

SEXUAL ASSAULT REPORT™

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Case Study

#MeNToo: Men's Responses to Male Sexual Victimization on Reddit

Brianne M. Posey

Introduction

The Rape, Abuse and Incest National Network (RAINN) estimates that every 98 seconds an American is sexually assaulted (RAINN, 2015). While there are some populations which may experience higher rates of sexual assault, *e.g.*, Native American women, sexual assault itself impacts every sex, gender, race, socio-economic status, sexual orientation, and religion. Research on the prevalence of sexual assault have informed prevention and intervention responses. This research has been particularly pertinent in assessing risk and service needs.

Previous research on the prevalence and incidence of sexual assault has been criticized for multiple reasons. Some critics have claimed that certain statistics on sexual assault may be non-representative. One example is the National Crime Victimization Survey's (NCVS) data. The NCVS is a survey administered by the Bureau of Justice Statistics (BJS) twice a year. This survey uses a cluster sampling technique and surveys between 49,000 and 77,400 households about their experiences with various types of crime including

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College Student Responses to a Hypothetical Sexual Assault Disclosure

Alondra D. Garza & Courtney A. Franklin

Introduction

The occurrence of sexual assault across institutions of higher education (IHE) remains a pervasive social concern (Fedina, Holmes & Backes, 2018). Indeed, initial studies concerned with the prevalence of attempted and/or completed rape on college campuses disseminated the "1 in 5" statistic (Krebs, et al., 2007; Schwartz & Pitts, 1995). Recent scholarship continues to validate this figure (Krebs et al., 2016; Muehlenhard, Peterson, Humphreys & Jozkowski, 2017) underscoring the saliency of sexual victimization on college campuses (Fisher, Daigle & Cullen, 2009). Undeniably, sexual assault is a life-altering experience and survivors often develop adverse psychological and physiological health consequences following victimization (Mason & Lodrick, 2013). Additionally, the trauma of victimization has negative effects on the academic achievements of survivors enrolled across universities, often leading to attrition (Baker, et al., 2016; Mengo & Black, 2016). Recently, universities have implemented programming to improve college students' responses following a sexual assault disclosure, including bystander intervention training and information about relevant resources (Franklin, Brady & Jurek, 2017; Franklin, Menaker & Jin, 2017). Despite these efforts, much remains

unanswered, including how victim race and perpetrator type may condition responses afforded to sexual assault survivors who disclose victimization, including empathy, culpability, and resource referral.

Sexual Assault Disclosure

Despite frequent occurrence, official data have demonstrated that sexual assault and rape are the most underreported offenses (Morgan & Kena, 2017). In 2016, for instance, only 23% of rape and sexual assault incidents were formally reported to police personnel (Morgan & Kena, 2017). Instead, sexual assault survivors, often disclose victimization to informal support providers, such as friends or family members (Ahrens, et al., 2007; Orchowski & Gidycz, 2012). Indeed, more than two-thirds of survivors disclose to informal support providers because they anticipate empathic and supportive responses as compared to formal support providers, who they expect to respond with disbelief, stigma, and blame (Orchowski & Gidycz, 2012; Orchowski, Meyer & Gidycz, 2009; Ullman & Filipas, 2001). To be sure, low reporting to formal support providers, such as campus law enforcement, has been attributed to fear of revictimization (Campbell, 2008; Wolitzky-Taylor, et al., 2011).

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To that end, recognizing survivors' preferences for disclosure highlights a critical area for equipping informal support providers, such as peers, with the necessary skills to provide a positive reaction that is trauma-informed and victim-centered.

Recognizing survivors' preferences for disclosure highlights a critical area for equipping informal support providers, such as peers, with the necessary skills to provide a positive reaction that is trauma-informed and victim-centered.

The manner in which disclosees or bystanders respond to sexual assault survivors has had significant consequences for survivor well-being (Ahrens, Cabral & Abeling, 2009; Campbell, et al., 2001). Disclosure responses that are positive, validating, and compassionate have mitigated trauma sequelae and encouraged help-seeking behavior (Borja, Callahan & Long, 2006; Frazier, Tashiro, Berman, Steger & Long, 2004). A positive reaction can include providing emotional support, and suggesting

tangible intervention through service utility, such as direct services like rape crisis centers, counseling, or hospital services (Ullman, 1996). Whereas positive disclosure responses are beneficial for survivors' post-trauma growth, negative responses afforded to sexual assault survivors are far-reaching and produce secondary victimization

(Filipas & Ullman, 2001; Orchowski & Gidycz, 2015). Negative reactions, such as questioning the survivors' behavior or judgment, overt blame, and discounting a survivor's story, have exacerbated symptomatology, including posttraumatic stress disorder (Ullman, 2010).

Perpetrator Type

Many factors inhibit the disclosure of a sexual assault, such as adherence to the "real rape" schema that legitimizes only incidents

that are stranger-perpetrated, involve a weapon, and include demonstrable victim injury (Estrich, 1987; Koss, Dinero, Seibel & Cox, 1988). Existing research, however, affirms that the majority of sexual assault incidents do not meet these criteria. For instance, data from national college climate surveys have illustrated that less than 10% of reported rape incidents by female students implicate a stranger-perpetrator (Krebs, et al., 2016). Traditionally, stranger-perpetrated assaults have been perceived as more serious, more violent, and intrinsically more worthy of formal criminal justice intervention as compared to incidents involving acquaintances or intimate partners (Ben-David & Schneider, 2005; Estrich, 1987; Spohn & Tellis, 2014; Vandiver & Dupalo, 2013). Often, victims who are formerly acquainted with the perpetrator are attributed increased culpability and less empathic responses as compared to stranger rape victims (Sleath & Bull, 2012; Yamawaki, 2007).

Victim Race

Existing research has established the manner in which victim race may condition sexual assault disclosure responses (Donovan, 2011; Donovan & Williams, 2002; Tillman, Bryant-Davis, Smith & Marks, 2010).

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Case Summaries

by Anne L. Perry

Wisconsin: Lifetime GPS Tracking Not Punishment So Defendant Not Entitled to Withdraw Guilty Plea; Proper Test Set Forth

The Facts. Defendant DeAnthony Muldrow was charged with five counts of criminal conduct as a consequence of an incident in which he had forcible intercourse with a 15 year old girl. He reached a plea agreement in which he pled guilty to two of the sexual assault counts and the State dismissed the remaining three counts. While under an 18 year deferred judgment agreement from that plea agreement, Muldrow violated his extended supervision in different case by cutting off the GPS tracker he was required to wear as a condition of the supervision. The circuit vacated his deferred judgment agreement and entered a judgment of guilt on count one.

Muldrow was then sentenced to 10 years of supervisory probation and became subject to lifetime GPS tracking. Six months later, Muldrow moved to withdraw his plea, alleging that it was not made in a knowing fashion because the circuit court did not inform him that pleading guilty to count one would subject him to lifetime GPS tracking. Muldrow contended that his unknowing guilty plea was a violation of his right to due process because lifetime GPS tracking was a punishment for a conviction of sexual assault of a child relative requiring notification from the circuit court.

Circuit Court Decision. The circuit court concluded that lifetime GPS tracking was not punishment, and consequently, Muldrow did not have a right to be informed that his guilty plea would result in its imposition. The circuit court denied Muldrow's motion to withdraw his pleas, the court of appeals affirmed, and Muldrow appealed.

The Appeal. The Supreme Court of Wisconsin first recognized that for a defendant's guilty plea to be knowing, the circuit court must notify the defendant of any "direct consequence" of his guilty plea. Direct consequences of a plea are those that impose punishment. As the parties agreed that the circuit court failed to inform Muldrow that his guilty plea would subject him to lifetime GPS tracking, the issue was whether this condition was a "punishment."

The court next resolved a "lack of clarity" as to the correct test to be used to determine whether a sanction is a punishment such that due process required that a defendant be informed of it before entering a plea of guilty. The court held that "the intent-effects test is the proper test," since it considers both the statute's primary function as well as whether the effect of the statute was penal in nature. The court then applied the intent-effects test to the facts of Muldrow's case. The language and content of the statute reflected an intent to "rehabilitate offenders and protect the public, rather than to punish offenders."

