

Reporting on Sexual Violence: A guide for journalists

Second Edition



Rape is violence, not “sex.” Reporting on sexual assault means finding not only the language but the context and sensitivity to communicate a trauma that is at once deeply personal and yet a matter of public policy; immediate and yet freighted with centuries of stigma, silence and suppression. Reporting on sexual violence requires special ethical sensitivity, interviewing skills, and knowledge about victims, perpetrators, law and psychology.

Dart Center for Journalism and Trauma.¹

Why a Guide for Journalists?

Journalists play an important role by informing the public about the significant impact of sexual violence in our communities. This guide supports their work by providing:

- Insights into current trends
- Examples of major news stories
- Resources to report on sexual violence with accuracy and sensitivity
- Sources for statistics and information as background to news stories
- Contacts for local, state, and national experts on sexual violence

The Minnesota Coalition Against Sexual Assault (MNCASA) developed this guide with input from journalists, state and federal administrators, victim/survivor advocates, legal and law enforcement professionals, and educators. Portions of the guide were originally developed by The Michigan Coalition Against Domestic and Sexual Violence (MCADSV) in its 2004 document, *Reporting Sexual Assault: A Guide for Journalists*. MNCASA gratefully acknowledges MCADSV's willingness to share sections of its publication for reproduction in this document (cited where used). Thank you to Evelyn Anderson for her copy editing assistance for the first edition. This guide was first published in 2013 and updated in 2017.

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In recognition that victims/survivors of sexual assault are any gender, we have avoided using "he" or "she" pronouns throughout this manual, unless the context requires specificity.

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The Minnesota Coalition Against Sexual Assault (MNCASA) provides leadership and resources for sexual assault programs and allies to prevent sexual violence while promoting a comprehensive, socially just response for all victims/survivors. MNCASA supports local victim/survivor services programs in providing state of the art advocacy and prevention programming and works to affect public perception and policy in relation to sexual violence.

Table of Contents

The Importance of Language	6
Words to use, words to avoid.....	7
Sentence structure matters.....	9
Key Concepts for Thinking and Writing About Sexual Violence	10
Twelve Key Concepts	10
Distinctions and similarities between sexual and domestic violence	12
What is the reporter’s role?.....	13
Ethical Considerations	14
What is news about sexual violence?.....	14
Should I use the victim/survivor’s name?.....	15
How much detail should I include?.....	16
How can an unbalanced story become balanced?	17
What about online comments, blogs and social media?.....	18
Statistics and Current Trends	19
Minnesota statistics	20
National statistics.....	20
Some Populations at Special Risk	21
Native American women and girls	21
People with disabilities.....	22
College students.....	23
Children and youth.....	23
Older people.....	24
Immigrants, refugees, and undocumented individuals	24
Sex Trafficked/Prostituted/Exploited individuals.....	25
Lesbian/Gay/Bisexual/Transgender/Queer or Questioning	25
Prisoners.....	26
Military	26
Online	27
Health Impacts of Sexual Violence.....	27
Physical.....	27
Immediate psychological consequences.....	27
Chronic psychological consequences	28
Additional concerns.....	28
Why Sexual Violence Happens	29
Why sexual assault is an underreported crime	29

Who Commits Sexual Violence?	31
Convictions in Minnesota	32
Comparing incarcerated and undetected rapists	33
Understanding sexual behavior problems in juveniles – not always connected to committing sex offenses as an adolescent or adult	33
Sexual Violence Prevention: Changing the Way We Tell the Story	35
Past focus on risk reduction.....	35
What is prevention?.....	36
Prevention as response: The Penn State case	36
Resources on Framing.....	37
Interviewing a Sexual Assault Survivor	38
Impact of Rape Myths: The Kobe Bryant Case	40
How Many Rape Reports Are True? The Vast Majority	42
Most reports of rape are true	42
The difference between false and unfounded	42
Recantation	42
Appendix A: Definitions of Common Terms and Concepts	43
Appendix B: Finding Experts	57
Minnesota Resources.....	57
State and National Resources	57
Endnotes	61

The Importance of Language

It is common for newspapers to use terms like “sexual assault” and “sexual abuse” and “have sex” when reporting on sex crimes. Perhaps, though, it’s time that The Times and other news organizations take another look at the language they use. Victims’ advocates echo what the readers told me in their e-mails: language in news media reports – and, for that matter, in the court system itself – consistently underplays the brutality of sex crimes and misapplies terms that imply consent.

Arthur S. Brisbane, *Confusing Sex and Rape*, New York Times, Nov. 19, 2011 (Commenting on public response to coverage of the Jerry Sandusky/Penn State case)²

Sexual violence is an act that someone is *subjected to*. Language used to describe it should underscore the nonconsensual nature of the act. When a person “experiences” sexual violence, it implies voluntary participation and minimizes the harm.³ Re-imagine the term “sexual violence” as “violence using sex” for further emphasis on the violent act.

Take special note of [Appendix A: Definitions of Common Terms and Concepts](#) for more information on the issues discussed in this section.

Although the term “sexual violence” is commonly used in the field, even the word “violence” can be a barrier to understanding. Many people associate it with physical violence even though emotional harm is just as likely, and in fact more prevalent. But sexual violence can also include pornography, Internet abuse, sexual harassment, nonconsensual dissemination of private sexual images (i.e. “revenge porn”), various types of sexual exploitation, and other forms of

harm that may not necessarily result in physical injury. The offender may use threats or coercive behavior.

Sometimes, especially in child sexual abuse cases, the offender grooms the victim/survivor over a period of time using kind words, seemingly supportive actions and flattery. This is manipulation of trust that leads to harm. And the grooming may not be just directed at the victim/survivor, but also the family. Once the family believes in the offender they are more willing to give that individual greater access to a minor. When the harm occurs the betrayal of trust can be devastating on multiple levels.

Words to use, words to avoid

Avoid using the term “alleged” rape or sexual assault. It reinforces the disbelief that a crime actually occurred. The term “reported” is more neutral. It also indicates that a case is officially part of the justice system. But if the term “alleged” is used, avoid labeling the victim as an “accuser,” for this term also reinforces a negative stereotype. The term “victim” is preferred and is standard in its use within the criminal justice system.⁴ Note that some people who have been assaulted prefer to describe themselves as “survivors” rather than victims. In this document we use the term victim/survivor to be inclusive.

The following chart illustrates how members of the judiciary have been encouraged to employ greater specificity when describing sexual harm, instead of relying on euphemisms or the language of consensual sex. While this level of specificity may not always be appropriate in a journalistic setting, the point is that language matters greatly and can have significant influence on how sexual assault is understood. Members of the media play a key role in educating the public and shifting stereotypical thinking about sexual violence.

Problematic Language:	Alternate Suggestion in Judicial Reporting:
Engaging in sexual contact	Forced penis into the victim/survivor's mouth or forced hand onto the victim's body part
Intercourse/ Insertion of penis	Forced penile-vaginal or anal penetration or rape
Fondled/groped	Forcibly touched
Panties	Underwear or undergarments
Private Parts	State body part – i.e. vagina, breasts, buttocks, penis For children use terms nipple or underdeveloped chest, not breast
Climax	Ejaculation
Kissed	Placed/Put/Forced his mouth on the victim/survivor's mouth/nipple/ vagina/neck/stomach/penis (body part)
Molestation	Forcible touch of the victim/survivor's intimate body part. Distinguish if penetration involved.
Accompanied/guided victim	Carried, brought, compelled, forced victim/survivor
Stroking	Forcible physical or manual contact on victim/survivor's intimate body part.
Victim received/performed oral sex	Forced mouth onto victim/survivor's genitals/Forced penis into victim's mouth

In the left column above are examples of problematic language that can occur in judicial reporting, adapted from the [Judicial Language Project at the Center for Law and Social Responsibility at the New England Law in Boston, Massachusetts](http://www.nesl.edu) (www.nesl.edu). Much of this terminology implies consent. The problematic terms diminish the individual's dangerous behavior, making the acts seem sensual or pleasurable rather than criminal, harmful, coercive and/or forced upon the victim/survivor. Note also that force is not always present in sexual assault. Harm may be accomplished through coercion or threats against the victim/survivor or another person. Sometimes a weapon is involved.

Additional examples include saying "sexual assault," not "sex assault," and also stating that a victim "claimed to be raped." Instead say that a "victim reported being raped" or was raped.

Police reports should ensure that the language used is clinical and specific in nature. Journalists can also use specificity and avoid the watered-down language of consensual sex to better describe the harm.

A recent [New York Times article](#) explains the importance of language when writing about sexual assault.

Many of these terms are defined more specifically in [Appendix A](#).

Sentence structure matters

According to a recent report by the Poynter Institute:

Sometimes it's easier to use the passive voice because we don't want to assign blame to someone who hasn't been convicted. But when a perpetrator has been arrested, it's best to cite the police report, make the perpetrator the subject of the sentence, and then assign verbs to him or her. The victim should be the direct object of the sentence. Saying a victim "performed" a sexual act unfairly assigns agency to the victim.⁵

Members of law enforcement are also encouraged to write their reports in this manner and should receive training on the topic. This is an approach that can be helpful to journalists as well, as both professions strive for objectivity. For one example, see Rachel Dissel with Leila Attasi, [Words Used in Sexual Assault Police Reports Can Help or Hurt Cases](#), Cleveland Plain Dealer (July 21, 2010, [blog.cleveland.com](#)).

Key Concepts for Thinking and Writing About Sexual Violence

I believe we have a professional obligation to assess, the best we can, the vulnerability of individuals as we write stories about the most painful and difficult elements of their lives. As journalists, we generally write a story and move on. Those we write about will forever be connected to that story. We have a duty to show great care and concern.

Bob Steele, The Poynter Institute.⁶

See [Statistics and Current Trends](#) for more background and details on these concepts.

Twelve Key Concepts

- Sexual violence is a continuum of behaviors including rape, criminal sexual conduct, sexual assault, sexual abuse, sexual exploitation and sexual harassment.
- Victims/survivors usually know their assailant. Stranger sexual assault is rare.
- The vast majority of sexual assaults go unreported.
- Anyone can be a victim/survivor of sexual violence. Young, old, rich, poor, people of different races and ethnicities, people with disabilities, people of all sexual orientations and gender identities, etc.

