

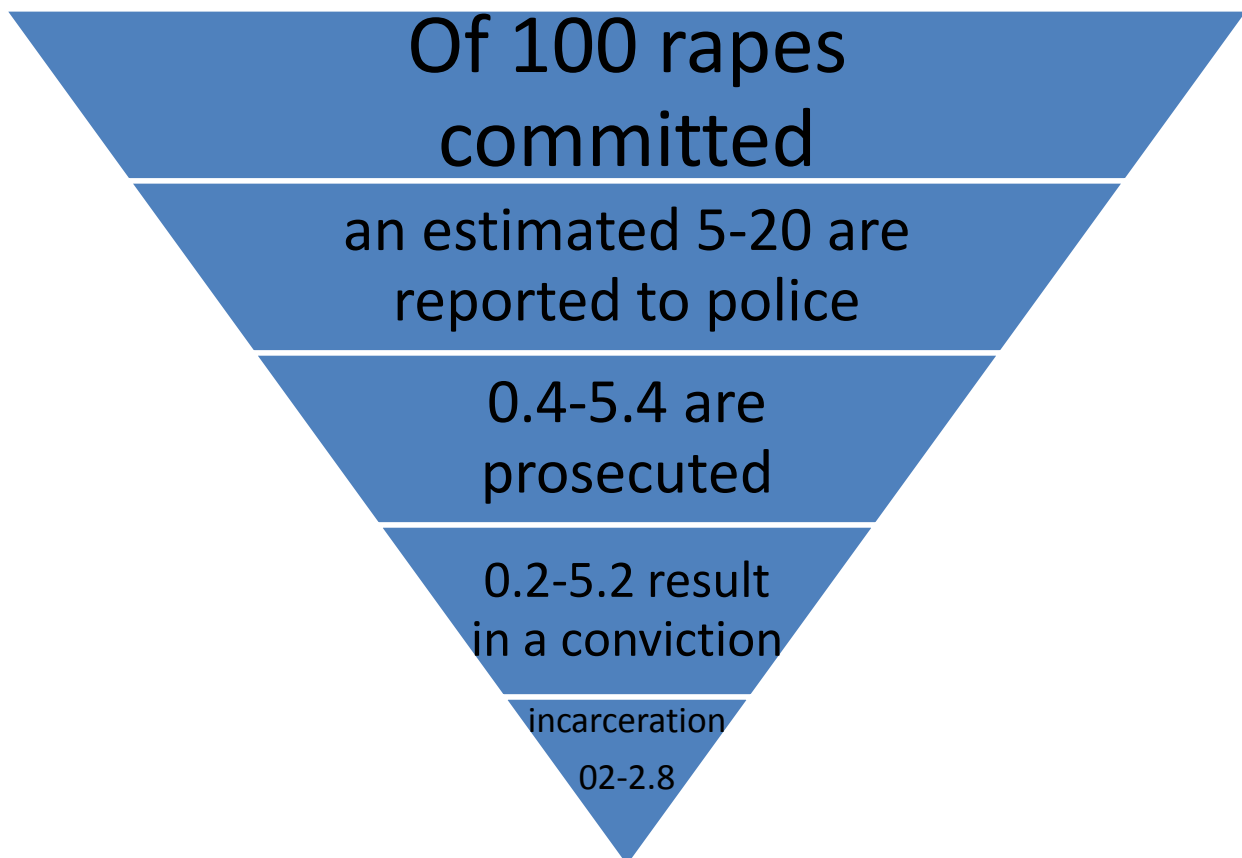


“You were raped? How could you be so stupid?”

Start By Believing

My daughter was raped when she was 16 by a man she met on the internet. I didn't know until she told me a few weeks later. Though I wanted to say – how could you be so stupid! – I knew that wouldn't help her or me... So I found her the help she needed to heal. That was nearly 15 years ago. But I remember how I felt when she told me. Because I loved her, I didn't want to believe this really happened to her. But I started by believing and I have never looked back. It was the right thing to do.

In a recent paper, Kim Lonsway and Joanne Archambault presented the following graphic, to visually depict the pattern of attrition for sexual assault within the criminal justice system.¹



In other words, of 100 forcible rapes that are committed, approximately 5-20 will be reported, 0.4 to 5.4 will be prosecuted, and 0.2 to 5.2 will result in a conviction. Only 0.2 to 2.9 will yield a felony conviction. Then an estimated 0.2 to 2.8 will result in incarceration of the perpetrator, with 0.1 to 1.9 in prison and 0.1 to 0.9 in jail (Lonsway & Archambault, 2012, p. 157).