Nor was the effect of lifetime GPS tracking so punitive as to transform it into a criminal penalty. The court considered factors such as the "substantial freedom of movement" and "relatively minimal intrusion," which were not excessive in relation to the non-punitive purpose of protecting the public. After reviewing all factors, the court concluded that "neither the intent nor effect of lifetime GPS [wa]s punitive, and consequently, the circuit court was not required to inform Muldrow of it." Accordingly, the judgment was affirmed. **State v. Muldrow**, 381 Wis. 2d 492, 912 N.W.2d 74 (Wis. 2018).

Montana: Defendant's Attempt to Withdraw Guilty Plea and Request New Counsel Was Not Supported

The Facts. Defendant Chad Heitkemper was charged with felony sexual assault for allegedly touching the vaginal area of a nine year old child. Heitkemper entered a plea agreement with the State, in which he agreed to plead guilty to sexual assault. The parties agreed to a 15 year commitment to the Department of Corrections with 10 years suspended. At a hearing, the district court had "an extensive colloquy" with Heitkemper. He stated that he understood that if the court imposed a greater sentence, he could not withdraw his guilty plea. He acknowledged his satisfaction with the plea agreement and his attorney's assistance and he stated he was not under the influence of alcohol or drugs.

The district court accepted Heitkemper's guilty plea and requested a presentence investigation report (PSI). The PSI recommended

that the district court sentence Heitkemper to a 20 year commitment to the Department of Corrections with five years suspended. Heitkemper then wrote a *pro se* letter to the district court asking to retract his guilty plea, expressing concerns about his attorney's representation, and requesting new counsel. The district court sent copies of this letter to both Heitkemper's attorney and the prosecutor, and asked them to contact each other and discuss Heitkemper's requests. At the outset of Heitkemper's sentencing hearing, the prosecution, Heitkemper's attorney, and Heitkemper were all given the opportunity to speak. No mention was made of Heitkemper's letter or the concerns expressed in his letter.

The district court sentenced Heitkemper to 20 years with seven suspended. Heitkemper then filed a *pro se* motion to withdraw his guilty plea, claiming that he was under the influence of marijuana when he pled and that his attorney was ineffective. The district court denied the motion, finding that Heitkemper's own testimony contradicted his assertion about being under the influence, and that his attorney provided advice that was "well within the range of acceptable assistance." Heitkemper appealed his conviction and contended that the district court had abused its discretion by not assigning new counsel.

The Appeal. The Supreme Court of Montana noted that "[w]hen a defendant alleges denial of effective assistance of counsel and requests appointment of new counsel, a district court must conduct an adequate initial inquiry [to] determine whether the allegations are seemingly substantial." The defendant carries the burden of showing that there was a "complete collapse of the attorney-client relationship," a "total lack of communication," or ineffective assistance of counsel. Heitkemper's letter contained "bare unsupported assertions" regarding his concerns about his counsel and whether his plea was voluntary. His assertion that he was under the influence of marijuana was not supported by the record. Upon receipt of this letter, the district court conducted an "adequate initial inquiry" by sending copies of the letter to both Heitkemper's attorney and the prosecution. All parties were given the "opportunity to

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*A View From the Field***A Conversation With Cacki Barrett**

Editor's Note: This feature is the result of our talks with various people in the field, where we explore their views on developments in sexual violence prevention and intervention. We hope this opportunity to share different perspectives on where we see progress, where we see problems, and what helps sustain us, will enrich us and our community in this work.

Cacki Barrett is a child abuse therapist at Family Resource Center of the Virgin Islands. Its website is <http://frcusvi.org/>.

SAR: What was your first job in the field?

CB: My career began right out of college 30 years ago when I worked with children who had been sexually abused. I was 23 years old with a degree in Child Development and was going to change the world. Unfortunately, I just wasn't ready for the challenges of the work. I was not prepared. So, after a few months I transitioned into education and became a school counselor. I certainly worked with a lot of troubled kids but it wasn't at the same intense level. After quite a few years working in the education system, I became disillusioned. It just felt as though I wasn't making any meaningful progress. At that time my daughter was living in the Virgin Islands and I traveled here to visit her. After that trip I returned to North Carolina, sold everything I owned, and moved to the Virgin Islands. It just happened that someone I knew from North Carolina was running the Family Resource Center and I became a volunteer. Then I was hired part-time and later I became full-time.

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

CB: Now that corporations are mandated to create safe environments, we're having conversations around the issue of what safety looks like for women. The #MeToo movement has influenced the conversation. Survivors reaching out to one another, like what's happened in the Cosby case, makes the conversation stronger. *(Editor's Note: on the day of our interview, entertainer/*

comedian Bill Cosby was sentenced to three to 10 years for sexual assault.)

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

CB: We've placed in power and allowed people to remain in power who are very outspoken and unapologetic about their views that women are objects and can be treated in whatever way pleases a man. I think there's a lot of public attitude about masculine privilege that fails to hold men accountable for sexual violence. Here in the Caribbean Islands there's a sub-culture that holds to the belief that in a marriage, if a wife is unable or unwilling to engage in sex, it's the daughter's obligation to step up.

SAR: What are new issues or challenges are you facing today?

CB: For me it's teen dating violence attitudes. I see a lot of girls who believe that what we know to be abusive behavior is an indication of love. "If he isolates me it's because he loves me." "If he has sex with me without my consent it's because he loves me." "If he becomes angry, it's because he loves me." I think some of that comes from the entertainment industry that suggests isolation and fits of rage are proof of love.

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?

CB: I recently attended the National Organization for Victim Assistance (NOVA) conference. That whole event was awesome. There were a number of workshops about interviewing children, but also some really helpful information on how to get youth involved. I was especially excited about the Bloom365 teen dating violence program out of Arizona that focuses on peer-to-peer strategies that have the potential to interrupt sexual violence.

SAR: What gives you hope—about the field?

CB: A lot of things give me hope, including my co-workers, and seeing my clients make progress. I know that over the last 20 years

there has been an attitudinal shift. Survivors are being believed. First responders are better trained to engage with survivors in ways that don't revictimize them. We work in a serious, sad business and my co-workers and I intentionally look out for one another. That philosophy is embedded in our agency culture. That might be little easier in the Virgin Islands where community is highly valued. There's a very public sense that, "if you don't succeed, nobody succeeds." It's considered unethical for us to not take care of ourselves and one another.

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

CB: The beach, water, ocean, sunshine, and palm trees! I'm a water person so I can float on the ocean and recalibrate. Unlike the coastal beaches on the mainland, the waters here are very still.

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

CB: I talk a lot to my colleagues and I'm on a lot of discussion boards. As a white female and an "outsider," I'm a minority here. That gives me a pass to ask a lot of questions, which in turn, helps me better understand the culture. I network and am actively involved in my community, not just to give back but to better understand it.

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

CB: For me, it all boils down to holding childhood as sacred. If we take care of our children we have fewer broken adults we have to deal with. It's critical that we focus on social, emotional skills, not just academic skills. We have to teach children how to manage anger, how to manage rejection, how to view others as worthy human beings. That's especially critical for children born into reduced circumstances; how do we benefit by continuing to harm them via our political and policy decisions when we know we're setting them up to become adults who harm others? I often ask why children should be cut on the broken edges of their parents. So, for me, it's any practice that takes care of our kids. ■

Worth Reading

A History of Post-Traumatic Stress Disorder: A Review

by Russ Immarigeon*

PTSD: A Short History

Allan V. Horowitz
Johns Hopkins University Press (2018)

Post-traumatic stress syndrome (PTSD) has become a familiar term not just in medical care, but also in common day-to-day and political settings. While the term has a familiar ring for many people, its etiology and effects are far less clear. In *PTSD: A Short History*, Rutgers University psychiatric sociologist Allan V. Horowitz offers a concise overview of the emergence of PTSD since the mid-nineteenth century through more recent decades. In this book, Horowitz focuses, not surprisingly, on war-related trauma, especially from the Vietnam War, but also on sexual assault-related trauma, especially false and recovered memory.

In 1980, the American Psychiatric Association introduced PTSD in the then newly-released third edition of its *Diagnostic and Statistical Manual of Mental Disorders* (DSM-III). The term PTSD quickly integrated into popular culture. While the term, as well as its utility, has become contested, it is nevertheless well-recognized as both a social and pathological entity. Moreover, this condition, often obscured historically, has become controversial in public policy- and health care-related dialogues about gender.

