCU. The sample for this study was drawn from students at a private, southern HBCU in central Virginia in the United States. The area surrounding the campus is metropolitan, but the school has a small enrollment of approximately 1,250 students primarily from Virginia, but includes students from other states and nations. This research was conducted surveying students within chosen classes. Surveys were used to ask respondents about their likelihood to report various types of victimization and also their direct experiences with victimization and reporting. No students in the chosen classes were excluded except those under the age of 18 at the time of survey administration. A group administered design using paper surveys was deemed appropriate for this study to maximize response rates and also receive completed surveys in a timelier manner than might occur with an online survey administration.

To obtain the research sample, classes during the Fall 2014 semester were chosen based on convenience and size. From the classes selected, emails were sent to 11 instructors explaining the research and survey administration and requesting permission to administer the survey during their class (which took approximately 10-15 minutes of class time). Only one of these instructors refused to allow survey administration in the two classes that were selected to be surveyed.

Based on enrollment numbers it was expected that 292 students would be surveyed. A total of 254 surveys were collected with 249 useable surveys. Some students in these classes were unable to complete the survey since they were under 18. Additionally, five surveys were not entered into data analysis since the responses provided caused doubt concerning the authenticity of answers.

From the 249 surveys analyzed, there were 92 males (36.9%), and 151 females

(60.6%) (six missing). Although close, this is not quite representative since the university has 54.8% female and 45.2% male students. Due to the low variability of other races within this population, race was coded as African-American and non-African-American. The university population is 96% African-American and 0.014% non-African-American (e.g., white, Asian, Hispanic). The sample includes 14 (5.6%) non-African American, and 228 (91.6%) African-American respondents (seven missing). The average age of respondents was 19.77, and ranged from 18 to 45 years. Among these 249 respondents, 94 (37.8%) were freshmen, 70 (28.1%) were sophomores, 33 (13.3%) were juniors, and 38 (15.3%) were seniors (14 (5.6%) missing).

Measures

Students in these selected classes were given a survey which asked about previous victimization experiences, fear of victimization, perceptions of crime, anticipated reporting behaviors, and actual reporting behaviors. Students were also asked reasons for reporting or not reporting the crime to the police and the "most important reason" for reporting or not reporting. Due to the sensitive nature of the survey, students were assured that all answers were anonymous.

Five survey items measured previous victimization. These items asked respondents whether they had been victims of property crime (e.g., theft of iPod), violent crime (e.g., non-sexual assault), unwanted sexual intercourse (e.g., rape), unwanted sexual acts (e.g., unwanted oral copulation), and unwanted sexual touching (e.g., unwanted fondling of breasts) since they started at the university. All of these were defined for participants on the survey since research indicates that by using behaviorally specific questions instead of more general terms such as "sexual assault" or "rape," respondents disclose more victimization (DeKeseredy, 2011; Fisher et al., 2010; Kilpatrick & McCauley, 2009). These five items were unable to be combined due to a low alpha reliability coefficient, so these remained separate variables.

Two survey items measured perceptions of crime. Respondents were asked: "in terms of the amount of crime that exists on this campus, how do you think this campus compares to: (1) similar universities, (2) surrounding municipalities." These two items were combined (due to a high alpha reliability coefficient) to create one measure, which was coded on a five-point scale, with higher values indicating a perception of more crime.

Seven survey items measured fear of victimization. Respondents were asked: "when walking alone on campus, how safe do you feel: (1) during the daytime, (2) during the night." Respondents were also asked, "on campus, how afraid are you of becoming a victim of: (1) property crime, (2) violent crime, (3) unwanted sexual touching, (4) unwanted sexual acts, and (5) unwanted sexual intercourse." These seven items again were combined (due to a high alpha reliability coefficient) and also coded on a five-point scale, with higher values indicating a higher fear of victimization.

Findings

Of those surveyed, 26 (10.4%) reported being victims of a property crime, 4 (1.6%) reported being victims of a violent (non-sexual crime), 2 (0.8%) reported being victims of unwanted sexual intercourse, 1 (0.4%) reported being a victim of unwanted sexual acts, and 2 (0.8%) reported being victims of unwanted sexual touching. Of these victims, no victims of unwanted sexual intercourse, unwanted sexual acts, or unwanted sexual touching stated that they had reported the victimization to the police. Of the 30 victims of property and/or violent crimes, 14 (5.6%) of these responded that they had reported the victimization to the police. Although the number of respondents who reported being victims of sexual assault was small (5 total), none of these reported the victimization to the police. This is consistent with previous research which has found that sexual assault is the least reported of all crimes (Banyard, 2005, 2007; Belknap, 2010; Fisher et al., 2000, 2003, 2010; Reddington & Kreisel, 2009; Rennison et al., 2013; Russell, 1982; Sampson, 2002; Sinozich & Langton, 2014; Weiss, 2009, 2011, 2013).

