

## Sexual Violence Overview

West Virginia Intercollegiate Council  
Against Sexual Violence  
[www.fris.org](http://www.fris.org)

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## Objectives

- Understanding WV Laws
- Prevalence
- Gendered Violence
- Risk Factors
- Understanding Sex Offenders
- Impact on Victims

## Note on Pronoun Use

- The majority of victims are female and the majority of offenders are male
- For conversational purposes, victims may be referred to as female and offenders as male
- This does not imply that males are not victims or that females are not offenders



## Sexual Violence

- "Sexual violence is any sexual act that is forced against someone's will" (CDC, 2006).
  - Verbal
  - Physical
  - Attempted or completed

## What is the difference between sexual abuse and sexual assault?

West Virginia laws are very specific about sexual abuse and sexual assault.

- Sexual abuse is intentional *touching* of a sexual nature.
- Sexual assault involves sexual *penetration*—oral, anal or vaginal.

## Sexual Violence Continuum

1. Anal Sodomy
2. Molestation
3. Genital touching of unconscious person
4. Voyeurism (exposing oneself)
5. Incest
6. Posting nude pictures of minors
7. Oral Sodomy
8. Sexual Harassment
9. Vaginal Rape
10. Fondling

## 1<sup>st</sup> Degree Sexual Abuse

Sexual contact without the victim's consent due to forcible compulsion, the victim is physically helpless, or the victim is younger than age 12 and the perpetrator is age 14 or older.

### Penalties:

- Imprisonment of not less than 1 nor more than 5 years in a State correctional facility; and/or
- A fine of not more than \$10,000
- **However:** If defendant is 18 or older and victim is younger than 12, penalty is not less than 5 nor more than 25 years in a State correctional facility; and/or a fine of not less than \$1,000.00, nor more than \$5,000

## What is "sexual contact?"

- Intentional touching of the anus, sex organs or breasts (of females)
- Intentional touching with sex organs
- Purpose of gratifying sexual desire

## 2<sup>nd</sup> Degree Sexual Abuse

Sexual contact with someone who is mentally defective or mentally incapacitated.

### Penalties:

- Confinement in a regional jail for not more than twelve months; and/or
- A fine of not more than \$500

### 3<sup>rd</sup> Degree Sexual Abuse

Sexual contact with a victim under age 16 without their consent

Penalties:

- Confinement in a regional jail for not more than 90 days; and/or
- A fine of not more than \$500

### 1<sup>st</sup> Degree Sexual Assault

The perpetrator inflicts serious bodily injury, uses a deadly weapon, or the perpetrator is over age 14 and the victim is younger than 12 years old and is not married to that person.

Penalties:

- Imprisonment of not less than 15 nor more than 35 years in a State correctional facility; and/or
- A fine of not less than \$1,000 nor more than \$10,000
- **However:** If defendant is 18 or older and victim is younger than 12, penalty is not less than 25 nor more than 100 years in a State correctional facility; and or a fine of not less than \$5,000 nor more than \$25,000

### What is "sexual intercourse?"

- Any act between persons involving penetration, however slight, of:
  - the female sex organ by the male sex organ; or
  - involving contact between the sex organs of one person and the mouth or anus of another.

- W. Va. Code § 61-8B-1(7).

### What is "sexual intrusion?"

- Penetration, however slight
- Purpose of degrading or humiliating or gratifying sexual desire

- W. Va. Code § 61-8B-1(8).

### What does "serious bodily injury" mean?

- Injury creating substantial risk of death
  - Prolonged disfigurement
  - Prolonged impairment
  - Prolonged loss or impairment of function

- W. Va. Code § 61-8B-1(10).

### 2<sup>nd</sup> Degree Sexual Assault

Sexual intercourse or intrusion without consent and lack of consent is due to forcible compulsion or physical helplessness.