- It is common for a victim/survivor to not report immediately. They may never report at all. It can be difficult to share intimate details with friends, family, colleagues, medical providers, law enforcement, the courts – and potentially the wider public through the media. A delay or lack of report does not mean a sexual assault did not occur.
- There should be no confusion about where the blame belongs for a sexual assault—with the person who committed the offense. The victim/survivor’s behavior does not matter.
- Even though individuals commit acts of sexual violence, society plays a role by normalizing sexual harm and inequity. Sex offenders must be held accountable, but we must also admit that they are products of our culture.
- Victims/survivors of sexual violence are also victims of trauma, which can have mental and physical health implications, both for the individual harmed and for secondary victims such as family members. The traumatic impact can depend on the nature of violence used, the relationship of the victim to the offender, history of previous traumatic events, the cultural or ethnic context of the violence, and the quality of support from friends, family and community.
- Even if the victim/survivor's experience becomes part of a court record or a media report, they are entitled to privacy, respect, dignity, and factual representation of what happened.
- Public policy must respond to sexual violence in a comprehensive manner, focusing both on prevention and intervention.
- Young people in particular need more information about preventing sexual violence and what it means to consent. They also need comprehensive sexual health education, information about healthy sexuality, and unfettered access to supportive medical or counseling services.
- People avoid the topic of sexual violence because it is uncomfortable. Talking about it in accurate and forthright manner can help discussions.

Distinctions and similarities between sexual and domestic violence

Sexual and domestic violence are separate and distinct harms. Sometimes, in an attempt at efficiency, reporters describe sexual violence as domestic violence. For example, at events where both sexual and domestic violence are the topics, often the media description simply focuses on domestic abuse. This is misleading and reinforces the hidden nature of sexual violence.

While it is certainly true that intimate partner and intra-familial sexual abuse falls under the scope of domestic abuse, this is not the case with all acts of sexual violence. Sexual assault and harassment is committed in a variety of settings including the workplace, school, on sports teams, out in public, and elsewhere. The harm can come from a supervisor, colleague, teacher, coach, fellow student, a total stranger.

Be accurate in reporting. If the story is about both sexual and domestic violence, use both terms. If the event is about sexual assault only, do not re-cast as a domestic abuse event. Just as journalists would not use a name, pronoun or fact that is incorrect, do not mischaracterize terminology. To do otherwise is to change meaning – the reporting is inaccurate. Journalists can play an important role in creating awareness about sexual violence by naming it.

What is the reporter's role?

Acts of sexual violence are crimes committed without consent, sometimes involving violence and coercion, often targeting the most vulnerable among us. These crimes transform lives forever. The media has an important role to play in educating the public and improving the discussion. The Minnesota Supreme Court decision *State v. Obeta*, 796 N.W.2d 282 (Minn. 2011) has a helpful overview of the prevailing societal attitudes about rape.

- You can bring the issue forward by covering the untold stories of assault:
 - The many cases in which the individual who committed sexual assault is known to the victim/survivor
 - The barriers to help for victims/survivors
 - The victims/survivors who are most vulnerable (see *Statistics and Current Trends*)
 - Who are the offenders and how does the community respond to them?
- You can add context to individual incidents by:
 - Referring to the whole spectrum of sexual violence
 - Explaining the law in layperson's terms
 - Finding data on the prevalence of sexual violence and related issues
 - Considering intersectional issues – the root causes of sexual violence come from a variety of societal sources including racism, sexism, classism, homophobia, transphobia, ableism, economic disparity and many more
 - Contacting experts to make your story more compelling and accurate and to educate your readers/viewers
 - Counteracting myths and outdated perspectives about sexual assault
 - Clarifying similarities and distinctions in sexual violence and domestic violence cases

Ethical Considerations

What is news about sexual violence?

It's an old saying: "When dog bites man, it isn't news. When man bites dog, it is." By its nature, news often emphasizes the unusual. In the case of rape, an assault by a stranger on a dark night is news primarily because it is so unusual. Other unusual, sensational cases involve serial rapes, kidnapping, trafficking, and assaults of very young or very old people. Yet for people with little knowledge of the topic, the unusual becomes the norm.

By far the more common form of sexual assault is the assault by an acquaintance or family member. The victim may not report because they are embarrassed, afraid, or wants to protect the offender. Also, the victim may believe that many people think they are lying.

Also, remember that violence rooted in oppression like sexual assault can overlap with other forms of harm including domestic abuse, stalking and sexual exploitation. For example, often sex trafficking cases are presented in the media as discrete events, when in fact the broader dynamics of gender-based violence are also present. Helping the public to understand the connection between childhood sexual abuse and the sexual exploitation of youth, for example, shows that these issues are universal and not unique to certain communities.

Check yourself! Journalists, like anyone else, may hold false assumptions and so it is important to consult with experts in the field as well as survivors who are ready to talk with media (see [Impact of Rape Myths](#) and [Key Concepts for Thinking and Writing About Sexual Violence](#)). Your perspective and attitudes will evolve over time.

The following is a good resource on the dynamics of sexual assault cases in court:

- [Judges Tell: What I Wish I Had Known Before I Presided in an Adult Sexual Assault Case \(jec.unm.edu\)](#) Developed by the National Judicial Education Program in conjunction with judges experienced in presiding over adult victim sexual assault cases, "Judges Tell" details the dynamics of such cases.

Should I use the victim/survivor's name?

As long as people have any sense of privacy about sexual acts and the human body, rape will, therefore, carry a stigma—not necessarily a stigma that blames the victim for what happened to her, but a stigma that links her name irrevocably with an act of intimate humiliation. To name a rape victim is to guarantee that whenever somebody hears her name, that somebody will picture her in the act of being sexually tortured. To expose a rape victim to this without her consent is nothing short of punitive.

Helen Benedict, *Virgin or Vamp: How the Press Covers Sex Crimes*.⁷

Many news organizations have adopted a policy of not identifying victims/survivors of rape of sexual assault unless the victim/survivor has given consent to do so. The following statement from the National Alliance to End Sexual Violence (NAESV) is a helpful discussion for organizations that have not adopted such a policy or are interested in updating current policy:⁸

Some people argue that journalists should identify victims of rape or sexual assault in news stories because they should be treated like any other crime victims. This position ignores important and unique aspects of the crimes of rape and sexual assault. Although rape and sexual assault occur at an alarming rate in our society, the vast majority of these crimes remain unreported. Victims remain silent because they fear being subjected to the intense public scrutiny and blame that often follow being named in the media. Our culture continues to condemn the victim for rape and, as a result, an extraordinary amount of shame and silence follow the crime. Publicizing the name of a rape complainant under these conditions only deters more victims from coming forward.⁹

NAESV urges members of the news media to adopt the following policy on publishing the names of persons who come forward with a charge of rape or sexual assault:

“It is the policy of this news organization not to publish the names of minors who come forward with allegations of sexual abuse or rape and to avoid reporting stories in such a way that these minors are identifiable. Barring extraordinary circumstances, it is also the policy of this news organization not to publish the names of adults who come forward with allegations of sexual abuse or rape unless those individuals are willing to be named in the media. Members of this news organization will report these stories with sensitivity toward the stigma associated with being publicly named.

Others argue that, until more people are named as sexual assault victims, the stigma attached to being a victim will not fade away. They contend that the news media should therefore publish the names of victims who come forward with allegations as a way to decrease the stigma of rape. The NAESV believes, however, that we should not advance social change on the backs of unwilling and traumatized victims, who have so recently been used for others’ ends.

Fortunately, many brave victims are increasingly willing to be named publicly. Part of their healing process may be to stand up and declare that they have no shame in what has been done to them and that the experience of rape is all too common in this culture. We ask that members of the news media report their stories, which are crucial for our society to hear.”¹⁰

News media outlets should also consider whether to publish names of friends or family members, location details and other information that may reveal the identity of a victim/survivor. In an increasingly connected world it is often quite easy to expose confidential information. The population size of a community may make it even easier to identify a victim/survivor, even with minimal detail provided.

How much detail should I include?

Details about the attacker may be relevant to the story (description, how access was obtained, whether a weapon was used, whether physical violence was involved). Details about the victim/survivor, however (private life, habits, manner of dress, physical appearance), can lead to blaming the victim/survivor without context or explanation. Also, some details can give the reader a false sense of security if they think they will not be assaulted because they don’t fit the description. In addition, you may be reporting information before the victim or his/her family knows it.

Examples of victim/survivor-related details that can be harmful or misconstrued without further context:

The victim/survivor:

- Dressed provocatively and/or was attractive.
- Did not report immediately to police – or never reported at all.
- Did not report use of a weapon in the sexual assault (more often coercion and threats are used instead, but if a victim/survivor is incapacitated, none of these things are required).
- First said “yes” and then said “no.”
- Did not fight back or call for help (a common reaction to trauma is non-resistance or silence due to frozen fear or “tonic immobility”).
- Had no physical injuries (the case in the majority of sexual assaults).
- Was young (but not a child).
- Was being prostituted, was drunk or using drugs, or willingly accompanied the offender (there is no such thing as a “perfect victim”).
- Had a history of mental illness.
- Had made a prior false report about sexual assault.
- Had consensual sex with the offender.
- Met or talked with the offender after the sexual assault, or did not leave after the incident.
- Had a sexually transmitted infection.

How can an unbalanced story become balanced?

A 2011 *New York Times* story reported on the gang rape of an 11-year-old girl in Texas. It used quotes from neighbors saying she dressed older than her age and hung out with teenage boys. The article appeared to blame the girl for the incident. The young men, on the other hand, were described as high school athletes or related to prominent local figures. The story said they were “drawn in” to committing the act. The article did not state that an 11-year-old is unable to legally consent to sexual activity.

Arthur S. Brisbane, the public editor for the *New York Times*, responded to complaints about the article. He wrote, “The story dealt with a hideous crime but addressed concerns about the ruined lives of the perpetrators without acknowledging the obvious: concern for the victim ... I hope [the follow-up story] delves more deeply into the subject because the March 8 story lacked a critical balancing element.”¹¹

In response to the public outcry and criticism from other journalism outlets about the article, the *New York Times* did publish a follow-up story providing more details about the crime and the challenges faced by the girl and her family.¹² This is an excellent example of how a news story can easily become slanted and misleading without the inclusion of important factual information about the persons involved and the nature of the crime.

What about online comments, blogs and social media?

As news reporting becomes more technology-driven, consider your news organization's use of the following:

- **Online comment**

Many print media sources permit readers to make comments on a news story and do not censor or review the comments, or only remove comments upon the request of other readers. Some of these comments are insensitive and hurtful to victims/survivors, with the writers hiding behind anonymity. Does your media outlet permit comments for all stories, or are certain stories like those about sexual assault exempt from public comment? Are policy changes needed? How are the comments monitored? In smaller communities are the readers engaging in discussion about the case in the comments section because they know the parties and are filling in details or providing opinions? What about defamatory comments?

- **Blogs**

If your news organization hosts a blog or is a blog-based provider, must an entry meet the same standards as regular news stories? Some bloggers attach documents containing identifying information about a victim/survivor, such as court filings. Under what circumstances is it newsworthy or ethical to post such documents? What situations may be considered an invasion of privacy or even libel?

