

# **BALLARD BRIEF**

March 2023

## **The Underreporting and Dismissal of Sexual Assault Cases Against Women in the United States**

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# Summary

Sexual assault is a highly prevalent yet rarely addressed issue within the United States. It is considered the most underreported and dismissed crime. There are a plethora of variables contributing to the underreporting and dismissal of sexual assault cases. The most prevalent factor appears to be the various understandings of sexual assault. The United States has no standard definition of rape or consent due to rape myths, victim blaming, disproportionately high perceptions of baseless allegations, and high-profile cases that are unrepresentative of the more common details of sexual assault. Other major contributing factors include knowing the perpetrator, victims' pre-existing and post-assault mental health problems, inefficiencies in the court process, and lack of faith in the justice system. The underreporting and dismissal of sexual assault cases lead to a lack of resources for victims, perpetrators, and communities; victims feeling guilt and worry about the perpetrator roaming free; and a greater

risk of repeated crime. The largest organization working to combat sexual assault and to support survivors is the Rape, Abuse, and Incest National Network (RAINN), located in Washington, DC. RAINN runs a hotline to aid victims of sexual abuse and their families, educational and awareness programs, and a platform for survivors to share their stories.

## Key Terms

**Acquittal**—A legal judgment in which an accused perpetrator is found not guilty of the crime they had been charged with.

**Avoidance**—A symptom of PTSD that is an "...attempt to avoid distressing memories, thoughts, or feelings as well as external reminders such as conversations about the traumatic event or people or places that bring the event to mind."<sup>13</sup>

**Burgess and Holmstrom Study**—A 1-year study in which Burgess and Holmstrom interviewed, followed, and documented the recovery process of rape victims at a hospital, identifying

and delineating the symptoms of rape trauma syndrome. This was one of the first major studies that gave voice to the experiences of rape victims, enabling and encouraging more to come forward to share their stories and report perpetrators.

**Case Attrition**—When a legal case ‘drops out’ and is no longer pursued, which can occur at several points throughout the legal process.

**Consent**—“An affirmative nonverbal act or verbal statement expressing consent to sexual activity by a person that is informed, freely given and mutually understood.”<sup>14</sup>

**Plea Bargain**—A plea bargain occurs when the defense and the prosecution agree to reduce the charges and avoid trial if the defendant pleads guilty.

**Rape**—“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.”<sup>15</sup>

**Rape Myth**—“Prejudicial, stereotyped, or false beliefs about rape, rape victims, and rapists.”<sup>16,17</sup>

**Revictimization**—Occurs when victims of previous sexual assaults are victimized again later in their life.

**Retraumatization**—Occurs “when a recovering PTSD sufferer is exposed to people, incidents, or environments that cause them to relive their previous trauma, almost as if it were all occurring again.”<sup>18</sup>

**Sexual Assault**—“Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent.”<sup>19</sup> Sexual assault also includes unwanted touching, sexual comments, or forcible kissing.

**Sexual Assault Kits (SAK)**—A container used to collect forensic evidence following sexual assault. SAKs include “a checklist, materials, and instructions, along with envelopes and containers to package any specimens collected during [the forensic] exam.”<sup>20</sup>

**Sexual Assault Nurse Examiner (SANE)**—Nurses who provide sexual assault victims with post-assault health care and perform forensic examinations if the victim decides to report.

### **Sexual Assault Response Team**

**(SART)**—A group of individuals who support and assist sexual assault victims during the court process.

**Statutes of Limitations**—“Laws that prevent someone from being prosecuted for a crime after a certain period of time.”<sup>21</sup>

**Tonic immobility**—A psychological response to danger in which individuals freeze rather than fight or flee.

**Unfounded**—Police reports that are considered baseless or a lie.

**Victim blaming**—“A social psychological phenomenon in which individuals or groups attempt to cope with the bad things that have happened to others by assigning blame to the victim of the trauma or tragedy. Victim blaming serves to create psychological distance between the blamer and the victim.”<sup>22</sup>

## **Context**

### ***Q: What is sexual assault?***

**A:** Sexual assault and rape are often used interchangeably, but rape is the most serious degree of sexual assault. This brief will primarily use the term ‘sexual assault’ and will use ‘rape’ when referring to the highest degree of sexual crime, which involves penetration. The National Crime Victimization Survey in 2018 estimated that 75.1% of sexual assaults went unreported.<sup>23</sup>

Every US state, down to each county, constitutes sexual assaults or rape differently, which makes it difficult to know how many sexual assaults occur every year<sup>24</sup>. Some jurisdictions require proof of resistance or do not define consent; many states differ in terms of age and ability to consent, length of the statute of limitations, the role of DNA evidence, and penalties for the crime.<sup>25,26</sup> The variety of definitions creates a disparity within comparative statistics, making it difficult to differentiate between and make inferences on sexual crimes between

various locations. To combat this, a few organizations provide helpful resources in comparing sexual assault definitions as well as laws between states to make more sense of the disarray.<sup>27,28</sup> This brief will use the FBI definitions of sexual assault and rape (as defined in the Key Terms section) to avoid confusion brought on by these legislative differences.

***Q: What do “underreporting” and “case dismissal” mean, and why are they problematic?***

**A:** Underreporting occurs when a significant amount of crime is not reported to the police. There are multiple estimations of the number of sexual assault cases that go unreported each year in the US, as it is difficult to measure something that is not reported or discussed. The Department of Justice and researchers rely on large surveys, like the National Crime Victimization Survey (NCVS) and Uniform Crime Report (UCR), to estimate the underreporting rate. The NCVS

estimates that more than 2 out of every 3 rapes go unreported.<sup>29,30</sup> Some scholars even estimate that the reporting rate is below 5%.<sup>31</sup> Sexual assault (rape, in particular) is frequently labeled as the most underreported crime in the US.<sup>32</sup> Approximately 31% of rapes are reported, meaning more than 2 out of every 3 rapes go unreported.<sup>33,34,35,36</sup> To put that into perspective, approximately 62% of robberies and 63% of assault and battery crimes are reported to police, with only around 1 out of 3 crimes going unreported.<sup>37</sup>

Case dismissal, also known as case attrition, occurs when a case is reported, but the prosecution decides to no longer pursue charges anytime within the judicial process before sentencing.<sup>38</sup> This can happen for a variety of reasons. One significant reason cases are dismissed is that the police decide the report is baseless, so they mark it as unfounded and do not forward it to a prosecutor.<sup>39</sup> This dismissal happens in 1 in 5 cases.<sup>40,41</sup> Other causes of case attrition include the prosecutor believing the case is

unwinnable or the victim facing a myriad of roadblocks. These roadblocks include becoming discouraged due to victim blaming, navigating the judicial process, intense and consistent contact with authorities such as the police, and struggling to consistently take time off work to attend hearings or the trial.<sup>42</sup> With such low reporting rates to start with, and high attrition rates for cases that are reported, only 2.5% of perpetrators will be incarcerated.<sup>43</sup> As rape is classified as a first-degree felony and a violent crime, it warrants a prison sentence that can vary depending on the details of the case, with sentences ranging from a few years to a life sentence. With such low incarceration rates, perpetrators are enabled to serial offend. The types of cases that do result in incarceration reinforce rape myths, which will be discussed later in this brief.<sup>44,45</sup>

***Q: Who are the players involved in sexual assault cases in the United States?***

**A:** There are several key players involved in sexual assault cases in the

US, including victims, perpetrators, and members of the US Justice System.