In the Civil War, soldiers were said to suffer from “soldier’s heart”; in World War I, the term “shell-shock” came into use. “Throughout the period between the mid-nineteenth and early twentieth centuries,” medical historian Charles Rosenberg notes in his introduction, “attitudes toward the survivors of trauma were beginning to be shaped not only by changing conceptions of disease in the medical profession, but also by events in the public sphere: demands for soldiers’ pensions in the case of veterans, or of the right of accident victims to take civil actions to seek compensation for their injuries in the case of railway accidents. The extraordinary political mobilization created

by the Vietnam War and its returning veterans provided another late twentieth century motivation for expanding notions of post-traumatic emotional pathology, putting flesh on the post-traumatic concept and activism behind its public articulation. Stress itself provided a mechanism, a black box of presumed physiological effects that promised the legitimacy of a material pathology underlying the emotional and behavioral symptoms that came to be lumped under the rubric of PTSD” (p. xi).

In his preface, Horowitz notes that 50 years after DSM-III popularized PTSD “the prior dominance of social approaches seems thoroughly anomalous. Reductionist frameworks that find the essence of mental

or as he puts it “a link between a prior negatively valued disruption and some present form of psychic suffering” (p. 4).

2. Traumatic shocks that disable a person’s ability to remember them, requiring “extensive and prolonged efforts” to recover them with “perfect accuracy” (p. 5).
3. Stress resulting from the initial shocks and/ or from efforts to recover memories of these shocks.
4. Disorder that assumes pathological (not natural) symptoms, resulting from traumatic shocks, framed within a medical discourse, as opposed to a moralistic interpretation.

PTSD is well-recognized as both a social and pathological entity.

illnesses in brain regions, neurochemicals, and genes are ascendant in current research, treatment, and popular culture. PTSD, too, has been transformed from a condition rooted in social traumas to one grounded in the presumed brain changes it involves. In retrospect, it seems that the ‘brainless’ psychiatry of the earlier period was just as intellectually shallow as is the ‘brainless’ psychiatry of the current era. Both socio-cultural and biological factors, as well as their interrelations, are critical aspects of all mental disorders” (p. xiii).

In *PTSD: A Short History*, Horowitz recognizes that rape, one form of sexual assault, has long been considered a trauma (well before DSM-III first established a PTSD diagnosis). The “culture of PTSD,” however, has expanded well beyond the formerly narrower parameters of trauma, rapidly expanding the number of persons experiencing trauma and even PTSD. The concept of trauma, too, has also experienced a long history of skepticism, disbelief, and opposition.

In an effort to posit clarity over confusion, Horowitz notes that PTSD has four primary components:

1. External trauma that overwhelms a person’s ability to cope with the experience,

“Each of the four elements of post-traumatic stress disorder,” Horowitz states, “raises central issues about how definitions of, explanations for, and responses to traumas have changed over time. They also generate key questions about the kinds of factor that produce mental disturbances, the moral judgments that are applied to mental illnesses, and the relationship of mental disorders to biology and culture” (p. 8).

Overall, each of individual chapters in this historical account covers inherent links between external traumas and resulting symptoms that inevitably merge PTSD with historical forces and social circumstances as well as from individual vulnerabilities. In brief, these chapters dig into the emergence of precursors of modern perspectives on PTSD in the latter part of the 19th century, starting with the Civil War; the impact of the first and second World Wars on explanations of and treatments for traumas that emphasized contemporary disturbances rather than past events (including a shift of emphasis from the “traumatic ordeals of women” to “the traumas of male combatants”); post-World War II attitudinal changes leading to

See *POST-TRAUMATIC*, page 46

*Russ Immarigeon, MSW, is the editor of *Women and Girls in the Criminal Justice System: Policy Issues and Practice Strategies*, Vols. 1 & 2 (2006, 2012), published by the Civic Research Institute.

New Resource

The New Center for Victim Research Provides Vital Connections and Resources

Editor's Note: From time to time, we provide articles concerning new resources for practitioners. The New Center for Victim Research (CVR) featured here is one such resource. For more information, readers can register online to receive the newsletter at www.victimresearch.org; and/or also follow CVR on Facebook @centervictimresearch, on Twitter @VictimResearch, or the YouTube channel Center for Victim Research.

A new federally-funded center aims to build a community of practitioners and researchers collaborating to improve responses to victims of crime. The Center for Victim Research (CVR), funded by the Office for Victims of Crime, U.S. Department of Justice, is not the first effort to bridge the gap between research and practice in victim services, but the project aims to aggregate and expand on the solid work already underway. CVR is a partnership combining the expertise and reach of three longstanding organizations: the Justice Research and Statistics Association, the National Center for Victims of Crime, and the Urban Institute.

Research and evaluation are increasingly recognized as a key element of the victim services field, and CVR can make a meaningful contribution to the field in the following ways.

The Need for Victim-Centered and Informed Responses

One of the field's principal values is respect for the victims and survivors we serve. As professionals, we are interested in using best practices, and providing services that will truly meet their needs, promoting healing and recovery. The collection of good quality data, and the skillful analysis of that data, is crucial to getting an accurate picture of what victim services are effective, what is missing in the field's current services menu, and the shifts in strategies that need to be explored. To build the most effective services for victims and survivors, we need research and evaluation that illuminates causes and effects, suggests areas for intervention, and tells us whether a given approach leads to the desired outcome.

Good Stewardship of Resources

Because victim services are supported through the expenditure of public funds and private donations, providers have an obligation to do the most good they can with that funding. What's more, governmental and private funders are increasingly demanding that practitioners demonstrate an evidence base for their victim work. Research, evaluation, and data analyses help ensure resources are expended effectively.

Staff Retention

Research indicates that providing victim services often requires an emotional investment on the part of staff, as well as long hours for modest pay. Integrating research into practice results in recognition of negative impacts on staff and ensures that the organization takes steps that sustain staff and promotes the continued delivery of high-quality victim services.

Unfortunately, too many of the advances in victim research have failed to reach beyond a narrow audience; many researchers and practitioners looking to build an evidence base for victim services have no regular opportunity to learn from peers doing similar work. CVR aims to build a system of interconnections that allows researcher and practitioners to access the important resources and information being developed, and to interact with one another in a collective advance that will benefit of victims and survivors. CVR's website serves as a hub for intake and dissemination of resources and information, and to connect those working to bridge the research-practice gap in victim services.

Support Services Offered

Service providers and researchers can find a range of supports through CVR's website, www.victimresearch.org, supports that include the following.

Connections. CVR promotes connections between researchers and victim service providers. CVR is funding research and practice collaborations at the state and local levels, that not only conduct research and data analysis but build relationships through activities such as cross-learning,

CVR also maintains an online directory of victim researchers who are looking to partner with victim service practitioners. Researchers seeking to connect provide some basic information about their background and expertise, and practitioners have an easy search tool for finding partners. CVR also hosts various podcast series of conversations with victim researchers and practitioners as another mechanism to build connections.

Tools and Trainings. CVR works to identify existing high-quality tools and trainings that support victim research, and to develop new tools and trainings to fill gaps. From needs assessments to researcher-practitioner collaboration to victim protection in the research process, CVR shares resources and trainings to improve and expand the conduct of victim research. CVR is also building a collection of victim research instruments, such as different community surveys, victim surveys, logic models, focus group questions, interview instruments, and more. Ready access to this collection should make it easier—and less expensive—for other victim research projects to get off the ground. CVR's aim is to build a tools and trainings exchange where people can find resources they need and contribute resources that can help their peers. CVR also offers "light touch" technical assistance or guidance to practitioners and researchers.

Libraries. While many valuable reports, presentations, and other resources on victim research have been produced, they can be hard to find. An organization may highlight an exciting research report for a few months, but over time it falls deeper into their website and becomes less accessible. CVR maintains an open access library for all publicly available victim research and evaluation reports, presentations slides, articles, and other resources. CVR staff tag those resources with key terms and then link to the sites that host them. CVR welcomes suggestions for new resources to add to this collection.