Actual Reporting of Victimization

Due to the lack of variability in the dichotomous dependent variable (i.e., no respondents had reported sexual victimization to the police), logistic regression was unable to be completed. Instead, since all victims of sexual violence did *not* report victimization to the police, frequencies on the reasons given for not reporting were analyzed. Respondents were given 15 fixed choice categories they could mark as reasons why they chose not to report victimization to the police (e.g., personal matter), as well as an "other" category with a space provided to

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write a response. Respondents were asked to mark *all* the reasons they chose not to report the given victimization, thus more reasons were given than there were victims. Victims of unwanted sexual intercourse (n=2) and the victim of unwanted sexual acts (n=1) marked the reasons of “did not want to get in trouble myself,” “afraid of reprisal from offender or others,” and “would be blamed for the crime occurring.” Victims of unwanted sexual touching (n=2) marked the reasons for not reporting as “personal matter, took care of it without police involvement,” “minor crime, not serious enough to inform police,” and “no specific reason.”

Respondents were also asked what the “most important reason” for not reporting the victimization was and given a space to provide an answer. Only two respondents wrote responses to this question. Respondent #72 indicated the most important reason for not reporting unwanted sexual intercourse was “fear” and for not reporting unwanted sexual touching was “indifferent.” Respondent #248 wrote that the most important reason for not reporting unwanted sexual touching was: “Certain things happen at parties, clubs etc., so it wasn’t anything serious. You know what to expect in a particular environment.”

The reasons chosen by victims of sexual victimization for not reporting their victimization to the police were similar to those found in other studies (Fisher et al., 2003, 2010; Thompson et al., 2007). Although there were few victims of sexual victimization (n=5), respondents indicated that they chose not to report due to fear of being blamed, fear of reprisal, fear of getting in trouble, that it was a personal matter, and that it was a “minor” crime. Previous studies have also found that victims choose not to report for these same reasons (e.g., fear of being blamed, fear of reprisal) (Fisher et al., 2003, 2010; Langton et al., 2012; Reddington & Kreisel, 2009; Planty et al., 2013; Thompson et al., 2007; Weiss, 2010, 2011).

Anticipated Reporting of Victimization

In addition to being asked about their actual victimization and reporting experiences, respondents were also asked about anticipated reporting or the likelihood to report sexual assault victimization (*i.e.*, if you were a victim of unwanted sexual intercourse tomorrow, how likely are to report this to the police). Multivariate regression was used to determine how the variables of interest (e.g.,

race) influenced the dependent variable of anticipated reporting of sexual victimization.

In the analysis, the only statistically significant variables were gender ($p < 0.05$ level) and fear of victimization ($p < 0.01$ level). This suggests that, controlling for the other variables that could influence anticipated reporting (e.g., race or previous victimization experience), women are more likely to report and those with higher a fear of victimization are more likely to report possible future victimization. This indicated that women are more likely to report sexual assault victimization than are men. This would be expected since, although men can and are victims of sexual victimization, the majority of victims are female (Banyard et al., 2007; Hines et al., 2012; O’Sullivan, 2013; Planty et al., 2013; Reddington & Kreisel, 2009; Rozee & Koss, 2001). Even when male victims are considered in the analysis, studies find that males report sexual victimization even less frequently than do female victims (CDC, 2012; O’Sullivan, 2013). The regression model had a statistically significant F statistic (2.399) and an R^2 estimate of 0.225, which implies that this model accounts for 22.5% of the variation in anticipated reporting of sexual assault victimization with the included variables. However, there remains 77.5% of variation left unexplained, indicating that there are variables that impact anticipated reporting that were not included in the analysis.

Discussion and Conclusion

This study attempted to examine sexual assault victimization and reporting behaviors of students attending a small, private HBCU. Although some information was gleaned, it is difficult to generalize this to other similar populations due to the small sample size obtained and even smaller size of respondents that indicated that they had been victims of sexual assault (n=5). However, of these five victims, none disclosed that they had reported this victimization to the police. This is consistent with previous studies which find that sexual assault is the least reported of all crimes (Fisher et al., 2000, 2003, 2010; Reddington & Kreisel, 2009; Rennison et al., 2013; Russell, 1982; Sampson, 2002; Sinozich & Langton, 2014). Additionally, the reasons provided by respondents as to why they chose not to report their victimization to the police are also consistent with previous studies (e.g., fear of being blamed, fear of reprisal).