Approximately 1 out of every 6 American women has been the victim of an attempted or completed rape.<sup>46,47,48</sup> There have been an estimated 17.7 million female victims since 1998 in the US.<sup>49</sup> Over 90% of adult sexual assault victims are women, with women between the ages of 18–24 being 3–4 times more likely than other women in the US to experience sexual violence.<sup>50,51,52</sup> One risk factor for sexual assault is a history of abuse. People who were abused in childhood are at greater risk of being abused again. Studies in 1986, 2000, 2002, 2005, and 2016 agree that approximately 63% of women who were sexually abused as a child also reported a rape or attempted rape after the age of 14.<sup>53,54</sup> Children who were victims of rape or attempted rape in their adolescent years were 13.7 times more likely to experience it again in their first year of college.<sup>55</sup>

## Probability of Revictimization of College Freshmen

Chances of sexual assault for an average college Freshman



Chances of sexual assault for a Freshman who experienced sexual assault as a child



 = college freshman

Sexual assault is most often committed by somebody the victim knows, with 8 out of 10 rapes being committed under these circumstances.<sup>56</sup> Approximately 39% are committed by acquaintances, 33% by a current or former romantic partner, and 19.5% by a stranger.<sup>57,58</sup> While many believe a perpetrator's motivation is sexual gratification, research indicates that assaulters are more motivated by anger, power, and control.<sup>59,60</sup> Among the reported cases, offenders are 30+ years old in half of the sexual assault cases, 21-29 in a quarter, and younger than 21 in the remaining cases. Similarly, offenders are Caucasian in half of the sexual assault cases, African American in a quarter of cases, and mixed, other, or unknown in the rest of the cases.<sup>61</sup> They also tend to have criminal

histories—37 of every 100 suspected rape perpetrators have at least one prior felony conviction, with 10 of the 37 having 5 or more.<sup>62,63</sup> Eleven percent of sexual assault incidents involved a weapon, and only 10% included more than one assaulter.<sup>64</sup> Thus, the most common type of offender is an unarmed Caucasian male over 30 whom the victim knows.

Several parties within the US Justice System have a role in sexual assault cases. The first party a victim usually encounters following their assault is either a police officer or a Sexual Assault Nurse Examiner (SANE) that is part of a Sexual Assault Response Team (SART).<sup>65,66</sup> SANEs provide victims with post-assault health care and perform forensic examinations in case the victim decides to report, which they are not required to do. Victims are more likely to interact with SANEs than with officers.<sup>67</sup> In one survey of sexual assault victims, over half reported seeking medical attention after the assault, whereas only 32% said they reported the assault to the police.<sup>68</sup>

If the victim chooses to report the crime to the police, they will likely talk to an officer who asks initial questions about what happened, records the report, and forwards the information to a detective.<sup>69</sup> If the perpetrator can be found, the detective will question them as well to understand all facets of the situation and write an accurate incident report.<sup>70</sup> Many police jurisdictions have Victim Advocates whose responsibility is to support the victim during meetings with detectives and connect the victim with local resources to aid while victims heal from physical, mental, and other symptoms of trauma.<sup>71</sup> A prosecutor for the state is later assigned to represent the victim, and a defense attorney is assigned to the defendant (that is, the accused perpetrator). Both parties go through a series of hearings (typically ending around 1 year after reporting) and either make a plea bargain or continue to trial—87.5% of sex abuse cases end with the former.<sup>72,73,74</sup> This brief will further examine the judicial process and its relationship to underreporting and attrition of sexual assault cases

throughout the Contributing Factors and Consequences sections.

***Q: How have discussions of sexual assault in the United States changed over time?***

**A:** Rape myths and victim blaming can be traced back to 17th-century English common law, which was then carried over to the United States as England colonized the land.<sup>75</sup> The common law custom was for judges to advise, “Rape is a charge easy to make and difficult to defend, so the law requires that you examine the testimony of the female person named in the information with caution.”<sup>76</sup> This same sentiment is reflected in the word “accuser” in modern times about a woman who reports.

Although sexual assault has existed throughout history, awareness, and activism about the issue became a more widespread movement in the US in the 1970s; Michigan’s model rape reform laws paved the way. During that time, studies (such as the one by two therapists Ann Burgess and Lynda



Holmstrom) gave voice to the experiences of rape victims, enabling and encouraging them to come forward to share their stories and report perpetrators.<sup>77,78</sup> This outpouring of reports led to new resources for victims, including rape crisis centers, rape reform legislation, and the development of medical protocols to better treat sexual assault victims. Variables such as the complainant's sexual history, proof of resistance or outcry, corroborating witnesses, defendant's use of a weapon, and prompt report by the complainant became less important in trial.<sup>79,80</sup> As a result, sexual assault reporting rates in the United States doubled in the 1970s.<sup>81</sup>



Intimate partner violence, which includes sexual assault, was considered a private family matter, but through rape reform movement helped influence public health issue.<sup>82</sup> Rape used to purely be understood as a crime of violence, but is now perceived as a violation of bodily autonomy.<sup>83</sup> It is now also socially understood and accepted that victims can be anyone—men, minorities, sex workers, people in intimate relationships, the employed, the unemployed, members of the LGBTQ+ community, indigenous people, or anyone else.<sup>84,85</sup>

More recently, the emergence of the #MeToo movement has drastically increased awareness and reduced the stigma of sexual assault.<sup>86</sup> Starting in the late 1990s, American activist Tarana Burke emerged as an advocate for sexual assault victims of color whose influence expanded with Alyssa Milano's tweet, "If you've been sexually harassed or assaulted, write 'me too' as a reply to this tweet," and the movement went viral.<sup>87,88</sup> It sparked a global conversation, giving the world a more accurate view of the breadth,

impact, and relevance of sexual assault and providing a platform to empower survivors to share their stories.<sup>89</sup>

***Q: How do rates of sexual assault in the US compare with other countries?***

**A:** It is difficult to compare US states in terms of sexual assault rates because each state has its own definition of what constitutes rape and has differing levels of accuracy in reporting. This is true between countries as well. In 2023, the United States had a rate of 27.31 reported rapes per 100,000 people, placing it within the top 10 highest rates among industrialized countries.<sup>90</sup> Some of the other country's high rates are misleading, as some have a broader definition of rape and easier means of reporting or convicting. Therefore, they have more reports, but not necessarily more rapes. Sweden is an example of this. Its rate is 63.54 rapes per 100,000 people, which has increased in the last decade as Sweden has adopted a broader definition of rape.<sup>91</sup> When looking at Sweden's stats through the lens of Germany's much

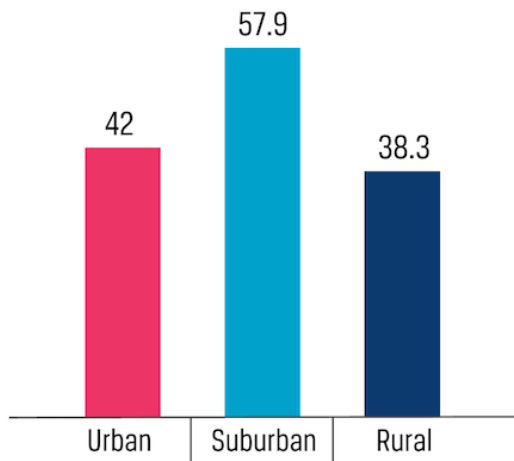
narrower definition of rape, Sweden's rates drop from 63.54 to around 15.<sup>92</sup> The US has a stricter definition than Sweden and, with its already high rates, experiences major underreporting that would bring its numbers close to Sweden's without broadening its definition of rape.