Penalties:

- Imprisonment of not less than 10 nor more than 25 years in a State correctional facility; and/or
- A fine of not less than \$1,000 nor more than \$10,000

### What is "forcible compulsion?"

- Physical force
- Threat or intimidation
- Fear

- W. Va. Code § 61-8B-1(1)

### What does "physically helpless" mean?

- When a person is unconscious or for any reason is physically unable to communicate an unwillingness to act.

- W. Va. Code § 61-8B-1(5).

### 3<sup>rd</sup> Degree Sexual Assault

Sexual intercourse or intrusion with someone who is mentally defective or mentally incapacitated, or when someone age 16 or older assaults someone less than 16 who is at least 4 years younger than the perpetrator and not married to him/her.

Penalties:

- Imprisonment of not less than 1 nor more than 5 years in a State correctional facility; and/or
- A fine of not more than \$10,000

### What does "mentally defective" mean?

- A person suffers from a mental disease which renders that person incapable of appraising the nature of his or her conduct.

- W. Va. Code § 61-8B-1(3).

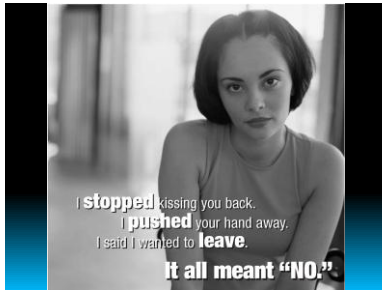
### What does "mentally incapacitated" mean?

- A person is rendered temporarily incapable of appraising or controlling his or her conduct as a result of the influence of a controlled or intoxicating substance administered to that person without his or her consent or as a result of any other act committed upon that person without his consent.

- W. Va. Code § 61-8B-1(4).

### Differences

- Abuse vs. assault
  - Penetration
- Sex vs. sexual assault
  - Consent



### Consent

#### What is consent?

- It is the presence of a "yes" when "no" is a viable option
- Silence ≠ Consent
- Resistance is not required
- Coercion, threats or intimidation
- Incapacitation

### Name the Crime

- 20 year old Annie was at a house party. She and Joe went to a room to be alone. Annie was okay with kissing; however, Joe then forced her to have intercourse.
- Was a crime committed?
- If so, what is the crime?

### Name the Crime

- A 15 year-old female student was staying on-campus for a week-long honors program. One evening after an event, a 34 year-old male faculty member had sexual intercourse with her.
- Was a crime committed?
- If so, what is the crime?

### Name the Crime

- Pat and Joe have been dating for a semester. It's not uncommon for Joe to yell at Pat and belittle him. One night the two were fooling around. Pat said he was tired and wanted to head home. Joe told him he wasn't going anywhere and proceeded to force Pat to perform oral sex on him.
- Was a crime committed?
- If so, what is the crime?

### True or False

- A sexual assault occurs every 90 minutes in the US.
- The majority of sexual assaults are committed by someone not known to the victim.
- One in 6 women in WV will be a victim of attempted or completed forcible rape in her lifetime.

### True or False

- Lesbian, gay and bisexual individuals experience intimate partner and sexual violence at the same or higher rates as heterosexual people.
- Men cannot be raped.
- Nearly 80% of victims report the crime to law enforcement.



### Non-Stranger/Acquaintance Rape

- Acquaintance rape occurs when someone known, or who the victim is familiar with, forces, coerces and/or manipulates her to participate in unwanted sexual intercourse.
- Acquaintance rape is the most common violent crime on college campuses.

Sexual assault can occur in a variety of contexts:

- "Party" rape
- On a date
- Non-party/non-date situation
- By a former intimate partner
- By a current intimate partner

### Sexual Assault on Campus

- 1 in 5 women experience rape during college
- 90% of college sexual assault victims know the perpetrator
- Nearly 60% occur at victim's residence
- Only 13% college rapes happen on dates
- 55% of gang rapes are committed by fraternities.