Respondents were also asked about their anticipated reporting behaviors. Using anticipated reporting of sexual assault victimization as a dependent variable, a multivariate

regression model was estimated to examine what variables influence this. It was found that gender and fear of victimization were the only two statistically significant variables. Women are more likely to report future victimization and those who hold a higher fear of victimization are more likely to report future victimization. Since the majority of sexual assault victims remain women, it is expected that women would be more likely (or at least respond that they would be more likely) to report possible future victimization. It was also found that those with a higher fear of victimization are more likely to report victimization. It may be that those who are more fearful of being victimized would state that they definitely would report a victimization to the police. However, it remains unclear whether these same respondents would actually report if, in fact, they are victimized. The majority of respondents (n=121, 48.6%) stated that they were “very likely” to report a sexual victimization to the police, but for actual reporting of these crimes, none of the respondents who had been victims reported to the police. Future research should examine why respondents state that, if they were a victim tomorrow, they would “very likely” report a sexual victimization, but actual reporting remains so low for this crime.

There was a significantly large amount of missing data (e.g., for victims of violent crime, 79 were missing) and a low number of victims within this sample. This is not to say sexual assault victimization does not occur within the population sampled, but rather there were few respondents who decided to disclose it on the survey. It is unclear if this was an issue with the survey (e.g., not understandable enough), an issue with the population (e.g., not understanding the survey), or an issue with disclosure (e.g., respondents did not feel comfortable disclosing their victimization on the survey). There were several surveys that had few to no questions answered (*i.e.*, the respondent answered the first two to three questions, failed to answer any questions concerning their victimization, and then answered demographic questions). Due to this, it is quite plausible that students did not feel comfortable enough disclosing information about victimization despite assurances that the information was confidential and anonymous.

Future research should continue to examine the issue of sexual assault, particularly within this population (*i.e.*, students enrolled at HBCUs). Future research should examine if assault rates and reporting are different for this population and, if there are differences,

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determine what might be the cause. For example, if the rates of sexual assault are lower for African Americans at HBCUs, is this due to a lower rate of drinking alcohol than at a Predominately White Institution (PWI)? Future research should examine other HBCU populations to determine if sexual assault rates and/or reporting are distinct at this specific university (since it is a small, private, Southern Baptist university) versus other HBCUs to determine if there is something unique to this population or unique to HBCUs in general. If lower rates of sexual assault victimization are unique to HBCUs, research could possibly use this information to determine the reasons for the lower rates of victimization and how this could translate to lowering rates at other universities to lower sexual assault victimization at colleges and universities overall.

End Note

1. As stated by Rozee and Koss (2001), "gender is still the most powerful predictor of rape—rape is predominately a crime against women that is perpetrated by men" (p. 295). This is not to say that men do not also experience sexual victimization and violence, but the majority of victims are still female while the majority of perpetrators remain males (Planty et al., 2013; Reddington & Kreisel, 2009; Rozee & Koss, 2001). As a result, this study focuses primarily on the sexual victimization of women.