In addition to the open access library of nearly 1,000 resources, CVR maintains a separate library of subscription research

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The development of segregationist myths, such as the “Jezebel” stereotype, have associated Black women with hypersexuality, provocation, and sexual enticement (Collins, 2000; West, 2004). As a result, the experiences of Black sexual assault survivors have been invalidated due to the misguided belief that they provoked or are responsible for their sexual victimization (West, 1995). For instance, studies examining perceptions of sexual assault among college populations have found that participants failed to label the incident as rape (George & Martinez, 2002) and attributed increased levels of blame (Donovan, 2007; Dupuis & Clay, 2013), when survivors were depicted as Black compared to White counterparts. These findings highlight how consequential the effects of negative racial stereotypes are for sexual assault survivors of color.

Research Questions

This research brief provides a summary of results from a recent study designed to examine the effect of perpetrator type and victim race on participants’ levels of empathy, culpability attributions, and resource referral after being presented with a hypothetical sexual assault disclosure scenario as presented in the appendix (Franklin & Garza, 2018).

Research Question 1: Does perpetrator type affect participants’ response (empathy, culpability, and resource referral) to the sexual assault disclosure scenario?

Research Question 2: Does the race of the victim affect participants’ response (empathy, culpability, and resource referral) to the sexual assault disclosure scenario?

Method

The current study employed a sample of self-reported, paper-and-pencil survey responses from 348 undergraduate students enrolled in various criminal justice courses at a midsized, Southern university during the fall of 2015. Participation was solicited verbally during classes after describing an institutional review board (IRB) approved study titled, “Reactions and Responses to a Sexual Experience Disclosure.” Survey participation was emphasized as both voluntary and anonymous. Participants were offered extra credit with an alternate assignment for those who opted out. Participants were

randomly assigned to one of four vignettes, or hypothetical scenarios, that depicted a sexual assault and subsequent survivor disclosure asking the participant for advice. These vignettes were modified slightly for the purpose of the study and have been successfully utilized in prior research (Bridges, 1991; Newcombe, et al., 2008). Survey completion took approximately 35 minutes.

Sample Demographics

More than half of participants were women ($n = 207$) as compared to men ($n = 141$), and had a mean age of 20.94 years. Participants were racially diverse, such that 38.8% ($n = 135$) were White, 31.3% ($n = 109$) were Latino/a, 19.5% ($n = 68$)

responses were captured using a six-point Likert-type scale ranging from “strongly disagree” (coded as 0) to “strongly agree” (coded as 5). The items were summed to create a scale from 0-50, where higher numbers represented increased levels of empathy for the survivor ($M = 38.73$, $SD = 8.15$, $\alpha = .852$).

Resource Referral. The degree to which participants were willing to provide referrals for social services after reading the sexual assault vignette scenario was measured using five author-created items. Participants were asked to respond to the likelihood that they would encourage the victim to “report to police,” “seek group counseling/support groups,” “seek a rape crisis center,” “get

The intersection of race and victimization continues to be a critical area for sexual victimization research.

were Black, 3.7% ($n = 13$) were Asian/Pacific Islander, and 0.6% ($n = 2$) were Native American/Alaska Native. Nearly half of all survey participants were currently employed, whereas 10.7% ($n = 37$) reported university Greek affiliation and 5.5% ($n = 19$) of participants participated on a university athletic team.

Variables

Culpability Attributions. Participant responses assessing the attribution of culpability for the sexual assault survivor in the vignette scenario were measured using three items (see Franklin & Menaker, 2015). Participants were asked to respond to three statements that named the victim in the vignette, followed by: is “to blame for this situation,” is “responsible for this situation,” and is “the cause of this situation.” Participant responses were captured using a six-point Likert-type scale ranging from “strongly disagree” (coded as 0) to “strongly agree” (coded as 5). The items were summed to create a scale from 0-15, where higher numbers represented increased levels of culpability attributed to the survivor described in the scenario ($M = 1.28$, $SD = 2.49$, $\alpha = .826$).

Empathy. Ten items from a modified version of the Interpersonal Reactivity Index (Davis, 1980) captured empathy attributed to the survivor. Items included statements such as “having tender, concerned feelings,” “feeling sorry for [the victim] and her problems,” and “understanding why [the victim] is in this situation.” Participant

tested for STDs,” and “get a forensic medical exam at a hospital.” Participant responses were captured using a six-point Likert scale ranging from “strongly disagree” (coded as 0) to “strongly agree” (coded as 5). The items were summed to create a scale from 0-25, where higher numbers indicated more increased resource referral responses ($M = 22.04$, $SD = 3.16$, $\alpha = .784$).

Results

The research questions were addressed utilizing a 2 (perpetrator type) x 2 (victim race) analysis of variance (ANOVA) on the outcome variables of interest (culpability, empathy, and resource referral).

First, neither perpetrator type, nor victim race, had a statistically significant main effect on empathy. The interaction, however, was statistically significant, indicating that the effect of perpetrator type on empathy depended on race. Specifically, for White victims, a stranger-perpetrator increased empathic concern as compared with Black victims.

Next, results demonstrated a statistically significant main effect of perpetrator type on culpability. Specifically, culpability scores were higher in the acquaintance-perpetrator vignette scenario as compared to the stranger-perpetrator vignette scenario. Victim race did not have a statistically significant main effect on culpability attributions and the interaction effect was not significant.

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Finally, results demonstrated that perpetrator type had a statistically significant main effect on resource referral, where resource referral was higher for the stranger-perpetrated vignette scenario compared to the acquaintance-perpetrated vignette scenario. Victim race did not have a statistically significant main effect on resource referral and the interaction effect was not significant.

Discussion

This research brief described findings from a recent study (Franklin & Garza, 2018) on disclosure responses from a

perpetrator was a stranger. This finding illustrates some adherence to stereotypes that are disadvantageous and aggravate the help-seeking behaviors of Black sexual assault survivors (Long & Ullman, 2013). Without a doubt, the intersection of race and victimization continues to be a critical area for sexual victimization research in order to improve responses to all survivors.

The significance of responding positively to a disclosed sexual assault cannot be understated. A survivor's decision to tell someone and ask for advice following a sexual assault may be the first step to begin her or his healing process and could facilitate further help-seeking behaviors. To that

Educational programming across institutions of higher learning surrounding rape and the trauma of victimization, regardless of perpetrator type or tactic, is necessary.

sample of 348 college student responses to a hypothetical sexual assault vignette. Specifically, the perpetrator type (stranger vs. acquaintance) and victim race (White vs. Black) were manipulated to assess the manner in which these characteristics may affect culpability, empathy, and resource referral for survivors.

Importantly, findings from this study highlighted the considerable influence of perpetrator type when deciding how to respond to a sexual assault disclosure. When the perpetrator was a stranger, survivors were largely attributed positive responses from participants. Results reiterate existing research where survivors of stranger-perpetrated sexual assaults have received more encouraging responses as compared to survivors of acquaintance-perpetrated sexual assault (Bieneck & Krahé, 2011; Sleath & Bull, 2012). In terms of policy implications, the need for educational programming across IHEs surrounding rape and the trauma of victimization, *regardless of perpetrator type or tactic, is necessary.*

It is promising that main race effects on culpability, empathy, and resource referral were not significant in the current study. That said, the interaction between victim race and perpetrator type on levels of empathy mattered given that participants attributed less empathy to Black survivors as compared to White survivors when the

end, it is necessary for potential bystanders, such as college students, to be prepared with the skills to respond in a manner that is healing and compassionate for survivors.

Appendix: Sexual Assault Disclosure Vignettes

1. Stranger Rape

One night [Elizabeth, Kiara], a [White, Black] and final-year student at a state university, who is your good friend, went to a house party with several other friends, where she consumed five alcoholic drinks. She was buzzed from the drinks at the party but was able to walk home without help. Following the party, she said goodbye to her other friends and crossed the lighted parking lot to her apartment, which was nearby. While she walked across the parking lot, Tim, a student whom [Elizabeth, Kiara] did not know, came up to her. After attempting unsuccessfully to make conversation with [Elizabeth, Kiara], Tim asked her whether she was interested in having sex. [Elizabeth, Kiara] said "No" very forcefully, but Tim did not pay attention to her answer. He grabbed her, began to kiss her, and then lifted her skirt. He forced himself on her and completed the act of sexual intercourse. The next day, [Elizabeth, Kiara] approached you for advice. What would you suggest [Elizabeth, Kiara] do?