- **Social networking**

Does your news organization use Facebook or other social networking sites? Are entries monitored? Ask questions on your Facebook page to get public opinion on issues but be prepared for inappropriate comments. What standards or policies should be posted (and enforced) on your page?

- **Twitter**

Be cautious not to post an item about a breaking story when the facts are not yet in. Don't re-tweet without confirmation or at least assurance that the source is reliable. As in all other cases, do not use names of victims/survivors in this public forum unless they are already public knowledge.

Statistics and Current Trends

We don't know as much about trends on sexual assault, because our data in this area is less reliable. General crime victim surveys chronically underreport sexual assault, and law enforcement data captures only that small percentage of crimes that are reported to police. I do think that sexual assault has emerged as an important policy issue, and negative attitudes towards victims are challenged in the media more than they used to be. We still have a long way to go to change attitudes that support violence against women, however, and especially among youth.

Lynn Rosenthal, Former White House
Advisor on Violence Against Women.¹³

MNCASA is available as a resource for referrals to credible data sources and methods of interpretation. As in any other of research, new information is available all the time and some studies, such as those released by the Centers for Disease Control and Prevention, are updated regularly.

Differences in methodologies in studies should be noted whenever possible and it is just as important to understand what data is *not* included in a study as what is included.¹⁴ One resource, for example, spells out the methodologies in three major studies on intimate partner violence. See [*Apples to Oranges: Comparing Survey Findings from Selected National Surveys on Intimate Partner Violence*](#) (www.vawnet.org), developed by the National Resource Center on Domestic Violence.

Minnesota statistics

Few consistent statistics exist on the incidence and prevalence of sexual assault in Minnesota. Some studies, however, shed light on the scope of the issue:

- According to the Centers for Disease Control and Prevention's *National Intimate Partner and Sexual Violence Survey*, over the course of a lifetime 42.5% of Minnesota women have been subjected to contact sexual violence (870,000), 20.1% subjected to completed or attempted rape of any type (412,000) and 12.7% (261,000) subjected to completed or attempted rape with forced penetration.
- According to the *Costs of Sexual Violence in Minnesota*, published by the Minnesota Department of Health in 2007, sexual assault cost Minnesota more than \$8 billion in one year, 2005. This is three times the cost related to drunk driving. More than 61,000 Minnesota children and adults were sexually assaulted in 2005, some more than once, for a total of 77,000 assaults. Of the 61,000 people, 80% were female and 29% were under the age of 18. One in 70 children was sexually assaulted, with the highest rate occurring among girls aged 13-17.¹⁵
- By mid-life, 33% of Minnesota women have experienced a rape crime. Native American women in Minnesota (42%) have experienced a rape or attempted rape at higher rates than white women (25%).¹⁶

National statistics

- According to the Centers for Disease Control and Prevention's *National Intimate Partner and Sexual Violence Survey* about 1 in 3 women and 1 in 6 men in the United States experienced some form of contact sexual violence during their lifetime. Nearly 23 million women and 1.7 million men have been the victims of completed or attempted rape at some point in their life.¹⁷
- Contrary to still-prevailing popular belief, most sexual assaults are committed by someone known to the victim. According to the Bureau of Justice Statistics, two-thirds (66%) of victims know their attackers; 33% of attackers are strangers to their victims, according to a national survey.¹⁸ Other recent studies show that stranger rapes account for 11% to 18% of rapes.¹⁹
- According to the *National Intimate Partner and Sexual Violence Survey*, often an intimate partner caused the harm. In the United States more than 27% of women and 11% of men have experienced contact sexual violence, physical violence, and/or stalking by an intimate partner in their lifetime and experienced an intimate partner violence-related impact.²⁰

Some Populations at Special Risk

*A U.S. Department of Justice study concluded that 34.1% of American Indian and Alaska Native women – or **more than one in three** – will be raped during their lifetime. Amnesty International’s interviews with women across Indian country found that most could not think of a woman within their community who had not been subjected to sexual violence.*

Amnesty International: Maze of Injustice.²¹

Native American women and girls

- On average, Native Americans age 12 and older experience 5,900 sexual assaults per year. They are twice as likely to be subjected to rape/sexual assault compared to all other races.²²
- In its 2014 report to the Legislature on human trafficking in Minnesota, the Office of Justice Programs at the Minnesota Department of Public Safety estimated that at least 65 Native American women and girls had been sexually trafficked in the previous year.²³
- The Minnesota Indian Women’s Sexual Assault Coalition (MIWSAC) conducted extensive interviews of Native American women who have been trafficked, prostituted and abused. In 2011, MIWSAC published its report *Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota*.²⁴ Of the 105 women interviewed, 79% had been sexually abused as children by an average of 4 perpetrators, 92% had been raped and 48% had been used by more than 200 sex buyers during their lifetimes.²⁵

People with disabilities

In [The Promise of Primary Prevention](http://www.health.state.mn.us) (www.health.state.mn.us), the Minnesota Department of Health (MDH) reported that persons with developmental disabilities are four to ten times more likely than others to become victims of violence, abuse, or neglect.²⁶ Another MDH report noted that:²⁷

- Children with disabilities are more than twice as likely as other children to be physically or sexually abused.²⁸
- In a study of 200 women with physical and intellectual disabilities, 53 percent had experienced sexual abuse during their lifetime.²⁹ Additionally, in another study of women with intellectual disabilities, 83 percent had been sexually assaulted, and 50 percent of those had been assaulted 10 or more times.³⁰

According to research gathered by the ARC Minnesota:³¹

- Studies consistently demonstrate that people with intellectual disability are sexually victimized more often than others who do not have a disability. For example, one study reported that 25 percent of girls and women with intellectual disability who were referred for birth control had a history of sexual violence. Other studies suggest that 49 percent of people with intellectual disability will experience 10 or more sexually abusive incidents.
- Any type of disability appears to contribute to higher risk of victimization but intellectual disability, communication disorders, and behavioral disorders appear to contribute to very high levels of risk, and having multiple disabilities (e.g., intellectual disability and behavior disorders) result in even higher risk levels.
- Children with intellectual disability are also at risk of being sexually abused. A study of approximately 55,000 children in Nebraska found that children with intellectual disability were 4.0 times as likely as children without disabilities to be sexually abused.
- Women are sexually assaulted more often when compared to men whether they have a disability or not, so men with disabilities are often overlooked. Researchers have found that men with disabilities are twice as likely to become a victim of sexual violence compared to men without disabilities.

College students

Sexual violence is common on college and university campuses and has garnered significant attention in recent years as policies change to better address the problem and reconcile the different types of procedural responses (campus adjudication and the criminal justice system).

- An estimated 20 to 25 percent of college women in the United States are subjected to attempted or completed rape during their college careers.³²
- Women ages 18-24 who are college students are three times more likely than women in general to be subjected to sexual violence.³³
- Male college students are also at risk; they are five times more likely than non-students of the same age (18-24) to be a victim of rape or sexual assault.³⁴

Minnesota law in 2016 changed to reflect greater awareness about campus sexual assault. See the Appendix for more information.

The “Dear Colleague” letter issued by the United States Department of Education as well as subsequent Campus Safety and Accountability Act, among other policies and laws, lays out the parameters and requirements of the campus adjudication process.³⁵ Note that recent changes by the U.S. Department of Education have raised questions about the future of campus sexual assault policy on campuses. Please check with MNCASA for updates in the law.

Children and youth

- According to the *National Intimate Partner and Sexual Violence Survey*, of all female victims of completed rape, 41% reported that it first occurred prior to age 18. Of all male victims made to penetrate, 24% reported that it occurred prior to age 18.³⁶
- In Minnesota, nearly 18,000 children were victims of sexual assault in 2005.³⁷ The highest assault rate was among girls aged 13-17.³⁸ Girls of color are frequently the victims of sexual abuse.³⁹
- Among Minnesota youth, four percent of ninth grade boys and five percent of twelfth grade boys have reported that someone they were dating forced them to have sex or do something sexual. This doubled for females: eight percent of ninth grade girls and 12 percent of twelfth grade girls made the same statement.⁴⁰
- Research by the Women’s Foundation of Minnesota shows that sexual assault often begins early in a girl’s life, with 23% to 30% facing some form of harassment or “hostile hallways” in school. By the time these young women finish high school,

about 12% report sexual assault by an acquaintance and by the time they finish college, 29% have been sexually assaulted.⁴¹ The study reported health consequences beyond the assault: girls who have been sexually abused are three times more likely to have an emotional or mental health problem lasting longer than one year, twice as likely to suffer from depression, and three times more likely to purposely harm themselves. Further, an estimated 60% of teen pregnancies are the result of experiences with sexual abuse.⁴²

Older people

- The National Elder Abuse Incidence Study estimates that more than 85 percent of the reported cases of abuse of older persons were committed by a spouse, partner, other family member or trusted loved one.⁴³ In addition to sexual abuse, elders experience physical, psychological and emotional abuse, neglect, abandonment, financial exploitation, and homicide.
- From 1998 through 2002, more than 20 percent of Minnesota femicide victims were over age 50 and senior service providers estimate that only 1 of 24 incidents of abuse in later life is reported.⁴⁴
- Older adults make up less than five percent of victims who report. Many believe sexual abuse in this population is highly underreported.⁴⁵
- Most identified older victims are female; however male victims have been reported in almost every study.⁴⁶
- In addition, genital injuries occur with more frequency and severity in post-menopausal women than younger rape victims.⁴⁷

Immigrants, refugees, and undocumented individuals

Immigrants and refugees are particularly vulnerable to sexual violence as perpetrators count on their victims (particularly those who are undocumented) to be too afraid to report the crime to law enforcement or to seek medical or other supportive services. The perpetrator may use immigration status as a tool for intimidation by withholding immigration paperwork, making threats to go to the authorities, threatening the victim's family in her home country, and failing to file applications for specific immigration status.

Victims do have immigration relief available to them in the form of special procedures and visas but will usually require assistance from an advocate and an attorney (and must cooperate with law enforcement and prosecution) in order to obtain relief. There are several legal service providers in Minnesota with expertise in this area including the

[Immigrant Law Center of Minnesota](http://immigrantlawcentermn.org) (immigrantlawcentermn.org). For additional information see www.lawhelpmn.org.