### Challenges and Impact

- Myths and misconceptions
- Relationship between victim and perpetrator
- Violent and life-threatening (safety concern)
- Both physical and emotional impact on victim
- Multiple system involvement

### MYTH OR FACT?

- Rape is an impulsive act of sexual gratification.
- *Myth: 71% of sexual assaults are planned in advance. Rape is a brutal act of violence and a display of power.*

### MYTH OR FACT?

- The majority of rapists select their victim through the victim's action or dress.
- *Myth: Since 71% of all rapes are planned in advance, the victim's behavior or dress at the time of the assault are irrelevant.*

### MYTH OR FACT?

- The majority of victims are raped while out alone at night.
- *Myth: More than half of all assaults occur at the victim's residence.*





## Reactions?

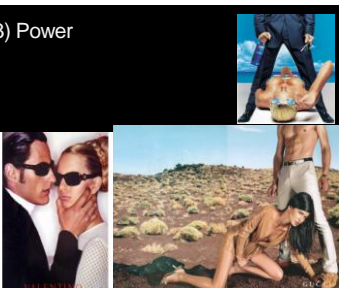
### 1) Traditional Male Roles



### 2) Limited Female Roles



### 3) Power



### 4) Violence



### 5) Privacy and Shamefulness



### Rape Culture

- Women
  - May believe violence is to be expected
  - Possible passive response to the violence
  - May not see behavior as criminal
  - Often blame themselves
- Men
  - Feel a sense of entitlement
  - Believe violence is an option
  - Believe the victim is to blame/reject responsibility

### Media Reinforces

- Ay she say she usually don't
- But I know that she front
- Cause shawty know what she want
- But she don't wanna seem like she easy
- See what we can be if we press, press forward
- Just one more round and you're down I know it
- Fill another cup up
- Fill another cup up, feelin' on your butt what
- You don't even care now, I was unaware
- How fine you was before
- My buzz set in, my buzz set in
- Blame it on the goose, gotcha feeling loose
- Blame it on the 'tron, catch me in a zone
- Blame it on the a-a-alcohol
- Blame it on the a-a-a-alcohol

Janet Fox 'Blame It' Lyrics

## Consider the rape culture on campus

- Are they out to 'score' on weekends?
- Are social activities centered around parties with heavy drinking at sites where the party-goers probably don't know each other well?
- Are there groups on campus (athletes, Greeks) that have their own 'norms'?
- Are there other more visible forms of sexual violence (such as sexual harassment)?

## Welcome to the Party

## Risk Factors



- Female
- Ages 16 - 24
- Alcohol and/or drugs
- Isolated
- Persons with disabilities
- Elderly



## People with Disabilities

- West Virginia has the highest rate in the nation of civilians with a disability, at 24.4% of the population.
- People with disabilities experience sexual assault at a higher rate than the general population (14% compared to 9.6%, respectively).
- 75% or more of people with developmental disabilities will experience sexual abuse at some point in their lives.
  - Nearly half will experience 10 or more abusive incidents.

## Alcohol and Sexual Assault

- At least 50 percent of college students' sexual assaults are associated with alcohol use. (Abbey, A. 2002)
- One study found that in 85% of DFSA cases the victim had been consuming alcohol prior to the assault. (Lawyer et al. 2010)

## Victim 'Selection'

- Vulnerable
  - Isolated, lack capacity, minority
- Accessible
  - Easily approached, coerced or influenced
- 'Lacking' credibility
  - Drunk or on drugs, lack of connections

## Perpetrators

The 'typical' rapist:

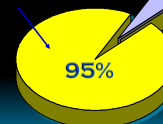
- Premeditates and plans his attack
- Uses multiple strategies to make victim vulnerable
- Uses alcohol deliberately
- Increases violence as needed

## Common Characteristics Between Incarcerated and Undetected Rapists

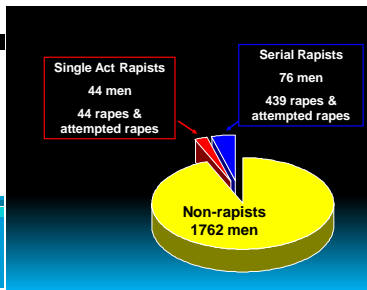
- Angry at women
- Need to dominate women
- Believe in rape myths
- Hold hypermasculine attitudes
- See "intimate" violence as normal
- See women as objects to be conquered
- Have deficits in empathy

## THE POPULATION OF RAPISTS

WHO ARE THESE MEN?