***Q: How do reporting rates compare across communities in the US?***

**A:** Suburban areas in the US have the highest reported rates at 57.9 per 100,000 people, followed by urban areas with 42 reported rapes per 100,000 people; rural areas have the lowest rates of rape with 38.3 reported rapes per 100,000 people.<sup>93</sup> Rapes in suburban and rural areas are most often committed by a friend or acquaintance (39.1% and 44.1%, respectively), while rapes in urban areas are mostly committed by a stranger (38.2%).<sup>94</sup> Rural areas also have significantly more sexual assaults committed by an ex-intimate partner when they are divorced or separated—3.1 victims for every 1,000

people versus 1.7 victims per 1,000 people in suburban areas and 1.4 victims per 1,000 people in urban areas.<sup>95,96</sup> Sexual assaults are highly prevalent on college campuses; the number of women victimized rose from 1 in 6 in 20 to 1 in 4 in 2019.<sup>97,98</sup> Additionally, indigenous communities in the United States are the most at risk for sexual assault, being more than twice as likely to experience sexual assault than any other race.<sup>99</sup> An average of 1 in 3 indigenous women are sexually assaulted every year, yet their underreporting and dismissal rates are much higher, as 67% of cases are dismissed.<sup>100,101,102</sup>

**Rates of Reported Sexual Assault per 100,000 People**

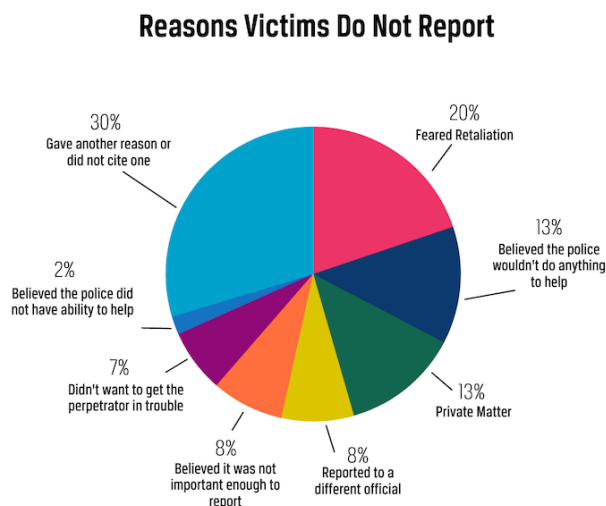


## Contributing Factors

### *Cultural Understanding of Rape*

The cultural misunderstanding of sexual assault in the US causes victims and state laws to have various misconstrued definitions of what sexual assault is.<sup>103</sup> These false or under-representative ideas about sexual assault are known as rape myths.<sup>104</sup> The prevalence of rape myths and victim blaming in American culture has detrimental effects on victims, the justice system, and public perception. These harmful beliefs can hinder the recognition and validation of assaults, contributing to an increase in the acceptance of rape myths, attrition rates, and underreporting of sexual violence.<sup>105,106,107</sup> One survey by the Bureau of Justice Statistics determined prevalent reasons why victims decide not to report to the police.<sup>108,109</sup> The survey found that 20% of the victims feared retaliation, 13% believed the

police would not do anything to help, 13% believed it was a private matter, 8% reported to a different official, 8% believed it was not important enough to report, 7% did not want to get the perpetrator in trouble, 2% believed the police did not have the ability to help, and the last 30% gave another reason or did not cite one reason.



## Rape Myths & Varying Definitions of Sexual Assault

Rape myths contribute to underreporting and attrition, perpetuating false notions of rape and confining rape to a narrow scope that represents only a small proportion of rapes. In the past, this has led to victims not identifying the problem or thinking it was their fault, police and

prosecutors not indulging in a majority of cases, and the public (including juries) placing blame on the victim.<sup>110,111</sup> Common rape myths include:<sup>112,113,114</sup>

- Rapes only happen late at night, on the streets, or in an alleyway - it is the victim's fault for being alone at night or in dangerous areas
- A stranger always commits rapes
- Romantic partners cannot sexually assault each other, marriage equals consent
- Rape is always violent and results in injuries
- If the victim does not struggle, they must have wanted it
- If alcohol was involved, it was not rape
- Victims are lying if they are emotionless, cannot remember details, get their story mixed up, are uncertain, reporting years after the incident, or are uncooperative with police
- Rapists cannot help it and are primarily motivated by sexual desire

- If it were rape, the victim would have reported it immediately
- The victim must have done something bad, and rape is her punishment

Rape myths are highly prevalent throughout American culture, influencing victims, justice system officials, and the public.

In reality, only 19.5% of sexual assaults are committed by strangers, and approximately half take place in or near the victims' residences.<sup>115,116,117</sup>

Statistics detailing assault-related injuries vary widely, but up to 30% of sexual assault victims sustain genital injuries.<sup>118</sup> Most of these are minor and asymptomatic, refuting the myth that an action can only be considered rape in cases where injury or resistance occurs.<sup>119,120</sup> While it is true the aforementioned myths occasionally occur in sexual assault cases, these situations are the exception and not the rule.<sup>121</sup> Misconceptions surrounding rape myths often stem from a lack of understanding about the impact of trauma on individuals and the diverse

range of symptoms that can manifest as a result.<sup>122</sup>

Other misconceptions, such as ideas about sex workers, romantic partners, and the manner of the victim's dress, often stem from a lack of understanding regarding consent.<sup>123</sup> Stanford University defines consent as "...an affirmative nonverbal act or verbal statement expressing consent to sexual activity by a person that is informed, freely given and mutually understood."<sup>124</sup> Most Americans do not receive sex education that covers the topic of receiving and understanding consent, as only 12 states and DC require consent to be taught in school.<sup>125</sup> A survey discovered that almost three-quarters of women who had legally been raped did not identify their experience as rape.<sup>126,127</sup> This discovery suggests that due to rape myths, women develop a narrow definition of what constitutes rape which leads to a lack of reporting crime.

As of March 2023, some states had no clear definition of consent, allowing

situations that would be deemed rape to be claimed otherwise without the need for proof of resistance;<sup>128</sup> consequently, rates of reporting vary significantly across states. For example, both Idaho and Georgia have no clear definition of consent. Yet Georgia had the 10th lowest rate of reporting out of all 50 states, and Idaho was in the top 20 states.<sup>129</sup> Looking further into the ramifications of the vague laws in Idaho, approximately 48% of sex crime cases from the state were dismissed, and 45% of rape cases that resulted in a guilty plea were amended to non-sex crimes.<sup>130,131</sup> To put this into perspective, only 4 of every 100 reported Idahoan rape cases ended in conviction.<sup>132</sup>



As mentioned above, other misconceptions include not calling out

for help, wearing revealing clothing, being employed as a sex worker, being intoxicated, being involved with several sex partners, being alone at night, being married, or giving consent to sex at an earlier time, all imply consent.<sup>133,134</sup> A study in Rhode Island of 6–9th-grade students reveals the prevalence of false ideas of consent. When asked if prior sexual intercourse entitles the man to sexual intercourse against the woman's will, 70% of boys and 53% of girls agreed. Half of the students believed that a woman is asking to be raped if she is walking alone at night.<sup>135</sup> If students do not recognize common rape myths, negative consequences will continue to perpetuate, especially that of future victims and members of the justice system not recognizing their experience as rape.