References

- Bachman R. (1998). The factors related to rape reporting behavior and arrest: New evidence from the National Crime Victimization Survey. *Criminal Justice and Behavior, 25*(1), 8-29.
- Banyard, V.L., Plante, E.G., Cohn, E.S., Moorhead, C., Ward, S. & Walsh, W. (2005). Revisiting unwanted sexual experiences on campus: A 12-year follow-up. *Violence Against Women, 11*(4), 426-446.
- Banyard, V.L., Ward, S., Cohn, E.S., Plante, E.G., Moorhead, C. & Walsh, W. (2007). Unwanted sexual contact on campus: A comparison of women's and men's experiences. *Violence and Victims, 22*(1), 52-70.
- Belknap J. (2010). Rape: Too hard to report and too easy to discredit victims. *Violence Against Women, 16*(12), 1335-1344.
- Belknap, A. (2000). Sexual Victimization in *The invisible woman: Gender, crime, and justice*, (pp. 227-266). Belmont, CA: Wadsworth.
- Breiding, M., Smith, S., Basile, K., Walters, M., Chen, J. & Merrick, M. (2014). Prevalence and characteristics of sexual violence victimization—National Intimate Partner and Sexual Violence Survey, United States, 2011. *Morbidity and Mortality Weekly Report, Surveillance Summaries, 63*(8), 1-18. Retrieved from http://www.cdc.gov/mmwr/preview/mmwrhtml/ss6308a1.htm?s_cid=ss6308a1_e#Table1.
- Centers of Disease Control and Prevention. (2012). *Sexual violence: Facts at a glance*. Retrieved April 13, 2015 from <http://www.cdc.gov/ violenceprevention/sexualviolence/datasources.html>.
- DeKeseredy W. (2011). *Violence against women: Myths, facts, controversies*. Ontario, Canada: University of Toronto Press.
- Fisher, B., Cullen, F. & Turner, M. (2000). *The sexual victimization of college women*. Washington, D.C.: U.S. Department of Justice, National Institute of Justice and Bureau of Justice Statistics.
- Fisher B., Daigle L. & Cullen F. (2010). *Unsafe in the ivory tower: The sexual victimization of college women*. Los Angeles, CA: Sage Publications.
- Fisher, B., Daigle, L., Cullen, F. & Turner, M. (2003). Reporting sexual victimization to the police and others: Results from a national-level study of college women. *Criminal Justice and Behavior, 30*(1), 6-38.
- Gross, A., Winslett, A., Roberts, M. & Grohm, C. (2006). An examination of sexual violence against college women. *Violence Against Women, 12*(3), 288-300.
- Hines, D., Armstrong, J., Reed, K. & Cameron, A. (2012). Gender differences in sexual assault victimization among college students. *Violence and Victims, 27*(6), 922-940.
- Karjane, H., Fisher, B. & Cullen, F. (2005). *Sexual Assault on Campus: What Colleges and Universities are Doing About It*. Washington, D.C.: U.S. Department of Justice, National Institute of Justice (December), 1-16.
- Kilpatrick, D. & McCauley, J. (2009). *Understanding National Rape Statistics*. Harrisburg, PA: VAWnet, a project of the National Resource Center on Domestic Violence. Retrieved 04/07/2013, from <http://www.vawnet.org>.
- Kilpatrick, D., Resnick, H., Ruggiero, K., Conoscenti, L.M. & McCauley, J. (2007). *Drug-facilitated, Incapacitated, and Forcible Rape: A National Study*. (NCJ 219181-Final Report). Washington, D.C.: U.S. Department of Justice, National Institute of Justice.
- Koss, M.P., Gidycz, C.A. & Wisniewski, N. (1987). The scope of rape: Incidence and prevalence of sexual aggression and victimization in a national sample of higher education students. *Journal of Consulting and Clinical Psychology, 55*(2), 162-170.
- Krebs, C.P., Lindquist, C.H. & Barrick, K. (2010). *The Historically Black College and University Campus Sexual Assault (HBCU-CSA) Study*. (NIJ 2007-WG-BX-0021-Final Report). Washington, D.C.: U.S. Department of Justice, National Institute of Justice.
- Krebs, C.P., Lindquist, C.H., Warner, T.D., Fisher, B.S. & Martin, S. L. (2009). College women's experiences with physically forced, alcohol- or other drug-enabled, and drug-facilitated sexual assault before and since entering college. *Journal of American College Health, 57*(6), 639-647.
- Lawyer, S., Resnick, H., Bakanic, V., Burkett, T. & Kilpatrick, D. (2010). Forcible, drug-facilitated, and incapacitated rape and sexual assault among undergraduate women. *Journal of American College Health, 58*(5), 453-460.
- Littleton, H.L., Grills-Taquechel, A.E., Buck, K.S., Rosman, L. & Dodd, J. C. (2013). Health risk behavior and sexual assault among ethnically diverse women. *Psychology of Women Quarterly, 37*(1), 7-21.
- Mohler-Kuo M., Dowdall, G.W., Koss, M.P. & Wechsler, H. (2004). Correlates of rape while intoxicated in a national sample of college women. *Journal of Studies on Alcohol, 65*, 37-45.
- Mouilso, E.R., Fischer, S. & Calhoun, K.S. (2012). A prospective study of sexual assault and alcohol use among first-year college women. *Violence and Victims, 27*(1), 78-94.
- O'Sullivan, C.S. (2013). Sexual violence victimization of women, men, youth, and children. In R.C. Davis, A.J. Lurigio & S. Herman (Eds.), *Victims of Crime* (4th edition) (3-28). Thousand Oaks, CA: Sage Publications.
- Planty, M., Langton, L., Krebs, C., Berzofsky, M. & Smiley-McDonald, H. (2013). *Female Victims of Sexual Violence, 1994-2010*. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics.
- Provasnik, S. & Shafer, L. (2004). *Historically Black Colleges and Universities, 1976 to 2001*. Washington, D.C.: U.S. Department of Education, National Center for Education Statistics.
- Reddington, F.P. & Kreisel, B.W. (2009). *Sexual assault: The victims, the perpetrators, and the criminal justice system* (2nd edition). Durham, NC: Carolina Academic Press.
- Rennison, C.M., Dragiewicz, M. & DeKeseredy, W.S. (2013). Context matters: Violence against women and reporting to police in rural, suburban, and urban areas. *American Journal of Criminal Justice, 38*, 141-159.
- Rozee, P. & Koss, M. (2001). Rape: A century of resistance. *Psychology of Women Quarterly, 25*, 295-311.
- Russell, D. (1982). The prevalence and incidence of forcible rape and attempted rape of females. *Victimology: An International Journal, 7*(1-4), 81-93.
- Sampson, R. (2002). *The Problem of Acquaintance Rape of College Students*. Washington, D.C.: U.S. Department of Justice, Office of Community Oriented Policing Services [Problem-Oriented Guides for Police Services #17, 1-45].
- Sinozich, S. & Langton, L. (2014). *Rape and Sexual Assault Victimization Among College-Age Females, 1995-2013*. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics. Retrieved from <http://www.bjs.gov/content/pub/pdf/rsavcaf9513.pdf>.
- Thompson, M., Sitterle, D., Clay, G. & Kingree, J. (2007). Reasons for not reporting victimizations to the police: Do they vary for physical and sexual incidents. *Journal of American College Health, 55*(5), 277-282.
- Weiss, K.G. (2009). "Boys will be boys" and other gendered accounts: An exploration of victims' excuses and justifications for unwanted sexual contact and coercion. *Violence Against Women, 15*(7), 810-834.
- Weiss, K.G. (2010). Too ashamed to report: deconstructing the shame of sexual assault. *Feminist Criminology, 5*(3), 286-310.
- Weiss, K. G. (2011). Neutralizing sexual victimization: A typology of victims' non-reporting accounts. *Theoretical Criminology, 15*(4), 445-467.
- Weiss, K.G. (2013). *Party school: Crime, campus, and community*. Lebanon, NH: Northeastern University Press.