2. Acquaintance Rape

One night [Elizabeth, Kiara], a [White, Black] and final-year student at a state university, who is your good friend, went to a house party with Tim, who had asked her on a date. At the party, Tim brought her alcohol and she consumed five drinks. Although [Elizabeth, Kiara] and Tim were in a few classes with one another, this was their first time out together. Following the party, [Elizabeth, Kiara] and Tim went back to [Elizabeth's/Kiara's] apartment to watch television. While watching television, Tim put his arm around [Elizabeth's/Kiara's] shoulder, to which she responded positively. They began to kiss. A few minutes later, Tim asked her whether she was interested in having sex. [Elizabeth, Kiara] said "No" very forcefully, but Tim did not pay attention to her answer. He grabbed her, began to kiss her, and then lifted her skirt. He forced himself on her and completed the act of sexual intercourse. The next day, [Elizabeth, Kiara] approaches you for advice. What would you suggest [Elizabeth, Kiara] do?

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sexual assault. Criticisms of the survey are that it does not include individuals who are transient or incarcerated, two groups that may be at a higher risk for various forms of victimization, sexual assault included. Further, the survey is done over the phone and in English. This method of data collection excludes individuals who do not have landlines, individuals who may be deaf and/or hard of hearing, or individuals who have difficulty communicating in English. Limitations such as these have led some critics to conclude that some statistics may be under representative of the prevalence and incidence of sexual assault within certain communities.

Other surveys have been criticized for the ways in which they operationalize sexual assault. Sexual assault can best be described as a category; it is an umbrella term used to describe any type of sexual contact which lacks consent. This includes rape, non-consensual touching, sexual harassment, and indecent exposure. But when it comes to definitions, there are legal and social definitions of sexual assault.

In 2015 the Association of American Universities (AAU) surveyed students from 27 college universities across the U.S. about their experiences with various forms of gender-based violence. The AAU defined sexual assault as rape and other strictly criminal offenses, meaning that the violation has been criminalized in some form at the federal, state, or local level. This clashes with other forms of sexual violence that are prohibited but may not be criminal. For instance, many colleges and universities categorize offenses such as revenge pornography (the distribution of sexually explicit images or video of individuals without their consent) as sexual assault and a violation of their student code of conduct, but the act itself is not recognized as a criminal offense in many jurisdictions.

Another offense generally recognized as a form of sexual assault but not necessarily criminal is *stealthing*. Stealthing is defined as when one partner tampers with sexual protective devices and/or birth control measures without telling the other party. The desired outcome is the purposeful transmission of an STD or STI, or intentional pregnancy. Most jurisdictions in the United States have yet to label stealthing as a criminal sexual offense, but a recent study has concluded that many do view stealthing as a form of sexual assault (Brodsky, 2016). How researchers are defining sexual assault,

if at all, in their surveys, coupled with individual differences in definitions of sexual assault, may result in misrepresentations in self-admitted victimization, as well as self-admitted perpetration. This will inherently skew statistics.

These criticisms have not gone unnoticed. Gender-based violence activists and advocates are promoting campaigns and social movements which focus on both educating and understanding the magnitude of sexual assault among all populations, in an effort to promote social change. One of the most recent campaigns to do so was the *Me Too* campaign. The origins of the Me Too movement can be traced back to African-American community activist Tarana Burke. In 2006 Burke originally used the phrase to empower women of color who had experienced sexual assault. The campaign was intended to ensure the experiences of women of color were heard and considered in efforts to address sexual violence. Social response to Burke's efforts remained lukewarm until 2017, when actress Alyssa Milano, who is White, encouraged those who had experienced sexual harassment and assault to share their experiences on social media and hashtag the statement with Me Too (#MeToo). The goal of this revival was to help reveal the extent of the problem within society, and not within a specific community.

The campaign spread quickly. Milano's original Me Too message was posted on the social networking site Twitter around noon on October 15, 2017. The phrase had been used on Twitter more than 200,000 times by the end of the day and used more than 500,000 times by October 16 (Johnson & Hawbaker, 2018). On another social networking site, Facebook, the hashtag was used by more than 4.7 million people in 12 million posts during the first 24 hours (Johnson & Hawbaker, 2018). Facebook reported that 45% of users in the United States had a friend who had posted using the term (Johnson & Hawbaker, 2018).

The Me Too campaign was and still is viewed by many as a "women's movement." While Milano, a woman, did share her own experiences with sexual victimization, her original tweet did not expressly limit #MeToo to women. However, it is estimated that over 80% of individuals who participated in the Me Too campaign online were female (Khomami, 2017).

The gender disparities in the participants in the Me Too movement can be attributed to various social, legal, and political causes. At the social level, views of victimization

are wrapped up in gender roles. In a patriarchal society, men are expected to be masculine and women are expected to be feminine. Men are viewed as sexually dominant and women are viewed as sexually submissive. As a result, being victimized, and, more specifically, sexually victimized, is often treated as a sign of sexual submission, traditionally a feminine trait. Social attitudes towards gender and victimization may prevent men from admitting, reporting, and/or seeking resources for sexual assault victimization.

At the legal level, the way that we have legally defined sexual assault historically is very gendered. The Federal Bureau of Investigation (FBI) did not change its legal definition of forcible rape from "The carnal knowledge of a female forcibly and against her will" to "The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim" until 2012. The previous definition raised genuine concerns regarding whether men could legally be regarded as victims of sexual assaults.

At the political level, throughout much of history, movements to end sexual assault have been highly feminized. Many social movements and advocacy efforts have worked toward both eradicating violence against women and implementing changes which would benefit women. Some of these accomplishments include the creation of shelters (often referred to as women's shelters), as well as gender-based violence public policies such as The Violence Against Women Act (1994). Many of these resources extend to men; however, women's experiences, as well as women's wants and needs, have always been the primary focus of these movements. We especially see this in the Me Too movement, as it produced something known as the Weinstein Effect. A few of the high-profile individuals who participated in Me Too campaign shared stories of being victimized by the same individual. Film production mogul Harvey Weinstein was exposed as a repeat offender during the campaign. This created a snowball effect within the campaign where women began sharing stories of being sexually victimized by powerful men. Some of these powerful men who were exposed for their repeat victimization of women included comedian Louis C.K., filmmaker Brett Ratner, news anchor Matt Lauer, and celebrity chef John Besh. The only exception was actor Kevin

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Spacey, who was revealed to have assaulted multiple young boys and men throughout the years.

Although campaigns such as the Me Too movement have been influential in terms of understanding the magnitude of sexual violence, it can be argued that campaigns such as this are better at understanding girls and women's experiences with sexual violence. Men's victimization experiences are rarely captured in social movements. This is also true within research as well. There is a disproportionate amount of research which focuses on female victimization. The research that does exist on male victimization has been primarily limited to male child abuse victimization (Nelson & Oliver, 1998), sexual coercion among college men (O'Sullivan, Byers & Finkelman, 1998; Struckman-Johnson, 1988), and sexual victimization within prison settings (McMullen, 1990; Struckman-Johnson & Struckman-Johnson, 2006; Weiss, 2010). It is this gap in the literature which led us to shed light on male's experiences with sexual victimization.

However, this was not our only research objective. The Me Too movement was not just about understanding the magnitude of sexual assault in society. It was also about changing the way that society responds to victimization. Women overall seemed very positively receptive to the individual accounts of victimization expressed during the Me Too movement. This phenomenon has been identified in the literature, as many studies have concluded that women are typically more sympathetic to the sexual victimization of both women and men (Davies & Rogers, 2006). Moreover, studies have concluded that men are more likely than women to victim-blame women who have experienced sexual assault and react hostilely toward men who have experienced sexual assault (Wakelin & Long, 2003; White & Kurpius, 2002).

Responses from men during the Me Too movement were mixed. Some men started their own spinoff of Me Too. These spinoffs included: #IveDoneThat, a campaign to self-admit perpetration of sexism and/or sexual assault; #HowIWillChange, a campaign to address men's role in violence prevention; and #NotAllMen, a campaign to prevent the villainization of all men. More specifically, many men thought women in the Me Too movement were taking minor incidents or misunderstandings and wrongfully labeling them as sexual

assault. Finally, in addition to exploring male victimization, researchers also sought to understand men's responses to other men's accounts of victimization in the age of the Me Too movement.