Sex Trafficked/Prostituted/Exploited individuals

The average age girls are prostituted or trafficked for sex is 12-14 years old.⁴⁸ One study found that about 50% of adult women interviewed as part of a 2010 study focused on North Minneapolis stated that they first traded sex when they were under the age of 18, with the average at 13.⁴⁹

An analysis by researchers/lead authors Lauren Martin and Richard Lotspeich found that early intervention to stop sexual exploitation of youth could result in a savings of \$34 to the state of Minnesota for every one dollar spent.⁵⁰

The *Safe Harbor Evaluation Report* published in 2015 by the Wilder Foundation found that 163 youth were served statewide by regional navigators, 74 received housing assistance and 121 other types of services were accessed.⁵¹ Safe Harbor was enacted in 2014 and guarantees that youth who are trafficked and exploited will not be treated as juvenile delinquents or criminals; instead they receive supportive services. Additional information about Safe Harbor can be accessed through the Minnesota Department of Health.⁵²

Sex trafficking is not limited to the movement of victims across international borders; sex trafficking is very active on a domestic level and can involve movement of victims across state lines and between localities. The Federal Bureau of Investigation (FBI) has identified the Twin Cities as one of the nation's 13 largest centers for child prostitution.⁵³

Avoid, when possible, using the word "prostitute," which implies guilt in a crime. "Prostituted [girl, boy, woman, man, person]" is a more accurate term, as most adults and all children in prostitution are actually victims of someone else's crime.

Do not focus solely on women and girls – males are also sexually exploited, as are individuals who identify as transgender or gender nonconforming.

Lesbian/Gay/Bisexual/Transgender/Queer or Questioning

Sexual assault is harmful to victims of any gender or sexual orientation, but LGBTQ victims/survivors face additional barriers to post-assault services due to homophobia and transphobia.⁵⁴ Numerous studies also indicate that members of the LGBTQ community suffer disproportionate rates of sexual victimization compared to the general population.⁵⁵

LGBTQ teens are more likely to report bullying which can take on sexual forms, as well as sexual harassment.⁵⁶ For example, harassment and violence against LGBTQ youth is "often sexualized, sometimes taking the form of unwelcome physical contact with sexual overtones."⁵⁷

LGBTQ and gender nonconforming people are particularly vulnerable to harm from others. According to the National Coalition of Anti-Violence Programs, hate violence against these populations takes many forms including physical violence, verbal harassment, sexual violence, stalking, and discrimination.

For example, studies compiled by the National Sexual Violence Resource Center show an increased risk for sexual victimization of LGBTQ and gender nonconforming individuals as compared with the general population. The 2010 National Intimate Partner Survey conducted by the Centers for Disease Control found that rates of sexual violence amongst lesbian, gay and bisexual adults were higher than those among heterosexual adults— intolerance factors into these increased rates. Across the board, these populations also encounter greater barriers to services due to homophobia and transphobia. Intersections with other forms of oppression such as racism, sexism, and ableism exacerbate these barriers.

The National Sexual Violence Resource Center and the Pennsylvania Coalition Against Rape has put together an excellent and extensive information packet on this topic – [Sexual Violence and Individuals Who Identify as LGBTQ](#) – available online (*nsrvc.org*).

Prisoners

The federal Prison Rape Elimination Act (PREA) of 2003 recognizes the presence of sexual assault in correctional facilities and provides means of screening for risk as well as supporting inmates who are victims while incarcerated.

According to the Bureau of Justice Statistics, about 80,000 men and women a year are sexually abused in correctional facilities.⁵⁸

The Bureau of Justice Statistics also found that about half of prison sexual assault complaints in 2011 were filed against staff. (Not all are claims of forcible rape; it is considered statutory sexual assault for a guard to have sexual contact with an inmate.)⁵⁹

Military

Sexual violence is a pervasive problem in the military. According to recent statistics, 14,900 service members (8,600 women and 6,300 men) were sexually assaulted in 2016. Most victims were assaulted more than once, resulting in over 70,000 sexual assaults in just one year. Over 1 in 4 women and 1 in 3 men were assaulted by someone in their chain of command.⁶⁰

Over 81% of the victims/survivors in the military chose not to report the crime. A significant reason is the potential for retaliation, which can look like bars to promotion or harsh conditions for discharge (receiving less than fully honorable conditions).⁶¹

Sexual harassment is also very high and can correlate with sexual assault. Reports are 129,000 service members affected (one in four women and one in five men). Often the harasser is in the service member's chain of command.⁶²

Online

Sexual harassment and nonconsensual dissemination of private sexual images have become increasingly common online. In recent years many states, including Minnesota, have updated their laws to provide for civil and criminal penalties.⁶³ According to research, one in 25 Americans is either threatened with or victims on nonconsensual sharing of intimate images; in addition, 47% of Americans are subjected to online harassment.⁶⁴ The statistics also show that women under 30 and members of the LGBTQ community are more likely to be targeted.⁶⁵

“Revenge porn” is a common shorthand term however it is not accurate in many cases. While there are instances in which one former (or even current) intimate partner seeks to humiliate the other, just as often the context may be sexting among youth or hacking into private photos online and then posting publicly. Whatever the circumstances, the publication and dissemination are embarrassing and potentially hurtful to the targeted individual's safety, reputation and livelihood.

Health Impacts of Sexual Violence

According to the Centers for Disease Control and Prevention, sexual violence has many short- and long-term health impacts, including the following:⁶⁶

Physical

- Chronic pain
- Gastrointestinal disorders
- Gynecological complications
- Migraines and other frequent headaches
- Sexually transmitted infections
- Cervical cancer
- Genital injuries

Immediate psychological consequences

- Shock
- Denial
- Fear
- Confusion
- Anxiety

- Withdrawal
- Shame or guilt
- Nervousness
- Distrust of others
- Symptoms of post-traumatic stress disorder
- Emotional detachment
- Sleep disturbances
- Flashbacks
- Mental replay of assault

Chronic psychological consequences

- Depression
- Generalized anxiety
- Attempted or completed suicide
- Post-traumatic stress disorder
- Diminished interest/avoidance of sex
- Low self-esteem/self-blame

Additional concerns

- Substance abuse and addiction
- Engaging in high risk behaviors
- Eating disorders
- Social isolation

Why Sexual Violence Happens

Understandably, people want to know why sexual violence happens. Although some causes are related to the individual pathology of offenders, many are related to a culture that supports, condones or ignores sexually violent messages and/or behavior. The term “rape culture” is used to describe a society or environment whose prevailing social attitudes have the effect of normalizing or trivializing sexual assault and abuse.

There is no single cause of sexual violence; it is a multidimensional issue demanding response on several fronts. There is no “one size fits all” approach to this problem.

Most importantly, the responsibility for preventing sexual violence lies with the person committing the offense. Risk reduction on the part of the victim is not the same as prevention. Safety tips, self-defense classes, carrying mace or weapons – none of these measures can ensure prevention of a sexual assault. They may reduce risk, but with no guarantee – and could, unfortunately, be turned back upon the victim.

Why sexual assault is an underreported crime

Depending on the source, statistics indicate that 60% to 85% of victims do *not* report sexual assaults to law enforcement.⁶⁷ Sexual assault is the most underreported crime for several reasons, many related to victim fears and the prevailing cultural response.

Some of the most common concerns identified by victims are:

- Physical safety and worry about how the perpetrator may retaliate. Often a victim’s life or the lives of others are threatened during the violence.
- Having to go to court and testify about what happened – and having the story be reported in the news⁶⁸
- Being afraid everyone will find out
- Not being believed
- Being blamed by others
- Becoming isolated from family and friends
- Blaming self for the violence, feeling embarrassment and shame
- Being punished for illegal activities they were engaged in when sexually assaulted (i.e., underage drinking, drug use, prostitution)

Sexual assaults committed by strangers are more likely to be reported: 41% of the rapes/sexual assaults committed by strangers were reported, compared with 27% by "non-strangers." Of the sexual assaults committed by someone in an intimate relationship, 24% were reported to police and 27% of those committed by a friend/acquaintance of the victim were reported.⁶⁹

Victims may feel that others will be more empathetic and less questioning of a victim's actions in stranger attacks than when the offender is known. Further, if the victim fears for physical safety, a person they know has more access and opportunity to retaliate than a stranger.

Cases of non-stranger or acquaintance rape are much less likely to be formally charged by prosecutors, and may be viewed with more suspicion by law enforcement, particularly when alcohol or drugs are involved.⁷⁰ These cases are often characterized as "he said/she said," a term minimizing the significance of the sexual assault.

Who Commits Sexual Violence?

[S]exual aggression, in its many facets, represents institutionalized, normative behavior [and is] deeply ingrained and indelibly embedded in the social fabric.

Robert Prency and Ann Wolbert
Burgess, *Forensic Management of
Sexual Offenders*⁷¹

Individuals who commit sexual violence are found throughout the general population. More often than not, public and media attention focuses on cases that reinforce stereotypes of offenders as “sick,” mentally ill, lower class, or a member of a specific minority or ethnic group. The victim may not be believed when the person who harmed them is instead a politician in the highest levels of government, a popular athlete, a well-connected attorney, a beloved artist, a favorite teacher, or a respected member of the clergy.

In fact, it is impossible to distinguish individuals who commit sexual assault from other individuals. Assailants range from those who prey on strangers to those who use their relationship with the victim to exploit trust. Some use overt violence to overpower the victim; others coerce, bribe, isolate or intimidate the victim to gain control. Individuals who commit sexual abuse and sexual assault represent all races, ethnicities, faiths, sexual/gender identities, and socio-economic groups, and can be women as well as men.

Research shows targeting of vulnerable people to assault and exploit.⁷² These include youth, persons with disabilities, the elderly, the homeless, immigrants (particularly undocumented) transgender individuals, people using alcohol or drugs, and those involved with prostitution.

Convictions in Minnesota

A few facts from the [Minnesota Sentencing Guidelines Commission](#):⁷³

- In 2015, 537 offenders were sentenced for criminal sexual conduct offenses.⁷⁴
- Most offenses are committed by someone known by the victim.⁷⁵ Only 5% of the cases involved strangers.⁷⁶
- Most offenders are male (98% vs. 82% of non-criminal sexual conduct offenders).⁷⁷
- As of July 1, 2017, the Minnesota prison population was 10,111. Of these, 17% or 1,718 inmates were convicted of criminal sexual conduct.⁷⁸

The prison population reflects only one subset of the convicted sex offenders in Minnesota.