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to them if they told anyone what he had done. Two of the girls testified that Awbery touched their vaginal areas with his fingers in a “game” that he called “check the oil.” The State presented three expert witnesses who testified about the symptoms typically exhibited by child sexual abuse victims. Two of the experts had provided counseling to the victims and testified that they had observed these symptoms in the victims.

Prior to trial, the defense sought to introduce evidence that three of the victims each had been sexually assaulted by others prior to Awbery’s offenses, and that the victims’ symptoms could be caused by the prior assaults. The State moved that the defense be excluded from introducing this evidence under the Rape Shield Law. The defense argued that Awbery’s constitutional right to present a defense was implicated and that it overcame the exclusions of the Rape Shield Law. The court ultimately excluded the evidence of the prior assaults against three of the victims because it would cause unfair prejudice and would confuse and distract the jury. Awbery was convicted of all six felony charges and he appealed.

The Appeal. The Supreme Court of Montana considered the scope of the State’s Rape Shield Law under which evidence concerning the sexual conduct of the victim is

inadmissible except in very specific instances. The court made it clear that coverage under the Rape Shield Law extends to child victims. The court acknowledged that “[c]onflict can arise between rape shield statutes and a defendant’s Sixth Amendment rights to confront his accuser and to present evidence at trial in defense of the charge against him.” In balancing the interests of the defendant with those protected by the rape shield law, courts must require that the defendant’s evidence is “not merely speculative or unsupported.” Here, the court concluded that the district court “properly applied the Rape Shield Law and properly precluded the defense from presenting evidence and argument concerning the prior incidents involving three of Awbery’s victims.” There was no evidence that any of Awbery’s victims were diagnosed with any symptoms prior to Awbery’s assaults or that the condition the victims suffered resulted in their making false accusations. Moreover, the district court was cognizant of the risk of turning Awbery’s trial into a second case involving incidents unrelated to Awbery’s offenses. The court agreed that this would have created a “high risk of jury confusion.” Finally, the court declined to follow **Colburn** (see above), finding in this case there “was not the same kind of testimony” establishing that the prior abuse was relevant. The convictions were affirmed. **State v. Awbery**, No. DA 14-0255 (MT 2016). ■

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