Methods

Researchers solicited experiences of male victimization on the social media website Reddit. Reddit is a social aggregation website which allows users to post publicly and/or anonymously in a discussion forum format about a variety of topics including but not limited to food, current events, entertainment, politics, romance and sex, and image-sharing. Discussion forums are sub-categorized based on topic(s) and are known as "sub reddits."

Researchers selected from the sub-reddit titled "[Serious] Male victims of sexual assault, harassment, or rape, to clear some common misconceptions, what were your experiences like?" We originally searched for posts detailing male experiences with sexual victimization. We purposefully excluded posts involving child abuse, statutory rape, and prison rape and only included posts that were created between the months of October 2017 and January 2018 (the peak of the Me Too Movement). Following this process, we were left with 17 original posts.

Due to our second research goal of examining men's responses to other men's accounts of sexual victimization, we eliminated original posts which did not solicit specifically for men to reply. We did this because as previously mentioned, users can comment on threads anonymously, and without this solicitation criteria it may have been difficult to differentiate male responses from female response. However, we do recognize that just because an original post solicited responses from men, does not mean that women did not reply.

Using this criterion, we were left with five original posts. One of the posts was eliminated because the user specifically solicited responses from other men who identified as gay and/or bisexual. Examining these responses would have most likely skewed our results. Another post was eliminated because it only had two replies. Examining only these two replies would have limited the conclusions we were able to draw. Another post was eliminated because the original post was recently posted, and other users were still responding to the post at the time of data collection. Therefore, the responses would have been incomplete. The fourth post did meet our criteria; however, we could not verify the

original poster's user account. On social media websites it is not unheard of for users to create "Troll Accounts." These accounts are created by individuals who hide their identity and will post either defamatory and/or controversial material for the sole purpose of provoking an emotional response from others. Our process for account verification was done by examining the original users account and posting history to see if the account had a history of "troll" behavior. The fourth account may have been a legitimate account; however, we could not rule out the idea of a troll account, so the post was disregarded. We were able to verify the remaining account through this process.

The post that was selected involved a 17 year old male. This male told a vivid account of being sexually assaulted at a party by two older women; and, more specifically, being forced to penetrate each of the women. The male indicated that he was heavily intoxicated at the time and was unconscious for parts of the assault. There were 258 replies to this thread, all of which were extracted for examination.

Replies were analyzed using a content analysis technique. *A Priori* codes were developed before analysis began and were based on findings from previous studies. *A Priori* codes were: (1) *hyper-masculinity* (the comment reflected hyper-masculine ideals); (2) *victim blaming* (the comment faulted the victim for their own victimization); and (3) *invalidation* (the comment downplayed and/or refuted the notion that the user was victimized).

Then while analyzing the replies a second set of codes, *Emergent* codes, were developed. These codes included: (1) *affirmation* (the comment showed support or positive encouragement); (2) *victim identification* (the reply indicated that the user was also a victim/survivor of sexual violence); (3) *arousal, pleasure, and consent* (the comment posed questions or statements regarding physical pleasure and physiological arousal prior or during the assault); and (4) *confused* (the commenter seemed to not understand the victimization account or asked for more information).

The *A Priori* and *Emergent* codes were combined and nested within larger categories. The final coding scheme is below.

1. **Sympathy**
 - a. Affirmation
2. **Empathy**
 - a. Victim Identification

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3. Apathy

- a. Invalidation
- b. Victim Blaming
- c. Hyper-Masculinity

4. Questioning

- a. Arousal, Pleasure, and Consent
- b. Confused

Replies were coded multiple times if they had elements of more than one code category. For example, if a reply was “You should not have drank [sic] that much, but I’m sorry that happened to you,” the comment would be coded as *affirmation* and *victim blaming*. Further, all analyses were done in the qualitative software program *HyperResearch*.

Results

Affirmation. There were approximately (33) replies to the original post in which other men had expressed compassion, support, and well wishes. Some of these replies included:

- “Sorry that happened to you man. I really hate that people think if a man is raped he is lucky.”
- “I’m really sorry that this happened to you. I’m twenty and even now couldn’t imagine dealing with the emotional trauma of that, regardless of the gender of the victim or the attacker. I hope you’re okay now and that things have gotten easier for you.”
- “Dang man. I’m so sorry. Take care man.”

A handful of commenters in this category directed the original poster (OP) to victim support services, as well as posted their own contact information and in case the OP needed someone to talk to privately.

Victim Identification. There were (23) replies in which other men had self-admitted that they too had been victimized by sexual assault. These comments included:

- “I was sexually assaulted as a part of hazing when I joined the high school cross country team. I was pinned down by roughly 8 other guys. They pulled down my pants and underwear and took turns ‘butt-gouging’ me. Hang in there.”
- “I was raped by an ex-girlfriend when I was 18. It was violent, and I still have scars.”

Some of the victim identification replies were detailed and descriptive. Other accounts simply explained that this has

happened to them or they used the hashtag #MeToo.

Invalidation. There were approximately (67) replies in which other men rejected or ignored the OP’s claims of victimization. These comments included:

- “Doesn’t matter, had sex.”
- “Having sloppy sex doesn’t mean that you were raped. Besides if you were as drunk as you said you were, wouldn’t you have had whiskey dick?”
- “I wouldn’t call it rape. More like bad bedroom manners.”

Many of the commenters in this category acknowledged that the encounter was problematic but that it was not “real rape,” thus implying that this scenario did not meet their definitions of rape/sexual assault.

Hyper-Masculinity. There were approximately (93) replies which had some element of hyper-masculinity in them. These replies included:

- “Two chicks at once? Teach me your ways Master Jedi.”
- “Was she hot though?”
- “Were you not into the sex or are you not into women?”
- “You got laid. What are you complaining about?”

Many of the comments that fell into the hyper-masculinity category had made references to the gender dynamics of the assault. In the OP, it was explained that the victim was male and there were two perpetrators, both female. Many men who replied made references that it is “every heterosexual man’s fantasy to sleep with two women at the same time” and therefore the OP is not a “real man” if he did not enjoy such an encounter.

Victim Blaming. There were (39) replies which had some element of victim blaming. These comments included:

- “Apparently no one ever taught you the cardinal rules: ‘beer before liquor will get you sicker, but liquor before beer and you’re in the clear.’”
- “Bitches can’t hang.”

Many of the victim blaming comments criticized the OP’s inability to “hold his liquor” so to speak.

Arousal, Pleasure, and Consent. There were (53) comments which made references to the OP’s sexual arousal and pleasure state at the time of the attack, within the context of consent. These comments included:

- “Does the penis go fully erect when one is passed out or unconscious? I’m still

trying to wrap my head around this (no pun intended).”

- “Wait, you didn’t want it AND you were hard?”
- “Damn bruh. Did you at least get a happy ending?”

Many commenters in this category had specific questions regarding whether the OP sustained an erection during the attack and whether or not he ejaculated. It appeared as though these two factors were pertinent in determining whether the encounter was consensual for many of the men who commented on the thread.

Confusion. There were (39) comments which posed questions or indicated that they did not understand specific aspects of the story/what the OP was asking. These replies included:

- “Was she on her period? Women get surprisingly horny on their period.”
- “Pregator?”
- “I can’t shake the whole idea that TWO college women wanted to bang an unconscious 17 year old? Not that that excuses anything, but the whole thing is fucked up.”

Within the confusion category references to the phrase “Pregator” appeared seven different times. Upon researching the phrase more it was concluded that Pregator is a slang mash up of the words *Pregnant* and *Alligator*. Culturally, the phrase refers to a woman who preys on men, or rather a *man-eater*. She will attempt to sleep with men, consensually or non-consensually, with the hopes of becoming pregnant. The “pregator’s” ultimate goal is to force the man into a romantic relationship or extort the man for money via child support. These commenters specifically wanted to know if the two female perpetrators had such motives or offered the idea of the “pregator” as an explanation for the women’s predatory behavior.

Conclusions

One of the goals of this study was to shed light on male experiences with sexual assault. As this was an exploratory case study, we are not able to confidently assess prevalence or incidence within the male population. However, we can assert that men do experience sexual victimization, and in some ways these experiences mirror women’s experiences with sexual assault.