Overall, the abundance of rape myths and misconstrued ideas of consent will lead to some sexual assault victims not believing what happened was rape, understanding that the government may not classify it in the same way, or fearing retaliation from the rape-myth-driven public.<sup>136,137</sup>

## High Profile Cases Shape Public Understanding

News platforms and social media portrayals of sexual assault have a significant influence on readers' opinions about what aspects are common in sexual assault cases.<sup>138,139,140</sup>

They are some of the only sources about sexual assault that most citizens are exposed to, and thus govern what people know and believe about this issue, which is commonly a distortion of the truth.<sup>141,142</sup> These portrayals discourage victims from not identifying their experience as rape and avoid reporting. Additionally, this could incite victim-blaming amongst the public, discouraging a victim from pursuing a case after reporting. When it comes to reporting on sexual assault, the media tends to drastically overrepresent assaults that either involve a stranger, multiple perpetrators, or a weapon.<sup>143</sup>

Each of these conditions occurs in less than 20% of sexual assaults.<sup>144,145</sup> In a study of 150 New York Times articles separated evenly into 3 time periods (1980–84, 1993–97, 2016–20), 78% of the articles were about rapes

committed by a stranger, even though these types of cases only make up 19.5% of all actual cases.<sup>146</sup> Over 25% of articles covered cases involving multiple assailants, only 6% of cases involved 2 or more perpetrators, and 61% of the articles described the perpetrator as having a weapon. Sexual assault cases involving weapons only make up 11% of cases. When media develops a narrow focus on certain types of sexual assault cases, it reinforces rape myths and fails to educate readers on the more common aspects of sexual assault, therefore misleading readers who are or may be victims to believe their assault does not classify as rape.<sup>147</sup>

Rape myths lead some citizens, jurors included, to blame victims for

**The Number of Sampled *New York Times* Articles Containing Certain Rape Myths**

	1980-84	1993-97	2016-20
Weapon	25	14	2
Stranger	25	17	10
Multiple Perps	7	5	5
Victim Drinking	0	4	8
Victim Blaming	0	6	11
"Atypical" Perp	0	3	8

\*The numbers in this table are taken from a sample of 150 articles with 50 articles from each time period. The numbers will not add up to the sample size because some articles contain more than one major rape myth or none at all.

behaviors that do not meet the commonly portrayed rape that is easier to identify and prosecute. They may reason that a woman assumed the risk of rape when deciding to engage in behaviors that are known to be unsafe—including walking alone at night, drinking, or taking a date to her house.<sup>148</sup> Some fail to take into account how trauma affects behavior and, therefore, will disregard evidence in favor of their perceptions of the victim's character and lifestyle.<sup>149</sup>

Women in the community and judicial system can be particularly harsh since most are taught at a young age to reduce the risk of sexual assault with certain safety behaviors.<sup>150,151</sup> When seeing similarities between the victim and themselves, some women try to distance themselves by finding fault in the victim's behavior and resolving not to engage in those behaviors.<sup>152,153</sup>

These resolutions lead to various levels of judgment that discourage victims from reporting or continuing with the case.<sup>154</sup>

While there have been an increasing number of articles dedicated to the

awareness and prevention of this issue, rates of victim blaming in the news have increased by 80% within the last 4 decades.<sup>155</sup> One example of this increase is the growing use of the word “accuser” when referring to the victim, as mentioned in the context section of this brief.<sup>156,157</sup> This is evident in cases where the perpetrator does not fit the stereotypical image of a rapist—especially if they have wealth, athletic success, celebrity status, or a distinguishable career. When the case is against a well-respected man, reporters are more likely to turn on the victim and question their intentions.<sup>158</sup> If the victim decides to come forward, they risk having their integrity attacked and drawing negative, unwanted attention.<sup>159</sup>

The case of comedian Bill Cosby provides a prominent example. More than 2 dozen women came forward about being a victim of his sexual misconduct. Cosby's defense team and reporters have labeled the victims as “accusers,” thus taking the focus away from Cosby's actions and instead scrutinizing the intentions and



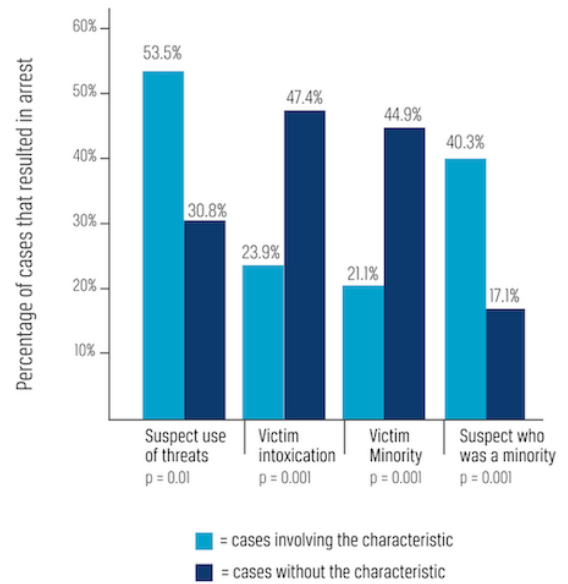
character of the victims.<sup>160</sup> Cases of sexual assault are the only ones that commonly label the victim as an accuser, and that language has become common in media reports of sexual assault.<sup>161</sup> The lawyers of Harvey Weinstein, a Hollywood producer convicted of several counts of rape, took a similar approach to Cosby's: according to one of Weinstein's victims, Siebel Newsom, "Weinstein's lawyers used sexism, misogyny, and bullying tactics to intimidate, demean, and ridicule us survivors."<sup>162</sup> In the case against the professional basketball player Kobe Bryant brought to light by Katelyn Faber, she moved to 5 different states to avoid the antagonistic media and investigators.<sup>163</sup> She received hundreds of death threats, including 2, which resulted in jail sentences for those issuing the threat.<sup>164</sup> Faber was accused of being an attention-seeker, licentious, and unstable by Bryant's lawyers, who included a 3-hour testimony of the victim's sexual history in their arguments at trial.<sup>165,166</sup> The hostility eventually became too much

for her, and she told her prosecutors to drop the case.<sup>167,168</sup>

Cases that gain the most attention and are more likely to end in conviction tend to occur alongside another crime and involve a weapon, injury to the victim, and full penetration.<sup>169</sup> Violent sexual assaults are easier to prove and sympathize with, so officers are motivated to see the case through to conviction. One study presented two different cases to police officers—one with a victim who was bleeding and disheveled with scratches on her back that she could not reach, the other with a victim who had no visible injuries and even smiled.<sup>170</sup> Nearly all of the officers said they would take the first victim's case, as it is evident that a crime actually occurred. Another study discovered statistical significance between non-genital injuries and the likelihood of arrest. The percentage of arrests increased with each additional non-genital injury, further cementing the idea that police more commonly believe victims with injuries than those without.