¹ Source: Lonsway, K.A. & Archambault, J. (2012). The 'justice gap' for sexual assault cases: Future directions for research and reform. *Violence Against Women*, 18 (2), 145-168.



Many people are surprised by this graphic. After decades of reform and countless hours of hard work by dedicated professionals, it seems like we should be doing better in terms of criminal justice outcomes for sexual assault. Especially because we are doing so much better in other ways, with the advent of Sexual Assault Forensic Examiners (SAFEs), Sexual Assault Response and Resource Teams (SARRTs), DNA technology, recognition that the majority of sexual assaults are perpetrated by someone known to the victim, and other improvements in our policies, protocols, resources and training.

While we must continue on this course – constantly improving the skills and resources of responding professionals -- it is clear that we must also tackle the problem of public attitudes. Because even if all of the professionals working in the field perform their jobs perfectly, the numbers depicted in our graphic will not change if victims do not enter the criminal justice system in the first place, and then remain engaged until the process comes to a conclusion. We believe the key is ensuring that victims receive the positive support they need from loved ones.

When loved ones and friends react negatively, it has a devastating effect on victims and all of our communities.

Negative social reactions have a detrimental impact on the psychological adjustment of sexual assault victims, including increased post traumatic stress, delayed recovery, and poorer perceived health (Campbell, Ahrens, Sefl, Wasco, & Barnes, 2001; Filipas & Ullman, 2001; Ullman, 1999; Ullman & Filipas, 2001). As the number of negative reactions increase, their emotional and physical health deteriorates (Campbell, Ahrens, Sefl, Wasco, & Barnes, 2001). These devastating effects on victims then ripple out to family members and friends – even employers and others who feel the impact of victims’ reduced productivity and well-being.

Moreover, the financial cost to society is staggering. In 1996, the National Institute of Justice estimated that the annual cost of rape was approximately \$7.5 billion (Miller, Cohen, & Wiersema, 1996), with the cost for a single incident recently calculated to be \$151,000 (DeLisi et al., 2010). The cost in both tangible and intangible losses includes medical care, mental health care, police/fire services, social/victim services, property loss/damage, productivity losses, and intangible losses for quality of life (Miller et al., 1996). Insurers pay a considerable portion of the bill, as do government services such as crime victim compensation, and crime victims themselves, as well as their families. However, the remaining cost is borne by the public “through lost tax revenues and Medicare and Medicaid payments” (Miller et al., 1996, p. 19). Clearly, any cost-effective intervention that reduces this financial burden on victims and their families, as well as private insurers and the public is welcome. Even more critical, however, is preventing or mitigating the negative impact of sexual assault on victims and their loved ones.

With a positive response, victims benefit and are more likely to seek help.

Victims benefit significantly from disclosing to family members, friends, and intimate partners if their response is positive (Campbell, Ahrens, Sefl, Wasco, & Barnes, 2001; Filipas & Ullman, 2001; Ullman, 1996). With a positive reaction from loved ones, victims can receive emotional support as well as information and concrete assistance with tangible needs (for review, see Ménard, 2005). For example, in one study of female sexual assault victims, those who received positive reactions from their romantic partners had fewer PTSD symptoms than other women (Filipas & Ullman, 2001). In another study, “emotional support from a friend was related to significantly better recovery” (Ullman, 1996, p. 152). Victims are also more likely to access community resources with support (Feldman-Summers & Norris, 1984; Ruch et al., 2000).

To improve criminal justice outcomes, we must change the public response.

Therefore, improving the response of support people may be one of the significant ways to increase victim participation in the criminal justice system. Without support, many victims are unable to report their sexual assault to law enforcement, or they report but then “decline prosecution” and withdraw from participating in the investigation and prosecution. This type of victim withdrawal is seen in as many as one-half of all sexual assault investigations, and it is more likely when the victim and suspect know each other.² While there are many reasons for this type of withdrawal, it is one of the reasons why so few sexual assault cases result in successful prosecution.

Of course, victims who withdraw their participation are often seen by law enforcement as uncooperative, and while this is certainly frustrating for many investigators, we need to understand that many victims are simply unable to participate at that time. When victims are coping in the aftermath of a sexual assault, they often have far more pressing concerns than participating in the criminal justice system, which is difficult and disruptive even in the best of circumstances. For many victims, it is all they can do to function in “survival mode,” focused on keeping their jobs, staying in school, caring for

² For review, please see: Frazier, P., Candell, S., Arikian, N., & Tofteland, A. (1994). Rape survivors and the legal system. In M. Costanzo and S. Oskamp (Eds.), *Violence and the Law (Chapter 6, pp. 135-158)*. Newbury Park, CA: Sage.