Our second goal was to assess men’s responses to other men’s victimization

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experiences. We found men's responses to other men's accounts of sexual victimization to be diverse. While the scale is diverse, apathetic responses attributed to hyper-masculinity were the most prevalent. There was some overlap with victim blaming and hyper-masculinity. While there is victim-blaming for men and women, the victim blaming responses for men seem to be shaped by more traditional hyper-masculine attributes such as alcohol consumption. Men are expected to be able to drink large quantities of alcohol and still be in control. Men are criticized not for drinking, but rather for losing control while drinking.

Hyper-masculinity can also be found in the numerous references to the "pregator." This idea that rape perpetrated by females is the result of women wanting to trap men is a gendered rape myth. This speaks volumes to men's fears, which is that they will lose reproductive and financial control, and it will be a woman who ultimately removes this control.

Implications

There were various implications from this study. First, it is important to include men's victimization narratives in research, activism, and advocacy efforts. Previous research has found that men are substantially less likely to report victimization: Therefore, it may be especially important that future efforts are inclusive and give men a space to share their stories. Men still may be reluctant to self-identify due to fear of being perceived as less masculine (a fear identified in previous studies, as well as in ours); however, there were quite a few men in our study who took the opportunity to share their own victimization experiences, so it may be that men feel more comfortable sharing their stories with other victims. Furthermore, including more men's narratives may be a way to ensure that victimization is no longer viewed in society as a "woman's thing" or a "women's movement."

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journals. Due to restrictions in its agreement with publishers, this subscription library is only available to agencies receiving Victims of Crime Act (VOCA) funding directly from the Office for Victims of Crime or as a pass-through from their state. Eligible agencies and organizations may register on

the CVR website with their grant number and other basic information.

Second, there were a large number of comments regarding arousal and sexual pleasure. This might reflect the quality of sex education widely available. In many formal sex education curriculums, as well as hardcore pornography, young people are taught that orgasms are euphoric experiences that derive from sexual satisfaction. This may lead to confusion regarding what constitutes consent as many seem to be confusing sexual arousal and orgasms with consent.

Limitations and Next Steps for Research

While this study does serve as an addition to current literature by looking at male victimization through a narrow and focused lens, there were various limitations. First, as this study only looked at responses to one story of male victimization, it is not generalizable to all men's experiences. Second, this study pulled data from the social media site Reddit. The age of the average Reddit user is 18–24 years. As a result, the responses may only be representative of men in this age range. Third, this particular narrative involved a straight man, who was intoxicated at the time of the assault, and assaulted by two women. Responses may be different if the perpetrator was a man, if there were no substances involved, or if the victim identified as a member of the LGBTQA community.

Future research should consider building off this study by looking at multiple accounts of male victimization from a variety of social media platforms. This will provide a more diverse sample population, as well as a platform for identifying within group differences. Efforts of activists and advocates to include more men's victimization experiences will likely lead to a greater acknowledgement that sexual victimization happens to #MeNToo.

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the CVR website with their grant number and other basic information.

Research Highlights. CVR staff works to highlight key research for victim service providers. Quarterly Spotlight pages identify new or timely research of interest to the community. Webinars allow researchers and practitioners to share their work. Social media highlights new releases of interest to

the community. For several basic areas of victimization, CVR is synthesizing the research to date, so providers can quickly come up to speed on the available research. Homicide co-victimization, fraud and identify theft, elder abuse, and mass violence are among the topics first on the list. CVR welcomes information from researchers and practitioners about key research that should be highlighted. ■

POST-TRAUMATIC, from page 37

the dominance of event-based PTSD criteria; the rapid epidemic emergence of traumatic diagnoses in another therapeutic emphasis shifting from male combatants to female victims of male abuse (including the rise and fall of the recovered memory movement); and the significant expansion of therapeutic culture in the 1990s expanding the numbers and types of traumas causing PTSD and of therapeutic treatments for PTSD.

In the 1980s, the rise of a “recovered memory movement” (RMM) focused on male and female victims’ remembered (or recovered) incidents of childhood sexual abuse. According to Horovitz, the RMM comprised “a coalition of patients, mostly middle- and

who remembered memories of early abuse in the 1990s strongly implies that the epidemic of repressed childhood traumas during the preceding decade was a product of suggestion and not of real events. By the mid-1990s the recovered memory movement was in sharp decline and by the end of the decade repressed memory syndrome was in disgrace. From the vantage point of thirty years later, it seems that recovered memories were a product of cultural memes, social movements, and therapeutic suggestions” (pp. 133-34).

Tightening this thread of thought, Horovitz posits that the “RMM directed patients to explore their distant pasts as a way of explaining their current problems. Instead of addressing recent stressors and difficulties, sufferers tagged long forgotten traumas

In the case of PTSD, all sides of the political spectrum, including media outlets, embrace the tenets of therapy culture as an enlightened and welcome response to traumatized victims.

working-class white women (over 90 percent of cases were women), activist mental health professionals, and lay promoters” (p. 109).

Horovitz states that the RMM was a moral crusade against patriarchal violence. “Mental health personnel involved in the recovered memory movement,” he states, “asserted that, in contrast to typical cases of PTSD, in which past traumatic events are vividly remembered, traumatic conditions associated with early sexual traumas were so powerful that they left no conscious trace in memory. Instead, they were precisely, if unconsciously, encoded in the brain, awaiting their recovery in psychotherapy. The process of ‘robust repression’—memories of severe abuse that remained in a pristine state within the unconscious until they were recovered later in life—was at the core of women’s traumatic conditions” (p. 110).

“The rapid rise of the recovered memory movement,” Horovitz observes, “indicated the powerful role of suggestion in creating trauma-related diagnoses. More than any other mental illness, early memories of childhood traumas were produces of therapeutic attention combined with the media’s celebration and reinforcement of this telegenic condition. Once the iatrogenic nature of recovered memories became apparent, often with legal proceedings, they virtually disappeared from the mental health landscape. Correspondingly, the rapid disappearance of patients

perpetrated by their fathers or other relatives as being responsible for their existing mental disturbances. Once clinicians associated with the RMM discarded recovered memories as markers of traumas, they could use the far more acceptable PTSD diagnosis for their traumatized patients. Since the 1990s, post-traumatic stress disorder has become the unquestioned trope for characterizing the impact of traumas for women and men alike” (p. 134).

“The combative history of PTSD,” Horovitz concludes, “helps to illuminate general issues about mental illnesses, including how they are defined, the extent to which they are viewed as products of internal or external forces, the conditions under which they are stigmatized or valued, the relationship between their biological and interpretative aspects, and how cultural values and social interests shape their nature.” (p. 166)

Along these lines, Horovitz stresses several key points:

- DSM-III called for explicit, symptom-based definitions: “The current depiction of PTSD as a memory-related condition thus conforms to medical norms that dictate legitimate diseases must be well-defined entities. It also distinguishes PTSD from diagnoses such as depression, anxiety, or psychosomatic conditions” (p. 166).

- Psychiatric explanations pitting internal versus external causes of trauma have mixed consequences. Positively, “PTSD criteria in the DSM-III defined traumas as ‘outside the range of usual human experience’ and rooted chronic or long-delayed, as well as brief, stress responses in the ‘existence of a recognizable stressor that would evoke significant symptoms of distress in almost everyone.’ These were limited to occurrence such as military combat, rape, assault, and natural or man-made disasters. By clearly grounding symptoms in severe traumatic events, the diagnosis guaranteed the credibility of victims and ruled out the need to examine any preexisting biological or psychological vulnerabilities that made individual prone to develop mental illness. It also dispensed with the consideration of character weaknesses, cowardice in particular, in accounting for mental breakdowns” (p. 171).
- PTSD designations can have favorable consequences, including a causal connection between symptoms and liable entities, thus elevating moral status and governmental compensation.
- Therapeutic perspectives on PTSD now dominate: “In the case of PTSD, all sides of the political spectrum [including media outlets] embrace the tenets of therapy culture as an enlightened and welcome response to traumatized victims” (p. 187).