Other significant factors in relation to arrest are suspect use of threats, victim intoxication, victim minority status, and suspect minority status.<sup>171</sup> Cases had a higher likelihood of arrest in cases involving suspect use of threats, victim minority status, and suspect minority status. Cases involving victim use of drugs or alcohol had a significantly lower likelihood of arrest. Thus, we see that police can be influenced by implicit bias and rape myths in their decisions to make an arrest. As these types of assaults make up the majority of pursued cases and, therefore, are the most widely represented in the media, they create a limited idea of what sexual assault is, excluding more common types of sexual assault and shaping a false narrative that distorts the public's view of what sexual assault really is.<sup>172</sup>

**Rape Myth Influence on Arrest Rates**



### Baseless Allegations

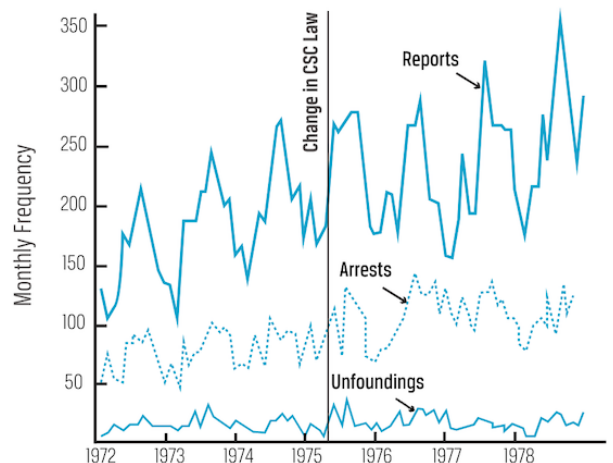
Victims who decide to report are more likely to be dismissed as baseless than any other crime. This contributes to victims' negative experiences with the justice system that can lead them to withdraw from their cases and develop a lack of faith in the judicial system. Because of this, sexual assault victims are often met with skepticism rather than sympathy. A survey of criminal justice system officials found that nearly a third of officials thought rape reports were more frequently fabricated than other crimes.<sup>173</sup> Police label 1 in 5 reported sexual assault

cases as baseless and unfounded. Despite these perspectives, studies have found only 2–10% of sexual assault cases are false allegations.<sup>174,175,176,177</sup> Estimates on the higher end of the range include delayed reporting, false classifications of unfounded or non-substantiating evidence, and therefore incorporate more than just the allegations that have been proven false.<sup>178,179,180,181</sup> It is evident that the rate of actual false allegations is on the lower end of the scale, conducive to rates of wrongful conviction for other felonies (4–6%).<sup>182,183</sup> With police labeling 1 in 5 reports as unfounded, sexual assault cases are being dismissed as false at a rate of up to 10 times greater than the actual amount of false cases. To put that into perspective, it would be as if Harvard University, whose acceptance rate is around 4% (a rate similar to the actual rate of baseless allegations), decided to open its acceptance rate up to 20% (the rate at which police dismiss allegations as baseless), raising this year's number of admitted

students from less than 2,000 to over 12,000.

Many believed that cases unfounded would increase with the rise of reporting due to rape law reform in Michigan during the 1970s; however, cases without evidence remained the same throughout the 1970s as reports of sexual violence increased.<sup>184</sup>

**Total Monthly Reports, Arrests, and Unfoundings for Criminal Sexual Assault in Michigan**



Some notorious examples of unfounded cases within the United States include Baltimore, St. Louis, New Orleans, and New York City.<sup>185</sup> The amount of rape cases reported in Baltimore has declined by 80% since the early 1990s.<sup>186</sup> The number of unfounded cases tripled since that time, as they

were not included in the rape report statistics because they were dismissed as false reports. Between 2003 to 2010, officers wrote reports for an average of only 4 in 10 rape calls.<sup>187</sup> St. Louis had a memo system in which rape reports were written as informal memos that were stored for a period of time and then shredded, even if the statute of limitations was still open.<sup>188</sup> Each of these memos was not added to the crime statistics, often because officers characterized incidents as sexual assault where the FBI and other major cities would have characterized them as rape.<sup>189</sup> Because of this, St. Louis reported only 81 rapes in 2003—a number so low that it was less than the cities that reported rapes with less than 20% of St. Louis' total the previous year.<sup>190</sup> A criminologist estimated the real number of reported rapes to be 214—just under 3 times as much as the city originally recorded.<sup>191</sup> New Orleans files more than half of reports into a noncriminal category, causing a drastic decrease in their local rape statistics by 37%.<sup>192,193</sup>

## ***Mental Health***

### ***Problems—Pre-Existing & Post-Assault***

Mental health problems caused by experiencing sexual assault can combine with anxiety caused by the justice system to contribute to the underreporting of sexual assault cases because they overwhelm and retraumatize sexual assault victims, incentivizing them to take a more simple route of not reporting.

### **PTSD, Depression, and Anxiety**

Posttraumatic Stress Disorder (PTSD) is one factor that plays into underreporting because avoidance (a symptom of PTSD) makes victims less likely to engage in reminders of the trauma, such as reporting the experience. It can take years for victims to heal enough to confront the trauma and report it to the police. Common symptoms of PTSD include intrusive thoughts and images related to the traumatic experience, avoidance of reminders of the trauma, negative feelings, detachment from

surroundings, feelings of being on edge (hypervigilance), less motivation, and less interest in previously-enjoyed activities.<sup>194</sup> Symptoms more closely aligned with depression and anxiety are associated with higher reporting rates, while avoidant symptoms are associated with significantly lower reporting rates. These symptoms lead to victims wanting to avoid the problem altogether and “move on,” often not feeling emotionally ready to report and sometimes exceeding the statute of limitations for their area.<sup>195,196</sup> The rate of sexual assault victims who develop PTSD is between 47–55%, meaning a significant amount develop symptoms that make it difficult to endure the process of reporting the crime.<sup>197</sup> Those who have experienced sexual assault are 6–7 times more likely to have symptoms of PTSD than those who have not experienced a crime and 2–3 times more likely than survivors of other crimes.<sup>198,199</sup> This is one reason it takes so long for some victims to come forward about what happened; it takes

years for them to heal enough to gain the courage to confront it.

Women who have been sexually assaulted develop high rates of depression, substance abuse, sick time, health visits, and suicide.<sup>200</sup> Women who have been sexually assaulted are 3–10 times more likely to abuse substances than the general public.<sup>201</sup> One study showed that 33% of women who are raped develop suicidal thoughts and 13% attempt suicide.<sup>202</sup> Victims of sexual assault are much more likely to experience moderate to severe distress than any other crime, at a rate of 70%.<sup>203</sup> Victims may also feel afraid or trapped because the perpetrator is someone they know.<sup>204,205,206,207</sup> They risk facing further aggression from the perpetrator, having tense or broken relationships with those who also know the perpetrator, “ruining” the perpetrator’s life, losing their job, and being disbelieved and ridiculed are some of the many consequences feared.<sup>208</sup> Thus, when facing a circumstance like this, many victims

choose not to report to avoid these possible consequences.