SKI MASK  
KNIFE  
BLITZ ATTACK  
BRUTAL INJURIES  
STRANGERS



### Violence Committed by Serial Rapists

#### The 76 Serial Rapists Committed:

439 Rapes and Attempted Rapes  
 49 Sexual Assaults  
 277 Acts of Sexual Abuse of Children  
 66 Acts of Physical Abuse of Children  
 214 Acts of Battery  
 Total: 1,045 Offenses

### The Nature of Predation

#### 1. Look for vulnerabilities

#### 2. Isolate the victim

#### 3. Wear down victim's resistance

#### 4. Pounce

### Common Reactions to Sexual Assault

- Humiliation
- Shame and self-blame
- Guilt
- Fear of people
- Feeling a loss of control over life
- Concern for the rapist
- Grief
- Depression
- Denial
- Anger and irritability
- Memory loss

### A Common Question:

If there was no visible physical force used and she wasn't drunk, why didn't she just leave?

### Defining Trauma

- A traumatic event either witnessed or experienced, representing a fundamental threat to one's physical integrity or survival
- Responses involve intense fear, helplessness or horror
- The meaning of the event may be as important as the actual physical act/experience

(Lisa Ferentz, 2008))

### The Neurobiology of Trauma

- Survival
- Adaptation
- Obedient Victim
- Dissociation = Freeze
- Fight /Flight or Freeze
- Fear

### Fight or Flight is Thwarted

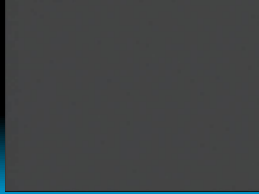
- Instinctively constrict
- State of
  - Shock
  - Numbing
  - Immobility
  - Depersonalization
- Hope to reduce or ward off perpetrator's behavior
- Dissociative state
  - Analgesic; loss of memory

### Reducing Trauma

- We have the opportunity to mitigate trauma with every victim we meet.
  - "No one deserves to be sexually assaulted."
  - Dispel untruths and misconceptions
  - Listen and be supportive
  - Normalize common reactions to sexual assault
  - Establish a working relationship and engage advocates and medical responders
  - Create a safe environment
  - Be aware of non-verbal cues
  - Offer options not advice



## Karen



- What stood out to you about this victim?
- Why do you think her case was not prosecuted?
- What effect did the sexual assault have on her life?
- How do you think this case could affect your campus and the community?

## Impact of Rape



- Disrupts entire life
- Impacts health
- Affects partners, family and friends

## Victims often experience:

- Betrayal
- Self-Blame
- Fear
- Lack of support
- Invalidation
- PTSD



## Impact on Health

- Physical injuries
- Sexually transmitted diseases
- Pregnancy
- Chronic health issues
  - Stress – related illnesses
  - Substance abuse
  - Eating disorders
  - Self mutilation
  - Sleep disturbances
  - Sexual dysfunction



## Emotional Impact

- Generalized anxiety disorder – 82%
- Major depressive disorder – 12% to 38%
- PTSD – 33%
- Suicidal ideation – 33%
- Suicide attempts – 13%
- Alcohol problems – 20%
- Drug abuse – 8%

## What might be additional consequences for victims on campus?

- Drops out of school
- Leaves friends
- Family is disappointed
- Now has student loans to pay
- Career dreams end

## Secondary Victims

- May also experience symptoms of trauma
- Concerns
- Resources

## Initial Response

- Ease concerns
- Address questions
- Empower
- Provide options, information and referrals



*Victims/Survivors who experience a supportive and compassionate response, regardless of the criminal justice outcome, have lower rates of post traumatic stress.*

Campbell, et al. (1999). "Community Services for Rape Survivors: Enhancing Psychological Well-Being or Increasing Trauma."