“This visual schematic is based on research summarized in the article, estimating that 5% to 20% of all forcible rapes are reported to law enforcement; of these reports, 7% to 27% are prosecuted and 3% to 26% yield a conviction. The 2004 State Court Processing Statistics then suggest that 62% of all defendants who are arrested and prosecuted for rape will be convicted; of these, 95% will be sentenced with incarceration (BJS, 2008a). The National Violence Against Women Survey (Tjaden & Thoennes, 2006) revealed that 17.6% of female and 3% of male respondents were raped at some time in their lives. Based on U.S. Census data, this translates to 17.7 million women and 2.8 million American men (Tjaden & Thoennes, 2006, p. 7)” (Lonsway & Archambault, 2012, p. 157).

their children, and otherwise meeting the many demands of daily life. Worse, a disclosure of sexual assault victimization often leads community members – even loved ones – to “take sides,” sometimes expressing more sympathy and concern for the perpetrator than the victim. It should not be a surprise then that many victims are simply too exhausted to add to their burden by participating in the criminal justice system.

With adequate support, the situation may change. As Dr. Rebecca Campbell and colleagues have demonstrated, successful prosecution of a sexual assault case requires two key elements: (1) a thorough, evidence-based investigation by law enforcement, (2) and a victim who is both willing and able to participate in the criminal justice process. Moreover, they highlighted the crucial need for positive support in order to help victims participate:

Our interviews with both survivors and police revealed that victims can give more detailed statements to law enforcement, remember more information, and can otherwise engage more fully with the investigation when they are not so traumatized and have adequate support (Campbell, Bybee, Ford, & Patterson, 2009, p. 121).

Especially for adolescent victims, a supportive friend or family member is needed for them to be able to participate in the criminal justice process.³ Therefore, one of the most effective strategies for improving the criminal justice response to sexual assault is the same approach that is most likely to increase the well-being of victims: ensuring that they receive a supportive response from professionals as well as loved ones. This is crucial for improving outcomes.

Moreover, because rapists attack an average of six times, one failed response can equal five more victims.⁴ The *Start by Believing* campaign was created to stop this cycle, by creating a positive community response, both to improve outcomes for victims and to hold more offenders accountable.

Conclusion

The goal of the *Start by Believing* campaign is to end the cycle of repeat offenses and assure that sex offenders are held accountable for their crimes. This is accomplished by

³ Campbell, R., Greeson, M., Bybee, Deborah, I., Kennedy, A., & Patterson, D. (2011). *Adolescent sexual assault victims' experiences with SANE-SARTs and the criminal justice system*. Washington, DC, National Institute of Justice (NCJ 23446).

⁴ In their study of rape re-perpetration, Lisak and Miller (2002) screened a sample of 1,882 men to identify the 120 (6.4%) who had perpetrated at least one sexual assault. Of these, just over one-third (36.7%) committed a single act of rape. In contrast, almost two-thirds (63.3%) committed multiple rapes. In fact, these 76 rapists actually committed a total of 439 rapes, which translates to an average of 5.8 per rapist. These findings were replicated by McWhorter et al. (2009) with a sample of newly enlisted male Navy personnel. Using a similar strategy, they screened 1,146 men to identify the 144 (13%) who had committed a sexual assault. Of these, 71% committed more than one rape, with an average of 6.4 per rapist (which is similar to the 5.8 found by Lisak and Miller, 2002).

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improving the response to victim disclosures, so they receive the support they need to pursue both justice and healing. As one survivor so eloquently wrote on the website for the campaign:

I was assaulted 24 years ago, as a teenager. I didn't tell anyone, because I was afraid of not being believed, and then being ridiculed. I'd seen it happen in the media, and I didn't want to go through that. I had enough guilt and pain from my own mind to need to hear it from anyone else. Besides, I realized I was still a child, and my rapist was a grown man. Who would believe a child over an adult? I thought it was easier to stay silent than to struggle with trying to convince my family, the police, the DA and a jury. Years afterward, I finally did tell my family, and the most glorious thing was that they believed me without question. I learned that someone having belief in my experience was the open door to healing. But belief is more than that, more than just the beginning. It's also the end. The end to the stigma. And choosing NOT to believe is choosing to let the attacker walk away and do it again. Belief can be the end to an attacker's power. The passing of power from attacker to victim. All victims deserve power. -- Kellie D.

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