### **Secondary Victimization**

Secondary victimization is defined by the US Department of Justice as “...negative social or societal reaction in consequence of the primary victimization and is experienced as a further violation of legitimate rights or entitlements by the victim.”<sup>209</sup> In simpler terms, secondary victimization is when victims feel further violated due to negative social reactions in response to the victim’s disclosure of their sexual assault. During the reporting process, an average of 90% of victims are confronted with at least one secondary victimization behavior in their interactions with law enforcement.<sup>210</sup> Rape myths typically fuel these behaviors and can vary from asking the victim what they were wearing to intensely interrogating the victim and looking for anything that could suggest the victim is lying.<sup>211</sup> This victimization is also evident in the court process, especially from defense attorneys. Even with the model rape

law reform in Michigan, 62% of defense attorneys surveyed did not change their approach to questioning the victim and chose to continue victim-blaming and create a rape myth-fueled defense.<sup>212</sup> Enduring further victimization after becoming a victim of sexual assault can be overwhelming, potentially resulting in victims entreating their prosecutor to dismiss the case.

Retraumatization leads to underreporting because several steps in the court process remind the victim of the assault or invalidate the victim’s trauma. Seeking medical and forensic treatment by SANEs can worsen PTSD if handled improperly. Until they have undergone a forensic examination, victims must wait in waiting rooms following the assault, sometimes with excessive wait times.<sup>213,214</sup> During this time, victims do not have access to critical emotional and physical care. Once treatment begins, untrained nurses may react negatively and unprofessionally to the victim’s disclosure of the event, further impacting the victim’s mental health by inciting feelings of invalidation and

revictimization. These gaps in care are a form of secondary victimization.<sup>215</sup> If the victim decides to report, they are required to meet with an officer who will ask them every detail of the assault, which can lead to victims reliving their trauma, making them feel unsafe and violated once again.<sup>216</sup>



Trauma leads people to act differently than expected, which may lead to a dismissal of sexual assault cases.<sup>217</sup> Justice system officials and jurors may have a specific and logical idea of how people should respond to trauma when in reality, trauma elicits different, seemingly unexpected responses,

known as counterintuitive behaviors.<sup>218</sup> Some of these counterintuitive behaviors caused by trauma include cleaning themselves or the crime scene before reporting, not reporting the crime immediately, struggling to remember the order of events, or having an unexpected emotional response such as being calm and collected or laughing.<sup>219</sup> These behaviors are often held against the victim during the trial, and they are more likely to be met with disbelief and hostility, again being subject to secondary victimization.<sup>220</sup>

### **Invasiveness & Shame of Sexual Assault Kits**

Sexual assault kits (SAKs, also called rape kits) are a way for healthcare providers to collect potential DNA evidence or anything that may shed further light on the assault.<sup>221,222</sup> The forensic examination necessary to compile a sexual assault kit can feel invasive on a similar level to the assault. Victims must endure a long, thorough examination of their entire body performed by strangers. Their

clothes are taken for testing, they are interviewed about the details of the event, their genitals, and surrounding areas are combed, swabbed, dyed, photographed, and subject to multiple tests and collection methods, and they undergo buccal, blood, and urine tests.<sup>223,224,225</sup> Sexual assault is a crime that innately violates one's privacy and sense of control. SAKs may lead to retraumatization because they can be reminders of the recently-experienced sexual assault.<sup>226</sup> When victims are subject to the retraumatizing experience of forensic exams, they are dissuaded from seeking further help, such as seeking legal support.<sup>227</sup>

### ***The Inefficiency of Court Processes & Lack of Faith in the System***

#### **Unused Evidence**

When medical personnel hand over collected sexual assault kits to police, the kits can sit on the department's shelves for months or years, waiting to be submitted for testing. Backlogged rape kits can often go untested and

may not be used in a victim's case, leading to it being prolonged or dismissed. Sexual assault kits are often not treated with urgency, and many collected rape kits sit on shelves of police departments and laboratories for years without being DNA tested.<sup>228,229</sup> A study done in 2021 of 911 counties across 15 states determined a national estimate of 300,000–400,000 SAKs that police had not submitted for testing between 2014–2018.<sup>230,231</sup> DNA evidence is 99.9% accurate, and SAKs find a DNA match on the CODIS (Combined DNA Index System) database around 20% of the time.<sup>232,233</sup> This means 60,000–80,000 of the untested kits could have DNA that matches someone already known to law enforcement. Tens of thousands of cases can find their culprit and get a conviction, but many cases are delayed when police do not submit their rape kits for testing. In some cases, the statute of limitations may have passed before the DNA is tested, so even with new evidence, a conviction cannot be made.<sup>234</sup> To combat this, 28 out of 50



states make exceptions, disregarding the statute of limitations if DNA evidence is brought forth.<sup>235</sup>

Additionally, kits are complex, and training is not widely available for medical practitioners or officers.<sup>236,237</sup>

This can impact the case and lead to dismissal.<sup>238</sup>

### **Extremely Low Convictions— Proving Consent, Plea Bargains, Statute of Limitations**

If a victim chooses to report their assault, there are still many obstacles that may lead to the dismissal of their case; to avoid this outcome, officers and prosecutors must take the report seriously, the prosecution must prove non-consent beyond a reasonable doubt, and the statute of limitations must not be past its limit and nullify the report. In most cases, the defense may choose a plea bargain, or they may be charged with lesser crimes, both of which lead to a lesser sentence.<sup>239,240</sup>

In rape cases, proof of crime comes down to consent, which is nearly impossible to prove because of the

varying definitions and lack of corroborating witnesses.<sup>241</sup> While SAKs are extremely useful in cases involving strangers, they become obsolete in cases where the perpetrator and victim know each other.<sup>242</sup> The court does not argue whether sex happened, rather they focus the argument on consent; if non-consent was made clear and DNA, therefore, cannot clarify consent.<sup>243,244</sup> Officers and prosecutors are aware of the difficulty of proving non-consent and will dismiss cases they do not believe will fare well in court.<sup>245</sup> Out of the cases that do get reported, an average of 86% were never forwarded from police to prosecutors, and prosecutors are quick to dismiss cases that have low chances of winning.<sup>246</sup> For example, prosecutors in Manhattan in 2019 dismissed 49% of sexual assault cases.<sup>247,248,249</sup> While their motive for dismissal is unclear, the high volume of cases dismissed suggests that police dismiss cases that they believe will not fare well in court or are baseless. States have historically required victims to prove non-consent

by proving they resisted the perpetrator or cried out for help.<sup>250</sup> Sexual assault is the only violent crime that ever requires proof of resistance, even though resistance is discouraged by some law enforcement.<sup>251</sup> Police officers suggest apparent compliance or efforts to distract the assailant is more effective in avoiding increased levels of aggression and injury.<sup>252</sup> Therefore, requiring proof of resistance is not only unwarranted but also encourages victims to endanger themselves for the assault to be taken seriously and charged as sexual assault or rape. In cases with no witnesses nor injuries, there is little evidence to prove non-consent beyond a reasonable doubt. A perpetrator who confesses to officers and then decides to plead not guilty on trial is still able to create reasonable doubt that could ultimately lead to the perpetrator's acquittal.<sup>253,254</sup>