However, Horovitz cautions that “[t]he multifaceted results of traumas are not well-suited for a diagnostic system that requires highly specific and distinct syndromes. As many observers in prior eras recognized, the challenging readjustments that traumatic conditions require inherently occur within social, as well as psychological and biological, contexts. Horrific and shocking experiences uproot people’s basic sense of values and reality and their fundamental assumptions regarding personal safety, morality, and a just world. Such disturbing events often require the reconstruction of meaning systems to suit new circumstances. An overemphasis on recollecting traumatic memories can both deflect considerations of reintegration and prolong suffering that might otherwise gradually dissolve. The specificity of the current DSM diagnostic system—whatever value it might have for other psychiatric disorders—is particularly ill-suited for understanding PTSD and helping its victims” (p. 188).

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CASE SUMMARIES, from page 35

express their respective positions before the court at the status conference.” At no point did Heitkemper, Heitkemper’s attorney, or the prosecution “raise concern[s] about the effectiveness of counsel or present material facts establishing a complete breakdown of the attorney-client relationship.” Rather, Heitkemper renewed his support of the plea agreement and signed a comprehensive written plea agreement. The district court was “well within its discretion” to deny Heitkemper’s motion to withdraw his guilty plea. Therefore, the judgment was affirmed. **State v. Heitkemper**, 427 P.3d 102 (Mont. 2018).

Texas: Penalty for Married Polygamist Perpetrator Accused of Child Sexual Assault Does Not Violate Equal Protection Clause

The Facts. Defendant Russell Lamar Estes had “an ongoing sexual relationship” with a 14 year old girl over the course of a year. They had sexual intercourse on multiple occasions and engaged in other sexual acts with each other. During that time, Estes was legally married to someone else. The State charged Estes with second degree felony sexual assault of a child. In addition, the State charged him with a first degree felony offense, alleging that the victim was “a person whom the actor was prohibited from marrying or purporting to marry or with whom the actor was prohibited from living under the appearance of being married.”

Estes filed a pre-trial motion to quash the child sexual assault counts, objecting to what he called the “[b]igamy element of this allegation.” Specifically, Estes argued that the first degree felony statute was unconstitutional, both facially and as applied to him, because it treated married people more severely than unmarried people in violation of both the Due Process and Equal Protection Clauses of the U.S. and Texas Constitutions. This motion was denied and Estes was granted a running objection. Estes was found guilty of five counts of sexual assault of a child, as well as the first degree felony enhancement.

Within the first degree felony punishment range, Estes was sentenced to 12 years confinement on each count of sexual assault of a child. Estes appealed, again claiming that the first degree felony statute was unconstitutional as applied to him. He further argued that because this application

impinged on his fundamental right to marry, the statute should be reviewed under the “strict scrutiny” standard. The court of appeals applied the more deferential “rational basis” test and concluded that the statute violated the Equal Protection Clause because it penalized Estes “differently than a similarly situated defendant without a rational basis for doing so.” Both parties petitioned for discretionary review.

The Appeal. The Court of Criminal Appeals noted that the Legislature had “apparently wished to provide higher penalties for polygamists ‘who sexually assaulted their purported spouses,’” but “the resulting statute has the potentially unintended effect of punishing married offenders more harshly than unmarried offenders.” The court declined to address Estes’s argument that strict scrutiny should apply, finding that issue “improvidently granted” and best left open for consideration by the court of appeals on remand. The court thus considered whether the statute was “rationally related to a legitimate state interest.” The State advanced the legitimate interest in “protecting the well-being of children” by “preventing their sexual exploitation.” Specifically, the State argued that the statute protected children against sexual predator who would use the “cloak of marriage” to groom or gain access to children. The court found that, despite indications that the statute was addressed towards instances of bigamy or polygamy, the State could still rely on a general interest in protecting children to justify the enhancement. The legislative intent was irrelevant “for constitutional purposes” to whether the statute was rationally related to a legitimate interest. The court therefore concluded that “the marital perception of trustworthiness” was rationally related to more severe punishment when used to groom and sexually assault children. The judgment of the court of appeals was reversed and the case was remanded for to analyze Estes’s remaining constitutional claims. **Estes v. State**, 546 S.W.3d 691 (Tex. Ct. Crim. App. 2018).

Editor’s Note: Given the rationale used to convict this married defendant of a first degree felony, it seems reasonable that this higher penalty could also be applied to the forcible rape of an adult by a married defendant, at least under circumstances where the victim and perpetrator were acquainted. It remains to be seen if the plain language of the statute would also result in the enhanced punishment for the rape of a married victim by an unmarried

perpetrator, where a rational basis might be more difficult to define. In any case, the statute as written and broadly interpreted has the effect of imposing a lesser penalty for spousal rape than sexual assault where the parties are not related by marriage.

Michigan: Sexual Assault Convictions Reversed Where Non-Disabled Adult Victim Permitted to Testify Accompanied by Support Dog

The Facts. Defendant Dakota Lee Shorter was convicted by jury of third degree criminal sexual conduct (incapacitated complainant) and fourth degree criminal sexual conduct (incapacitated complainant). Shorter, the complainant, and two other friends traveled to a rodeo together in complainant’s car. They had planned to camp overnight, but it was raining so they drove home late. Complainant offered to let Shorter stay overnight at her house and drive him home in the morning. She told Shorter that he could sleep with her in her queen-sized bed but that they would not engage in any sexual contact. According to complainant, when she awoke in the morning, Shorter had one hand in her pants penetrating her vagina with his finger and the other hand underneath her shirt and bra. She ran to the bathroom and then went to the park manager’s office to call the police. According to a housemate, the park manager, and the responding police officer, the complainant was shaking and hyperventilating to the point where it was difficult to understand her. Shorter told police that while they slept, the complainant had cuddled up against him and he had touched her to push him off of her. He admitted to having an erection and kissing her on the forehead, but denied any sexual activity. She went to the hospital for a sexual assault examination which did not reveal injuries or DNA evidence.

It was uncontested that the defense counsel was not informed prior to trial that the prosecution intended to have complainant testify while accompanied by a support dog and the animal’s handler. Defense counsel objected to the use of a support dog without evidence of “necessity for that support animal.” The prosecution responded that the complainant would feel more comfortable and it would be a benefit to both sides to have her control her emotions through the use of the support dog. The trial court found that a sufficient basis to support the use of the support animal. The trial court

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relied on a case in which a six year old victim of sexual assault was permitted to be with a support dog, a determination that was affirmed as “within the authority of the trial court.” The jury was instructed that they must “not allow the use of a support animal to influence [their] decision in any way.” Following his convictions, Shorter appealed, arguing that the trial court erred by granting the prosecution’s motion to allow the complainant to testify while accompanied by a support dog and its handler.

The Appeal. The Court of Appeals of Michigan first found that there was no precedent, in Michigan or nationwide, to support the use of support animals for able-bodied adults. Cases in which a support animal was approved involved a witness who was either a child or an adult with a developmental disability. The court did not believe a trial court’s “inherent authority over the courtroom” allowed “able-bodied adult witnesses to have support animals or persons with them during testimony.” Even assuming a trial court had the authority, the court did “not approve its use” when the basis was simply to make a witness more comfortable. “Nor are we convinced that allowing a support animal or person so that the witness will be better able to ‘control her emotions’ necessarily aids the truth-finding process.” For all of these reasons, the court

concluded that allowing the complainant to be accompanied by a support dog during her testimony was error.

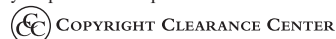
The court then considered whether any such error was harmful. Here, because there were no witnesses or forensic evidence, the case turned almost exclusively on the jury’s evaluation of the credibility of Shorter and the complainant. That evaluation turned in part on the weight given to the complainant’s “state of hysteria after leaving her bedroom that morning.” The court recognized that “[w]ith a fully abled adult, a juror is far more likely to conclude that the reason for the support animal or support person is because the complainant was traumatized by the actions for which the defendant is charged.” Therefore, the court concluded that “a fully abled adult witness may not be accompanied by a support animal or support person while testifying.” The court noted that “[a]t a minimum, this unprecedented change, if adopted, should be made by legislation, court rule, or a decision of our Supreme Court.” The judgment was reversed and remanded for a new trial. **People v. Shorter**, No. 338629, 2018 Mich. App. LEXIS 2579 (Mich. Ct. App. 2018).

Editor’s Note: The State has appealed to the Supreme Court of Michigan and the Supreme Court has accepted an amicus brief filed by the Michigan Coalition to End Domestic & Sexual Violence and End Violent Encounters, Inc. ■

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