- In Minnesota, predatory offenders, including individuals who committed sex offenses, can be committed at the end of their prison sentence to a specialized treatment program called the Minnesota Sex Offender Program (MSOP). MSOP is housed in Moose Lake and St. Peter and is administered by the Department of Human Services, rather than the Department of Corrections.
- Over 700 offenders are committed to the MSOP (this number does not include civilly-committed sex offenders temporarily transferred to correctional facilities)⁷⁹
- Note that the constitutionality of the processes used in MSOP are currently under review in the courts.⁸⁰
- Legally-defined predatory offenders (including many individuals who committed sex offenses) in Minnesota are required to maintain current registry of home address, work address, name changes, etc. with the Bureau of Criminal Apprehension. The information they register with the BCA is available to law enforcement agencies but not to the general public.⁸¹
- Information about Level III sex offenders is available to the public.⁸²

Comparing incarcerated and undetected rapists

Many want to know what motivates a person to commit sexual assault. According to the work of Dr. David Lisak, University of Massachusetts, Boston, and Paul M. Miller, Brown University School of Medicine, Providence, Rhode Island, rapists who have been apprehended, tried and convicted share the following characteristics:

- Extreme anger towards women, viewing them as objects to be conquered
- Desire to dominate; viewing violence in relationships as normal
- Hyper-masculine attitudes and beliefs
- Rigid sex-role stereotypes
- Belief in rape myths (for example, "no" means "yes")
- Less empathetic, generally, than non-rapists.⁸³

Lisak and Miller also identified a class of rapists who have never been arrested or prosecuted by criminal justice authorities. Because high percentages of sexual assaults are never reported to law enforcement,⁸⁴ most rapists in our communities, on college campuses, and in the general public are those “undetected rapists.” Lisak and Miller’s studies have also suggested many commonalities between incarcerated and undetected rapists.⁸⁵

While these studies provide helpful information, it is also important to note that not all individuals who commit sex offenses will exhibit these types of behaviors in a public or obvious manner. Some target men or transgender/gender nonconforming victims. Some are women. We cannot readily identify the offenders among us, or their reasons for harming others. Sometimes they are motivated by a desire for power or dominance, but not always. A report of a sexual assault may be the first red flag – and that is why it must be taken seriously.⁸⁶

Understanding sexual behavior problems in juveniles – not always connected to committing sex offenses as an adolescent or adult

The Minnesota Coalition Against Sexual Assault, through the support of Raliance, a collaborative initiative to end sexual violence in one generation, made possible through a commitment from the National Football League, recently released a report examining sexual behavior problems (SBPs) in children.⁸⁷

This report examines Minnesota’s current systems for identifying children (12 and under) with SBPs. The overall objective was to identify three to five policy or practice changes that would improve the early identification of children with SBPs, increase access to services, and reduce the likelihood of children and youth engaging in problematic or harmful sexual behaviors.

Key report findings:

- There is a need for better understanding of child sexual development and sexual behaviors;
- Research shows there are multiple pathways to developing SBPs. Most children who are sexually abused do not develop SBPs and most adult offenders do not report having childhood SBPs. When children receive appropriate treatment they are at no greater risk than the general population to grow up to be adolescent or adult offenders;
- Many professionals who work with children either didn't have or were not aware of written policies, procedures, or protocols for how to respond to an incident in which a child is engaging in inappropriate or harmful sexual behaviors either alone or with another child. Professionals want training on how to interact with children and their parents about children's sexual behaviors;
- Children with SBPs should be treated as children first and not stigmatized as "sex offenders";
- Disparities exist statewide in terms of access to effective treatment for children with SBPs.

The methodology included exploratory interviews with key informants, a scan of the empirical literature, a web-based survey of professionals who work with children, investigative interviews with professionals who work with SBPs, and story gathering. Data was collected between August 2016 and May 2017.

Sexual Violence Prevention: Changing the Way We Tell the Story

Imagine a world without sexual violence: People will be free of fear and of the effects -- often lifelong -- of sexual violence. Instead of building more prisons for offenders, our resources will be used to build schools, improve health care and community programs, create opportunities, and apply best practices to prevent sexual violence.

The Promise of Primary Prevention of Sexual Violence, Minnesota Department of Health.⁸⁸

Past focus on risk reduction

Historically, the prevention of sexual violence has focused on the individual at risk of being sexually assaulted. Risk reduction strategies – self-defense, safety tips, the buddy system, and programming for children about good or bad touch – suggest that the individual alone can prevent a sexual assault from occurring if that person is prepared.

However, even when a person faithfully follows all of the suggested safety tips, they can still become a victim of sexual violence. Some risk reduction strategies may not be safe options for the victim. Risk reduction strategies may create a false sense of security. They may also cause people to blame the victim if they failed to fight back in some manner.

The focus needs to shift from the victim to the offender. The offender alone is the one who sets the terms. The media can play a key role in educating and changing perceptions.

What is prevention?

Prevention is much broader and more complex than reducing risks. It means addressing the root factors and societal causes that foster sexual violence in the first place. Prevention goes “upstream” to find ways to change social norms and community attitudes.

The norms that support sexual violence include the following:

- Gender inequity
- Rigid gender norms
- Homophobia and transphobia
- Racism and xenophobia
- Sexual exploitation of women, men and children
- High tolerance for violence

Prevention requires a multifaceted approach, occurring at many levels. It requires action on the part of many people: legislators, policy makers, organizational leaders, coalition members, service providers, educators, and individuals.

Prevention as response: The Penn State case

The Penn State child sex abuse scandal broke in 2011 when it was discovered that longtime former university football assistant coach Jerry Sandusky sexually assaulted at least eight underage boys on or near university property. In addition, some university officials covered up the incidents, which enabled more to occur.

Sandusky was indicted on 52 counts of child molestation and was eventually found guilty of 45 charges. Several high-level school officials were charged with perjury, suspended, or dismissed for covering up the incidents or failing to notify authorities. Most notably, school president Graham Spanier was forced to resign, and head football coach Joe Paterno and athletic director Tim Curley were fired. Sandusky maintained his innocence.

In its Fall/Winter 2012 newsletter, the National Sexual Violence Resource Center (NSVRC) reported on “Lessons learned in Bellefonte,” the town where the trial took place. NSVRC, located nearby, was frequently contacted by news media.

The organization prepared a media packet on sexual violence,⁸⁹ wrote letters to the editor, arranged news conferences, and wrote blogs. NSVRC encouraged media to keep their focus on the victims rather than on the college or the well-known Sandusky. NSVRC and Penn State cooperated to develop policies and protocols on sexual violence. NSVRC appealed successfully to the media not to disclose the names of the victims. “We wanted to support the young men who bravely came forward to tell what happened to them. And we wanted to support the media in their efforts to inform the public about child sexual abuse,” the article stated. “We always knew sexual violence thrived in silence, but this year, that silence was broken.”⁹⁰

Resources on Framing

FrameWorks, an organization that conducts research into messaging on social issues, created [American Perceptions of Sexual Violence: A FrameWorks Research Report](https://www.frameworksinstitute.org/research-reports/american-perceptions-of-sexual-violence) (*frameworksinstitute.org*). The report offers expert discourse on sexual violence and how Americans talk and think about the topic.

Interviewing a Sexual Assault Survivor

I have kept writing because I want rape to be unacceptable, not in polite conversation, but in our lives. . . . I don't want the details of this old story to be kept private any longer. I want a different world for women, for men, and for the children who inherit what we make of it.

Patricia Weaver Francisco, *Telling: A Memoir of Rape and Recovery*.⁹¹

The following tips were prepared by William Cote and Bonnie Bucqueroux in *Covering Crime Without Re-victimizing the Victim*, presented at the National Newspaper Association's Annual Convention, 1996:⁹²

Putting a name or face to any crime adds depth and personalizes a story. When covering a sexual assault crime, however, it is important for journalists to consider the victim's right to privacy and process for healing.

When a victim chooses to be interviewed, it is usually after a great deal of thought and typically only after court activity has concluded. Journalists should consider the difficulties in approaching a person who may still be suffering the lingering effects of trauma, anger, and grief.

- **Know what you are going to say**
Prepare for the interview, outline points to make, and know what words or issues to avoid.
- **Make contact and ask permission**
[I]ntroduce yourself and your news organization. Set the tone by expressing your regret for the circumstances and your hope to communicate the issues important to the victim.
- **Be flexible**
Offer to conduct the interview when the survivor is ready. Recognize that it might be hours or days from your initial approach. The result will be more open communication and a better interview.

- **Establish ground rules**
Allow the survivor to have some control over the interview, in terms of where it is held and what is going to be discussed. Make sure that they know that while you are there as a reporter, not as their friend, your goal is to help them tell their story. Be responsive to the victim's need to stop or to take a break.
- **Know Community Resources**
Be prepared to provide the survivor with information about community-based advocacy resources if they need support after the interview.
- **Thank the survivor**
Their testimony will likely further the public's understanding of the victim, and perhaps encourage other victims to come forward and seek help.

The National Sexual Violence Resource Center also offers these additional tips for talking with survivors.⁹³

- **Potential Triggers**
“Certain situations, photos, words, sounds and smells can trigger memories from a survivor’s assault and this can be very traumatizing. For example, a survivor could see a photo of the place where they were assaulted, and the photo becomes associated with the events that occurred there. Be mindful not to intentionally trigger victims of sexual violence.”
- **Questions & Language Choices**
“Avoid questioning ‘why,’ because this can be viewed as victim-blaming and suggest that the victim somehow provoked the incident. Be mindful of this, because victims are never to blame for what happened to them. Instead ask open-ended, non-judgmental questions that allow survivors to share their stories.”
- **Describing Offenders**
“Labeling perpetrators as ‘monsters’ sets them apart from the rest of society, and it implies a “them versus us” dynamic. Such labels can hinder people from reporting suspicions they may have about someone, because it challenges their concept of how ‘good people’ do ‘bad things.’ Human beings are complex, and no one is 100% good or 100% bad. Reporters should always try to use the most accurate language possible.”

For additional tips visit see NSVRC’s information sheet on [Talking with Survivors](https://www.nsvrc.org/talking-with-survivors) ([nsvrc.org](https://www.nsvrc.org)).

Impact of Rape Myths: The Kobe Bryant Case

Myths about rape persist, despite progress in recent decades. A case in point is news coverage of the Kobe Bryant case.

In July 2003, the news media reported that the sheriff's office in Eagle, Colorado, had arrested NBA superstar Kobe Bryant in connection with a sexual assault complaint filed by a 19-year-old hotel employee. Bryant had checked into a hotel in Edwards, Colorado. The woman accused Bryant of raping her in his hotel room. Bryant admitted to an adulterous sexual encounter with the woman, but denied the assault allegation. The case was dropped after the woman refused to testify in the case. She later filed a civil suit against Bryant that was settled out of court. Bryant publicly apologized but never admitted guilt.

In 2009, Dr. Ranae Franiuk studied the prevalence and effects of rape myths in articles and headlines related to the high-profile case. Some members of the media aggressively pursued the young woman who reported the rape. Her identity was exposed and some members of the media described her in a derogatory manner.