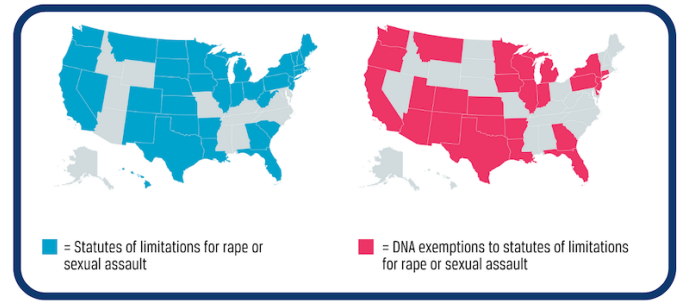
Rather than go to court and risk the perpetrator walking away with no consequences, prosecutors encourage victims and defendants to take a plea bargain—or plea by abeyance—which

means the defendant agrees to waive their right to a jury trial and plead guilty or no contest in exchange for reduced charges or sentencing.<sup>255,256</sup> This means that cases ending in plea bargains are settled before any jury trial takes place and therefore do not “go to trial” in the typical sense. Felonies are frequently reduced to misdemeanors in plea bargains, but some sort of consequence for the defendant is guaranteed.<sup>257</sup> The Justice System reports that 87.5% of sex abuse cases end in a plea bargain.<sup>258</sup> A judge in Ohio compiled a list of cases between 2005–2017 that had reduced charges or reduced sentences to highlight the prevalence of this issue.<sup>259</sup> Out of hundreds of cases, fewer than 60 were sentenced to more than a year in prison, and around 250 served no jail time at all, instead being sentenced to probation, a fine, or having their jail sentence suspended by the judge. As an example, in one of these cases, the defendant was charged with raping a child, pleaded guilty to “interference of custody,” and

was sentenced to only 6 months in jail.<sup>260</sup>

Another reason that a perpetrator may not receive a sentence is that the statute of limitations had already passed by the time the victim reported, so the assailant cannot be convicted.<sup>261</sup> Thirty-four states require sexual assaults to be reported and prosecuted within a limited time after the crime occurs (the average limit ranging from 3-10 years), with some states having no limit.<sup>262,263,264</sup> In cases with DNA evidence, many states make exceptions and will prosecute the perpetrator past the statute of limitations.<sup>265</sup> One example of the impact of statutes of limitations is the case against Bill Cosby—dozens of allegations were raised against him, yet he was only charged for one because it was the only one within Pennsylvania’s 12-year statute of limitations.<sup>266</sup> Women he assaulted years or decades earlier could not seek their own justice once they were empowered to finally report because of the #MeToo movement and other women’s allegations against him.<sup>267</sup>

States with Statutes of Limitations and DNA Exemptions



## Consequences

### *Lack of Resources*

#### City Resources

Governments allocate resources based on their available data, but the underreporting of sexual assaults and a subsequent lack of data on this issue leads to a lack of solving or mitigating the problem. This leaves a vast amount of sexual assaults unaddressed and makes cities appear safer than they are.<sup>268,269</sup> When numbers are low for a specific crime, they are likely to supply fewer resources to that cause, allocating their resources to crimes with seemingly higher rates, leading to a resource deficit for sex crimes.<sup>270,271</sup> As a result, the justice system is unprepared to handle cases due to a lack of proper training and resources to

aid the victim. Data is also untrustworthy because it is unclear whether the cases classified as unfounded are free of biases or adhere to the guidelines set by the International Association of Chiefs of Police (IACP) and Uniform Crime Reporting (UCR) Program, which are US organizations that gather crime data and establish model practices for police agencies to follow.<sup>272,273,274,275</sup>

In addition, sex crimes can be made invisible by the reduction of charges to nonsexual offenses.<sup>276</sup> One of the most frequent occurrences of this reduction happens when other crimes are committed alongside the sexual offense. In many cases, the sexual assault was unrecorded, and the perpetrator was released back into the community with no accountability to the victim, no information about resources to aid them, and with no information sent out to the community members.<sup>277,278</sup>

Misunderstanding the severity of sexual assault leads victims, perpetrators, law enforcement, and citizens to go without the needed

resources to fully and efficiently address the issue.

### **Victim Resources**

When victims choose not to report, or the local jurisdiction is unprepared to handle the case, victims are unable to obtain the necessary services to cope with victimization.<sup>279</sup> These resources are typically available for all victims before, during, and after the judicial process, with resources like medical care being available regardless if the victim decides to report. However, the resources offered (and which are offered to those who do not report or whose perpetrator is not convicted) vary greatly by state. Therefore, depending on the state, sexual assault victims who do not report or whose case is dismissed may not receive free trauma treatment, an advocate to connect them with local resources, justice, closure, medical care, safety from the offender, or abortion care (in cases that result in pregnancy).<sup>280,281</sup> After the overturn of *Roe v. Wade* (the case that ruled the constitutional right of women to abort a child), 22 states

passed laws to ban abortion, with 7 making exceptions for instances of rape, and 15 making no exception.<sup>282</sup> Even with exceptions for rape victims, it is nearly impossible to receive abortive care, as there must be proof of victimization. Cases take approximately 1 year to see through to completion.<sup>283</sup> Thus, even if the justice system confirms the rape, it will be too late for the victim to receive an abortion, as more than 9 months have passed. Moreover, in cases where incidents are not reported, dismissed by law enforcement, or fail to result in full rape charges, victims are effectively denied access to abortions. This restriction forces them to resort to unsafe and illegal methods of terminating pregnancies, or face the additional burden of lacking financial and medical assistance throughout their pregnancy.<sup>284,285</sup>

Healthcare costs for female sexual assault victims are estimated to be in the billions of dollars.<sup>286</sup> It is not a common practice to offer trauma treatments, such as Cognitive Behavioral Therapy (CBT), as one of the

subsidized services that can be available for victims, adding another cost for victims to finance.<sup>287</sup> In some instances, often in hospitals that lack trained SANEs and are uneducated in the treatment of rape victims, the cost of forensic exams can be billed to victims, even though that is typically covered by the Violence Against Women Act (VAWA).<sup>288</sup>

### **Perpetrator Resources**

If perpetrators are not brought to court or are not sentenced, they may not receive the help and resources they need.<sup>289,290</sup> Studies have found that sexual assaults are most commonly motivated by power and control and not by sexual gratification.<sup>291,292,293</sup> As part of their sentence, offenders receive psychiatric care from mental health professionals who specialize in working with sex offenders to address any disorders and underlying needs (such as the two mentioned above) that are producing unhealthy sexual coping mechanisms.<sup>294,295</sup> Without a sentence, these resources are less accessible,

and the offender's issues may continue to go unidentified and unaddressed.<sup>296</sup>

### ***Greater Risk of Repeated Sexual Crime***

When officers prematurely dismiss cases, they enable the perpetrator to serial offend.<sup>297,298</sup> Many convicted sexual felons in an anonymous survey admitted to committing several more assaults than they were charged for, with only 3.3% of the assaults they committed resulting in an arrest and only 5% of the assaults identified in official records.<sup>299,300,301</sup> One Cleveland victim flagged down a police car soon after being sexually assaulted by Anthony Sowell, who had spent 15 years in prison and registered as a sex offender.<sup>302</sup> She detailed the description of the offender and where the assault took place, all while she was bleeding. Her report was marked as unfounded, and Sowell was not arrested then. Later, when he was ultimately arrested, police found blood and signs of struggle in Sowell's home, where she said the crime had occurred. They also found the remains of 11 other women, 6 of