Dr. Franiuk's research team conducted four studies and concluded that exposure to rape myths in news articles and "verbally sparse headlines" can affect public opinion about offender culpability and even heighten male support for "rape-supportive attitudes."

One study gathered articles from 76 different news outlets and coded them for rape myths:

- (1) She's lying;
- (2) She wanted it;
- (3) She asked for it;
- (4) Rape is trivial;
- (5) He didn't mean to;
- (6) He's not the type; and
- (7) It only happens to certain women.

The researchers found that 65% of the articles contained at least one rape myth, the most common being "she's lying" (42%). The study also revealed that only 8% of all articles suggested that Bryant committed the assault. Overall the articles were more likely to include positive statements about the defendant than the woman reporting the assault.

In another study, researchers analyzed the content of 555 headlines from the Bryant case and found that 10% contained rape myths (implying that the victim was lying was most prevalent). Many contained a favorable slant for Bryant such as mentioning his basketball star status. Also use of the term "accuser" was common, which has a negative connotation, suggesting that the

accuser is harming the alleged perpetrator.

Dr. Franiuk concluded that the studies revealed some members of the media, like much of the public, are susceptible to negative cultural influences that may color their perceptions of sexual assault victims. Journalists need to be aware that consumers of news media include police officers, judges, jurors, policy makers, therapists, clergy, and many others in roles that have an immediate impact on sexual assault victims. Awareness and understanding of rape myths, their causes, and their consequences, can aid journalists in accurately reporting on sexual assault.

How Many Rape Reports Are True? The Vast Majority

Often when a high-profile rape case makes the news, it spawns widespread speculation about the truthfulness of the allegations. Many people believe that false accusation of rape occurs much more often than it actually does. This misconception can deter victims from reporting and taint juror opinions.

Most reports of rape are true

Credible studies estimate that only 2 to 8% of reported rapes are likely false.⁹⁴ A 2005 study, considered the largest and most comprehensive to date, found that only 3% of reported cases could accurately be classified as false allegations.⁹⁵ A 2006 study determined that only 2.1% of cases could accurately be classified as false.⁹⁶ A 10-year study of sexual assault reports taken on a college campus showed only 5.9% of the cases met criteria as false reports.⁹⁷ Taken together, this research shows that the “American public dramatically overestimates the percentage of sexual assault reports that are false.”⁹⁸

The difference between false and unfounded

There is a significant difference between a sexual assault classified by law enforcement as unfounded and a false allegation. Law enforcement officers may decide not to recommend a case for prosecution for many reasons, such as lack of corroborating evidence. *An unfounded case does not mean that a crime was not committed.* This assumption contributes to victims’ fear that the public, law enforcement and others do not believe a crime occurred. Journalists can educate the public through follow-up news stories on the outcome of a sexual assault case, or a general news story that fully explains the meaning of an unfounded case and also educates the public about the nature of sexual violence.

Recantation

When a victim recants – or states that a report of sexual assault did not occur – this does not necessarily mean that nothing happened. Recantation is the result of various negative influences including pressure from the perpetrator, family members or friends, overt threats of harm and intimidation to the victim or someone close to the victim from the perpetrator or others, or simply a desire by the victim to return things back to “normal” once so much attention has been placed on the victim by the system response.

Appendix A: Definitions of Common Terms and Concepts

Several terms are used, sometimes interchangeably, throughout this guide to discuss different aspects of sexual violence, those who perpetrate against others, and the persons affected. This glossary provides some of the most common terms that may come up when reporting on sexual assault and related issues, as well as explanations of the circumstances under which these terms are used. This is not an exclusive list.

Note that often the definitions refer to specific language found in Minnesota law or in common discourse among professionals who work in the field of sexual violence.

Some of these concepts are too complex to fully capture in a glossary definition so it is recommended that journalists seek out experts for further clarification. See *Finding Experts: Local, State, and National (Appendix B)*.

Advocate

An individual from a rape crisis center or a sexual assault program who works with victims and survivors of sexual violence. An advocate provides emotional support and practical assistance with legal, social service, medical and other related issues. A “sexual assault counselor” as defined under Minn. Stat. § 595.02(k) has specific obligations to protect survivor confidentiality, has undergone 40 hours of training, and works under supervision at a crisis center either as a staff member or volunteer.

Age of Consent

The age of consent for sexual activity in Minnesota is 16 (subject to legal limitations depending on the relationship between the parties; see “Position of Authority,” “Significant Relationship” and “Professional Relationship”).

Campus Adjudication Process

A system of due process for investigating infractions of student code. When sexual assault occurs between two students this process may be followed. The outcome can result in suspension, expulsion or other penalties for the alleged offender. To learn more about Minnesota law, see Minn. Stat. § 135A.15.

Child Pornography

Child pornography is any sexually graphic material or any material produced for the purpose of sexual arousal that depicts children. It is unlawful and unprotected by the First Amendment. Minn. Stat. § 617.247 addresses possession and dissemination of child pornography and Minn. Stat. § 617.246 prohibits use of minors in a sexual performance. The term “child pornography” is the language of the law but many prefer the phrase “child sexual abuse images.”

Child Sexual Abuse

According to Minn. Stat. § 626.556, subd. 2(d) “sexual abuse” means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child or by a person in a position of authority to any act that violates the criminal sexual conduct statutes. Sexual abuse also includes threats of sexual abuse as well as any act involving a child that constitutes a violation of prostitution offenses. See “Age of Consent,” “Significant Relationship,” “Position of Authority,” “Professional Relationship,” “Criminal Sexual Conduct,” and “Prostitution” for further information.

Child Sexual Exploitation

The sexual abuse and then further harm to a child through documentation of the abuse in pornography or through use in prostitution or trafficking. See “Child Sexual Abuse,” “Child Pornography,” “Commercial Sexual Exploitation,” “Prostitution” and “Sex Trafficking.”

Civil Case

A lawsuit seeking recovery in the form of monetary or non-monetary damages for physical and/or emotional injuries suffered by the plaintiff. Incarceration does not result from a civil case, although a defendant may be held in contempt for not complying with court orders or incur financial penalties for not paying judgments as required. Civil cases may proceed

regardless of whether the defendant was charged with, or convicted of, a crime. The standard of proof is lower in civil cases (usually “preponderance of evidence” as opposed to “beyond a reasonable doubt” in criminal cases).

Civil Commitment

A “sexually dangerous person” or a person with a “sexual psychopathic personality” as defined by Minn. Stat. § 253B.185, can be involuntarily committed by a court to an institution, i.e., the Minnesota Sexual Psychopathic Personality Treatment Center in Moose Lake. A sexually dangerous person must have engaged in a course of “harmful sexual conduct” in the past, must manifest a sexual, personality, or other mental disorder or dysfunction, and, as a result of this mental disorder or dysfunction, the person must be deemed likely to engage in future acts of harmful sexual conduct. Civil commitment usually follows incarceration in a correctional facility and lasts for an indeterminate period of time.

Coercion

According to Minn. Stat. § 609.341, subd. 14, coercion is the use by an actor of words or circumstances that cause the victim to reasonably fear that the actor will inflict bodily harm upon the victim or another person, or the use by the actor of confinement, or superior size or strength, against the victim that causes the victim to submit to sexual penetration or contact against the victim’s will. Coercion does not require proof of a specific act or threat.

Commercial Sexual Exploitation

The abuse and use of human beings as sex objects to be bought and sold for abusive sexual purposes for commercial monetary gain. See “Prostitution” and “Trafficking”

Community Notification

The purpose of community notification is to inform those most at risk about a predatory offender in their community who is likely to re-offend (see Minn. Stats. §§ 244.052-53). To be subject to community notification, offenders are required to register as a predatory offender and be sent to prison or committed to a residential treatment facility for their crime. Offenders are assigned risk levels (one, two or three) at end of confinement review hearings approximately 90 days before their release. The risk level determines whether and how much information on the offender may be disclosed to others outside of law enforcement. Level three offenders – deemed most likely to re-offend – are made known to the broader public and are often the subjects of community notification meetings.

Common Victim Behaviors

Sexual assault of any kind can result in a host of reactions - some are immediate, some are long term. The variety of reactions may depend on the victim's previous life experiences, the kind of force used, the relationship of the offender of the victim, the age of the victim, etc. Most victims experience levels of fear, anger, self-blame, depression and anxiety that can be exhibited both emotionally and physically. Difficulty sleeping and concentrating, nightmares, flashbacks, emotional numbing are all common reactions to sexual assault. Victim responses are unique to each person. See *State v. Obeta*, 796 N.W.2d 282 (Minn. 2011) for Minnesota case law on this issue.

Consent

According to Minn. Stat. § 609.341, subd. 4, consent means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent is not automatically conferred if there is the existence of a prior or current social relationship between the actor and the victim or if the victim failed to resist a particular sexual act. A person who is mentally incapacitated or physically helpless (both defined below) cannot consent to a sexual act. Minors who are under the age of 16 or in certain relationships with the actor (up to the age of 18) cannot consent to sexual activity (see definitions of “Age of Consent,” “Position of Authority” and “Significant Relationship” as well as “Professional Relationship” below). Corroboration of the victim’s testimony is not required to show lack of consent.

Criminal Case

A case brought against a defendant by the State of Minnesota. The state does not represent the victim. In a criminal case, a defendant who is found guilty may be incarcerated and/or be put on probation, as well as ordered to pay fines and restitution.

Criminal Sexual Conduct

The legal term used for sexual assault or rape in Minnesota. This term is used to consolidate and define a number of related crimes in statute. The word “rape” is not found in Minnesota law. The “degrees” of criminal sexual conduct (ranging from first to fifth degree) set forth the elements of the different crimes according to the presence or absence of certain statutory requirements including, but not limited to, use of force or coercion, sexual penetration or sexual contact, age of the victim, relationship between the victim and actor, and prior offenses by the actor (see Minn. Stats. §§ 609.341-3451).

Defendant

The person accused of criminal sexual conduct (not yet convicted) or the person sued in civil matter.

Domestic Violence

Although sexual abuse often occurs in the context of domestic violence, it is not always present (and is sometimes committed by a stranger to the victim) and therefore the terms should not be used interchangeably. Domestic violence encompasses a wide range of controlling, coercive, intimidating and violent behaviors used by a batterer to remove a victim’s autonomy and assert power or dominance over the victim (the batterer and victims can be a partner, spouse, family or household member, caregiver, persons with a child in common, a man and a woman if the woman is pregnant and the man is the alleged father; see Minn. Stat. § 518B). See “Intimate Partner Sexual Abuse.”

Drug Facilitated or Alcohol Facilitated Sexual Assault

Sexual assault committed through aid of alcohol, drugs (over-the-counter, prescription or illegal), or other substances to create additional vulnerability in the victim.

Erotica

Literary or artistic works having an erotic theme; especially books depicting sexual relationships in a sensuous manner. The word “erotica” typically applies to works in which the sexual element is regarded as part of the larger aesthetic aspect. Erotica uses primarily positive images of sexuality as opposed to images of degradation or violence.

Evidentiary Exam or Rape Kit

Evidentiary exams of the victim can uncover physical evidence, such as hair, fibers, and/or bodily fluids from the assailant, as well as note any observable injury or trauma. The goal of the exam is to locate and preserve anything that will prove an assault occurred and identify a suspect. Exams are performed up to anywhere from 72 to 120 hours after the assault, depending on local policy. The Bureau of Criminal Apprehension (BCA) may process the kit when the victim decides to make a report to law enforcement. At the time of an exam, medical personnel will also screen for and address medical conditions that may require treatment, such as sexually transmitted infections, pregnancy, and physical trauma. A victim may receive an evidentiary exam regardless of whether they plan to report the sexual assault to law enforcement, and the victim is not responsible for the cost of the exam (see Minn. Stat. § 609.35). Note that sometimes suspects may also undergo an exam in which physical evidence from the victim may be sought as well as injuries to the suspect that may be the result of defensive actions taken by the victim such as scratches left by fingernails.

Felony

A crime for which a sentence of more than one year can be imposed (see Minn. Stat. § 609.02, subd. 2).

Force

The infliction, attempted infliction or threatened infliction by the actor of bodily harm or commission or threat of any other crime by the actor against the victim or another, which (a) causes the victim to reasonably believe the actor has the present ability to execute the threat and (b) if the actor does not have a significant relationship to the victim, also causes the victim to submit (see Minn. Stat. § 609.341, subd. 3). [Note: phrases a and b are not parallel]

Grooming

The careful and deliberate process through which a perpetrator gains the trust of another – usually a child. The result of grooming is that a victim may not understand that a crime has occurred and therefore the victim may be reluctant to disclose the incident to others. The perpetrator will minimize accountability and actions by claiming the victim was “willing.”

Incest

Sexual abuse that is committed by one family member against another. Also called familial sexual abuse, incest can be committed by a parent, sibling, other family member, or an unrelated person living with, or treated as part of the family. See Minn. Stat. § 609.365.

Internet-Facilitated Crimes Against Children

When children are sexually abused, exploited or in other ways harmed via the internet. See, for example, Minn. Stat. § 609.352, which includes electronic solicitation of children.

Intervention

Intervention is most commonly used to describe actions to stop abuse or violence once it starts, i.e., to interrupt the behavior of one who is perpetuating a crime as soon as possible and hold the person accountable for the crime while helping the one who is harmed to report and navigate the system response. See for comparison “Prevention.”

Intimate Partner Sexual Abuse

This is hidden but frequent aspect of domestic violence and encompasses a continuum of behaviors committed by one partner in a relationship, ranging from verbal degradation relating to sexuality to sexual abuse, including rape, and torture. It is important to note that the presence of sexual abuse in the context of domestic violence is considered a lethality factor, meaning that the violence is more likely to result in death of the victim. Intimate partner sexual abuse can occur in dating relationships, marriages or long term gay or lesbian relationships, and is unlawful regardless of previous sexual contact.

Juveniles with Sexual Behavior Problems

Rather than labeling children or young people as “sex offenders” or “sexual perpetrators” it is strongly preferred to reference their behavior separately, i.e. a child with sexual behavior problems. This preference is not intended to minimize the seriousness of the act or diminish accountability but to reinforce the goal of rehabilitation so that a young person has an opportunity to receive help early in life so as to curb additional instances of criminal behavior as an adult.

Marital Rape

Sexual assault against a legal spouse is a crime in Minnesota although there are exceptions under the law for certain relationships. See Minn. Stat. § 609.349.

Mentally Impaired

A person who has inadequately developed or impaired intelligence or a substantial psychiatric disorder of thought or mood, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration (see Minn. Stat. § 609.341, subd. 6).

Mentally Incapacitated

A person under the influence of alcohol, a narcotic, anesthetic, or any other substance, administered to that person without the person’s agreement, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration (see Minn. Stat. § 609.341, subd. 7).

Misdemeanor

A crime for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both, may be imposed. A “gross misdemeanor” means any crime which is not a felony or misdemeanor. The maximum jail time is up to one year and the fine that may be imposed is \$3,000 (see Minn. Stat. § 609.02, subds. 3 and 4).

Nonconsensual Dissemination of Private Sexual Images

Sometimes referred to as “revenge porn,” this gross misdemeanor or felony action involves sharing private sexual images online or in another public manner. Minn. Stat. § 617.261.

Nonstranger Rape

An umbrella term used to describe sexual assaults in which the survivor and the perpetrator know each other (sometimes referred to as “acquaintance rape” or “date rape” although “nonstranger rape” is the preferred term). The perpetrator may be a passing acquaintance or someone with whom the survivor has some sort of relationship such as a co-worker, friend or family friend, or neighbor. It is also possible that the perpetrator is – or was – in an intimate relationship with the survivor (i.e., date, partner, spouse, other family member; see “Intimate Partner Sexual Abuse”).

Normalization of Sexual Harm

When something goes from being widely accepted as harmful and wrong if not illegal to becoming accepted as “just the way it is” or “no big deal.”

Offender

Used to describe a person who has committed criminal sexual conduct.

Pedophile

Pedophilia is a specific diagnosis and is listed in the DSM-IV as one of several paraphiliac (sexual deviation) mental disorders. It specifically refers to an adult who is sexually attracted solely or primarily to children, usually prepubescent. A large percentage of persons who sexually abuse or are sexually interested in children are not pedophiles. Further, not all who are sexually attracted to children act on their attraction.

Physically Helpless

Means that a person is (a) asleep or not conscious, (b) unable to withhold consent or to withdraw consent because of a physical condition, or (c) unable to communicate nonconsent and the condition is known or reasonably should have been known to the actor (see Minn. Stat. § 609.341 subd. 9).

Pornography

Sexually graphic material that may combine sex with violence, degradation mistreatment, humiliation, or abuse. This includes the making of pornography when it involves violence, bribery and coercion, even if none is depicted. There is not agreement within the sexual violence movement that all pornography is automatically, and by nature, abusive. Expressions of sexuality in our culture are often targeted, misunderstood and demonized, which makes conversations around this issue particularly challenging and emotionally charged.

Position of Authority

Includes, but is not limited to, any person who is a parent or acting in the place of a parent and charged with any of a parent's rights, duties or responsibilities to a child, or a person who is charged with any duty or responsibility for the health, welfare, or supervision of a child, either independently or through another, no matter how brief, at the time of the act (see Minn. Stat. § 609.341 subd. 10). For these purposes a "child" is considered anyone under the age of 18.

Posttraumatic Stress Disorder

According to the DSM-IV, the criteria for posttraumatic stress disorder (PTSD) involves development of characteristic symptoms following exposure to an extreme traumatic stressor (such as sexual assault) involving direct personal experience of an event that involves actual or threatened death or serious injury, or other threat to one's personal integrity; or witnessing an event that involves death, injury, or the threat to the physical integrity of another person; or learning about unexpected or violent death, serious harm or threat of death or injury experienced by a family member or other close associate. Not all victims of sexual assault or other traumatic events suffer from PTSD, which requires a clinical diagnosis.

Prevention

A broad spectrum of actions that include helping those who have been harmed to heal, eliminating recidivism or revictimization, and reducing one's risk of being victimized. Primary prevention refers to actions intended to change conditions before any type of sexual harm, abuse, exploitation or violence is ever perpetrated. See "Intervention," "Recidivism" and "Revictimization."

Professional Relationship

The criminal sexual conduct statutes specify certain professional relationships that cannot be breached such as psychotherapist, massage therapist, member of the clergy (not married to the victim), an agent of special transportation service for vulnerable persons, a corrections officer, or an employee at a secure treatment facility for sex offenders such as the Minnesota Security Hospital at St. Peter and the Minnesota Sex Offender Program at Moose Lake (see e.g. Minn. Stat. §§ 609.344 and 609.345). While other professions may not be cited in the statutes sexual contact between the professional and client a violation of ethical conduct could lead to suspension or revocation of licensure.

Prostituted

When one is used as a sexual commodity, and thus bought and sold, that person is being prostituted or trafficked. The preferred language to use is “prostituted” instead of “prostitute” and, in the case of a child, “child sexual exploitation.” See “Child Sexual Exploitation,” “Prostitution” and “Trafficking.”

Prostitution

Offering to hire, hiring, or agreeing to hire another to engage in sexual contact or sexual penetration (patron); or offering to be hired, being hired, or agreeing to be hired by another to engage in sexual contact or sexual penetration (prostitute) (see Minn. Stat. § 609.324). Prostitution is often trivialized and inaccurately referenced as “erotic” services.

Public Law 280

Public Law 280 (PL 280) (18 U.S.C. §1162, 28 U.S.C. §1360) affects all Indian country within Minnesota except for the Red Lake and Bois Forte Reservations. PL 280 is a complicated law and there is often confusion as to when state, federal and/or tribal authority applies to a specific matter. In effect, PL 280 eliminated most federal criminal jurisdiction in Indian country. PL 280 states are empowered to apply their own criminal laws to Indians and non-Indians alike for crimes occurring in Indian country; so too, state laws are applied to civil matters against Native Americans arising in Indian country. PL 280 does allow for concurrent jurisdiction, meaning tribal authority over a matter can still exist at the same time as state authority without fear of double jeopardy (because two different sovereigns are prosecuting the matter). Tribes can establish their own courts and law enforcement departments. Over the years, many problems have been identified in PL 280 states related to differences between tribal and state authorities in responding to crimes, lack of effective cooperative arrangements, cultural insensitivity on the part of state responders, lack of recognition for tribal law enforcement by state counterparts, and uneven – at best – response by state to crimes committed against Native Americans (particularly by non-Indians in Indian country). For additional explanation about the complexities around PL 280 and other laws and policies affecting criminal and civil jurisdiction in Indian Country such as the recently enacted Tribal Law and Order Act seek resources from the Tribal Law & Policy Institute at www.tribal-institute.org.

Rape

Criminal sexual conduct involving penetration. Note that the term “rape” does not appear in Minnesota’s criminal sexual conduct statutes.