whom were raped and killed after the earlier victim and one other woman reported Sowell to the police. Law enforcement's inaction resulted in 6 more women being raped and murdered.<sup>303</sup> In a different case, Milwaukee police arrested serial rapist Gregory Tyson Below and decided to look into other reports previously made against him in which victims said they were not aided by the police.<sup>304</sup> One said Below forcefully took her from a nightclub and assaulted her over the course of several hours. When she went to a local police station to report, they told her to go to another station. She went to another station to report, and they told her to go to yet another station. When the third station told her the same thing, she gave up attempting to report. Below was assaulting his second victim when police arrived in the area. She was naked, bruised, and screaming for help. An officer discovered a drug charge against her, determined the incident to be a "dope date," and did not arrest her offender. Multiple more women were victimized

by Below before he was apprehended.<sup>305</sup>

### ***Guilt, Worry For Self and Others***

While research on the prevalence of guilt and worry for self and others among sexual assault victims who do not report is lacking, these feelings are well documented in victims' experiences. Victims are frequently bombarded by unpleasant, vulnerable, and retraumatizing experiences when they decide to report to the police. This has been proven to be correlated with worsened PTSD, feelings of guilt and shame, and fear for their own safety or the safety of those around them.<sup>306,307</sup> A study done by Michigan State University discovered that negative experiences with the justice system led 87% of victims to feel bad about themselves, 71% to feel depressed, 53% to feel distrustful of others, and 80% to be less likely to seek other help.<sup>308,309</sup>

### **Negative Legal Experiences**

Officers' frequent questioning, disbelief, and scrutinization about something as vulnerable and traumatic as sexual assault can negatively affect a victim's mental health.<sup>310</sup> Dismissal of cases and negative treatment have been shown to cause victims to develop self-blame, doubt about their experience, feelings of isolation, experience new or increased symptoms of PTSD, or fall into substance abuse.<sup>311,312</sup> In one study, victims reported that officers' reactions of disbelief and dismissal made them feel ashamed, embarrassed, unsafe, and guilty for putting themselves in a vulnerable position and for trusting the police.<sup>313</sup> Many regret bringing their report to the police and foster a sense of distrust towards officers, leading victims to avoid reporting to the police for future victimizations. One such woman stated, "It had gone from, 'I am going to talk about it, and I will be able to get help and move on,' to 'I wish I didn't do it, and if there was a way I could take it back, I would.'"<sup>314</sup>

“...if there was a way I could take it back, I would”

### Fear for Safety

One study revealed that several women who reported to the police feared the perpetrator would hurt them because of their decision to report. One woman said, “Well, if I can’t find anybody that can help me, then clearly there was no point coming here and doing all of this for nothing. I am most likely going to end up with him beating me half to death when it is over.”<sup>315</sup> Several victims fear retaliation and repeat offending from the perpetrator, whether the target is themselves, their children or other family members, or people who may be abused by the perpetrator in the future. However, the perpetrator not receiving a sentence due to the withholding of information or dismissal of reports increases the risk of retaliation against the victim, as the perpetrator is not in custody and can reach the victim.

A significant number of victims who do not report end up feeling guilty years after the incident.<sup>316,317</sup> They know the perpetrator has not faced legal consequences and worry for their own safety and the safety of others, whether it be family, friends, or strangers who will cross paths with the perpetrator.

Guilt also manifests by victims claiming a part of the responsibility for the crime committed against them.<sup>318</sup> One victim of sexual assault mentioned in an interview that it took her five years to acknowledge what happened as rape and even longer to forgive herself for being in a position to be assaulted. After gaining the courage to tell her friends that she had been raped, her inner voice remarked, “It wasn’t that traumatic; maybe you’re just saying this to get attention.”<sup>319</sup> The victim blaming that is so ingrained in popular culture has led many victims to internalize guilt for an event that was out of their control.<sup>320</sup>



# Practices

## *Rape, Abuse, & Incest*

### *National Network (RAINN)*

The organization currently making the most impact within the area of sexual violence is the Rape, Abuse, & Incest National Network (RAINN). RAINN's mission statement is:

*"RAINN (Rape, Abuse & Incest National Network) is the nation's largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotline (800.656.HOPE, online.rainn.org y rainn.org/es) in partnership with more than 1,000 local sexual assault service providers across the country and operates the DoD Safe Helpline for the Department of Defense. RAINN also carries out programs to prevent sexual violence, help survivors, and ensure that perpetrators are brought to justice."<sup>321</sup>*

RAINN is based in Washington, D.C. and established in 1994. It is primarily funded by donations, fundraisers, corporate partnerships, and grants. RAINN provides many resources to aid

victims of sexual assault and their families, educate and involve communities about the issue, and push for better legislation.

### **Impact**

As of 2023, RAINN was a major player in the passing of multiple pieces of federal legislation to improve legal services for survivors of sexual violence. It led campaigns to pass laws regarding the testing of DNA evidence from backlogged SAKs, The Justice For All Act of 2004, the DNA Fingerprint Act of 2005, the Debbie Smith Act, and the Sexual Assault Forensic Evidence Reporting (SAFER) Act.<sup>322</sup> RAINN influenced legislation regarding the protection of children from sexual assault, including The Kilah Davenport Act of 2013, the Adam Walsh Child Safety and Protection Act, and the Rape Survivor Child Custody Act which is an amendment to the Justice for Victims of Trafficking Act of 2015.<sup>323</sup> Another law endorsed by RAINN is the Cruise Vessel Security and Safety Act of 2010, which provides protection and resources like medical treatment and forensic exams

for passengers who may become victims of sexual violence while at sea.<sup>324</sup>



Outside of legislation, RAINN led educational campaigns about untested DNA evidence, provided support for testing backlogged kits to places that receive funding from the Sexual Assault Kit Initiative, founded the Rape Kit Action Project to improve state SAK accountability laws, organized a Speaker's Bureau of survivors to

support one another and share their experiences with communities, and renewed funding for addressing sexual assault on college campuses.<sup>325</sup> This organization's hotline has served an average of 27,000 survivors and their families each month, totaling over 3.5 million people served since RAINN opened.<sup>326</sup>

As the gaps section will discuss, impact-related data on the effects of RAINN's intervention is lacking. Despite this, many sexual assault survivors have shared their stories of healing through the help of RAINN. Julianna, a survivor and beneficiary of RAINN's initiative, said, "RAINN plays such a huge part in my life because I get to share my story, and I get to empower other people."<sup>327</sup> Another survivor, Debra, describes her thoughts on RAINN: "I'm glad to know that somebody understands what it means to have everything stripped from you. I just think it is just the best organization that they could have for people that are afraid to run, people that are afraid to tell. Don't be afraid. Don't be afraid to tell." RAINN has succeeded in making an impact in

victims' lives—particularly those who feel guilt from not reporting—even though the organization does not have many statistics to illustrate said impact.

### **Gaps**

With all the impressive work RAINN has done to improve the experiences of sexual assault survivors in the US, the only criticism is the lack of statistics highlighting its impact. The only impact-related statistics showcased how many people have been helped by the hotline, but nothing informs people about what that impact has been, how its other programs have helped, how many communities it has educated, how its funding and assistance for places to address SAK backlog or sexual assaults on campuses has improved the

situation for those communities, or how the legislation passed has made a significant statistical difference in those issues. RAINN needs to publish more information about its efforts' effects on the issues it addresses.

Another area of improvement is for RAINN to increase its partnerships with schools. The organization already provides resources for schools to host their own RAINN day, but it would be beneficial if RAINN were to partner with schools' sexual education programs, implementing lessons on consent and sexual assault while providing information about the hotline that can be posted in the school throughout the year for students to access at any time.

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