Rape Shield Law

Rape Shield laws limit the use of a victim’s prior sexual history by the defense in an attempt to undermine the credibility of the victim’s testimony in a criminal sexual conduct case. In Minnesota, such evidence can be admitted only if its probative value is not substantially outweighed by its inflammatory or prejudicial nature. When consent of the victim is at issue, evidence of the victim’s previous sexual conduct with the defendant may be admitted as well as evidence that may establish a common scheme or plan (but the judge must first find that the victim made prior false allegations of sexual assault). Evidence of the victim’s previous sexual conduct may also be admissible to determine source when the

prosecution's case includes evidence of semen, pregnancy or disease at the time of the incident (or, in the case of pregnancy, between the time of the incident and trial) (see Minn. Stat. § 609.347, subd. 3 and Minnesota Rules of Evidence 412).

Rape Trauma Syndrome

Developed by Ann Burgess and Lynda Holmstrom during the early 1970's, Rape Trauma Syndrome (RTS) tracks a pattern of psychological reactions to sexual assault. RTS is not listed in the DSM-IV and has largely fallen out of favor in recent years. The preferred means of characterizing victim reactions to sexual assault is "common victim behaviors," although it is important to note that this term refers to a range of behaviors and victims react differently to the traumatic event of sexual assault. The Minnesota Supreme Court decision *State v. Obeta*, 796 N.W.2d 282 (Minn. 2011) indicated that RTS should not be referenced in criminal sexual conduct cases, although other means of describing victim behavior may be allowed. See "Common Victim Behaviors."

Recidivism

A return to offending behavior after a period of abstinence or being offense-free; the tendency to relapse into a certain mode of behavior.

Registration

Most convicted sex offenders are required to register as predatory offenders with the state in order that law enforcement can keep track of a registrant's whereabouts and better facilitate the investigation of crimes (see Minn. Stat. § 243.166).

Reparations

A crime victim may request reparations from the State of Minnesota if the crime is reported and the victim or a dependent (or a victim's estate) has incurred a loss. Reparations may include recompense for expenses incurred as a result of the crime, such as medical bills. A board decides eligibility and determines what amounts will be awarded (see Minn. Stat. § 611A.53). Reparations awards require cooperation with law enforcement (even if the case is not charged).

Restitution

A crime victim has the right to receive restitution from the offender as part of a criminal proceeding if the offender is convicted. A judge orders restitution, whereas reparations, as described above, are distributed by a state fund. A victim may receive both reparations and restitution so long as covered expenses are not duplicated. A request for restitution may include, but is not limited to, any out-of-pocket losses resulting from the crime such as medical and therapy costs, replacement of wages and services, and funeral expenses (see Minn. Stat. § 611A.04).

Restorative Justice

The restorative approach is one in which the person who does the harm is held accountable and the needs of the victim and the community are addressed. A restorative approach guides practitioners to work in ways that are victim-centered and will help the person who did the harm to make amends to both the victim and the community while also preparing

the offender to become a positive and contributing community member. Victims are not required to participate in the restorative justice process – it is a voluntary activity and should not serve as an opportunity for revictimization. See “Revictimization.”

Restraining Orders

Orders for protection apply to persons in a familial or intimate relationship (also household members). Harassment restraining orders are available regardless of relationship. No contact orders or domestic abuse no contact orders are also available in the context of criminal proceedings. Violations of protective orders may carry criminal penalties and may impact offender access to firearms (see Minn. Stats. § 518B and § 609.749).

Revictimization

A separate and additional act of sexual aggression or violence. Also the process of causing additional harm to a victim of sexual assault such as when friends, family, professionals or the media misunderstand or – deliberately or not – deny or minimize the harm of the victim’s experience.

Safety Plan

The process of ensuring that a victim has adequate protections in place including protective orders, alternative housing or shelter and address confidentiality. Safety planning is particularly prevalent in instances of intimate partner sexual abuse but may apply in other cases as well.

Sexual Abuse

An act or repeated acts of sexual harm, sexual assault or rape of a child or vulnerable adult over time by a person in statutorily specified relationship to the victim. See Minn. Stats. §§ 626.556 and 626.557.

Sexual Assault

Sexual acts (which may include penetration or specific contact) that are conducted against someone’s will by force or threat of force or through coercion or in situations in which an individual is unable to give consent.

Sexual Assault Nurse Examiner (SANE)

A specially trained and certified registered nurse or nurse practitioner who conducts the evidentiary exam of a sexual assault victim.

SANE Program

A freestanding program or project of a clinic, hospital, or rape crisis center specifically established for the purpose of conducting forensic exams (evidence collection) and providing medical treatment in sexual assault cases.

Sexual Addiction

Debates continue as to whether certain sexual behaviors, such as use of internet pornography, can be an addiction but qualities of an addiction that relate to this term include cravings and use in ways that interrupt normal work or personal activities and that are disruptive to healthy relationships to point that a person is unable to stop.

Sexual Development

There are many studies that identify sexual behaviors that fit with each age and stage of a child's development. What may be perceived as "normal" sexual development is challenged by the advent of exposure to hyper-sexualized imagery at younger and younger ages.

Sexual Harm

Any words or behavior that result in the target being sexually harmed by the action.

Sexual Health

Sexual health involves physical, emotional, relational and spiritual as well as broader cultural elements. Being sexually healthy is far more than being disease-free. It includes understanding how one functions as a sexual being, related feelings and beliefs, and the ability to have a mutually beneficial, caring, intimate connection within a relationship.

Sex Trafficking

The receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of an individual; or receiving profit or anything of value, knowing or having reason to know it is derived from any of the above acts (see Minn. Stats. § 609.321, subd. 7a and § 609.322).

Sexting

The act of sending sexually explicit messages or images electronically. See Minn. Stat. § 609.321.

Sexual Assault Multidisciplinary Response Team (SMART)

A community-based approach to providing a comprehensive response to sexual assault survivors. A SMART (or in some cases "sexual assault response team") brings together representatives from medical, law enforcement, prosecution, advocacy, social services and other disciplines with the goal of working together to improve all aspects of the system response to sexual violence. There are 11 teams in Minnesota serving the following counties: Beltrami/Clearwater County (plus the Red Lake and Leech Lake Reservations), Carver, Hennepin, Goodhue, Isanti, Itasca, Lyon, Olmsted, Ramsey, Southern St. Louis and Rice.

Sexual Assault Program or Rape Crisis Center

A program established to provide confidential, emergency and ongoing support and assistance to victims of sexual assault at no charge, regardless of age, race, gender, sexual orientation, economic status, ability, and political or philosophical beliefs. Some programs in Minnesota provide culturally based services.

Sexual Contact

Includes any of the following acts, committed without the victim's consent (note that in some cases consent is not a defense) and with sexual or aggressive intent: 1) the intentional touching by the actor of the victim's intimate parts, 2) the touching by the victim of the actor's, the victim's, or another's intimate parts, 3) the touching by another of the victim's intimate parts; 4) in any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts; or 5) the intentional touching with seminal fluid or sperm by the actor of the victim's body or the clothing covering the victim's body (see Minn. Stat. § 609.341, subd. 11). Sexual contact offenses are included in second, fourth and fifth degree criminal sexual conduct (see Minn. Stats. §§ 609.343, 345 and 3451).

Sexual Harassment

Unwanted and unwelcome sexual behavior that interferes with an individual's life, work, housing or education. This behavior can include verbal or physical acts, demands for a "quid pro quo" (i.e., sexual affairs in exchange for rent or job advancement), and other acts that create an intimidating and hostile environment. There are federal and state legal protections pertaining to sexual harassment.

Sexual Penetration

Includes any of the following acts, committed without the victim's consent (note in some cases consent is not a defense), whether or not emission of semen occurs: 1) sexual intercourse, cunnilingus, fellatio, or anal intercourse or 2) any intrusion, however slight, into the genital or anal openings, of 1) the victim's body by any part of the actor's body or any object used by the actor for this purpose, 2) of the victim's body by any part of the body of the victim, of another person, or by any object used by the victim or another person for this purpose (see Minn. Stat. § 609.341, subd. 12). Sexual penetration offenses are included in first and third degree criminal sexual conduct (see Minn. Stats. §§ 609.342 and 344).

Sexual Violence

A broad term encompassing a continuum of behaviors that include, but are not limited to, rape, criminal sexual conduct, sexual assault, sexual abuse, sexual exploitation and sexual harassment.

Significant Relationship

Means a situation in which the actor is 1) the victim's parent, stepparent, or guardian, 2) any of the following persons related to the victim by blood, marriage or adoption: brother, sister, stepbrother, stepsister, half-brother, half-sister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt, or 3) an adult who jointly resides intermittently or regularly in the same dwelling as the victim and is not the victim's spouse (see Minn. Stat. § 609.341, subd. 15). For these purposes a "child" is considered anyone under the age of 18.

Suspect

Someone being investigated for a crime, before the filing of criminal charges.

Stalking

A course of conduct directed toward a specific person that would cause a reasonable person to feel fear (even if the actor does not intend to cause fear). Stalking behaviors can include following, spying, unwanted phone calls, text messages, letters or gifts, waiting at places for the victim, monitoring computer use, and other behaviors. The identity of a stalker may be known or unknown to the victim (see Minn. Stat. § 609.749).

Survivor

For purposes of this manual, used to describe the individual who was assaulted. Advocacy groups use this term largely to acknowledge the strength of an individual who endures trauma such as a sexual assault. Not every individual refers to herself or himself as a survivor and when interviewing victims/survivors, reporters are encouraged to use the term preferred by the individual (see also “Victim”).

Vicarious Trauma

Often advocates, law enforcement, prosecutors and other professionals who work with victims and survivors of traumatic events may also experience symptoms of trauma due to exposure to stories and images related to sexual assault. These professionals also need support so they are able to continue their work without burnout or other serious impact.

Victim

Used to describe the individual who was assaulted. This word is most commonly used in the criminal justice system, in the laws, in media and by the general public (see also “Survivor”).

Victim Rights

Chapter 611A of the Minnesota Statutes outlines a vast array of rights for victims (and witnesses) throughout all aspects of the criminal justice system, from investigation to prosecution, conviction, incarceration and probation.

Violence Against Women

Violence committed on the basis of gender. This term is used to encompass all forms of violence perpetuated against women and girls including sexual assault, domestic violence, child sexual abuse, prostitution and sex trafficking, and abuse in later life, among other crimes.

Appendix B: Finding Experts

Minnesota Resources

See rapehelpmn.com for a list of Minnesota sexual assault victim advocacy programs.

State and National Resources

1in6

Website: www.1in6.org
(support for male survivors)

The Advocates for Human Rights

Minneapolis, MN
Phone: 612.341.3302
Website:
www.theadvocatesforhumanrights.org
(resources on human rights, women's rights, immigration, trafficking)

Breaking Free

St. Paul, MN
Phone: 651.645.6557
www.breakingfree.net
(resources and services re: trafficking and prostitution)

Bureau of Justice Statistics

Washington, DC
Phone: 202.307.0765
Website: www.ojp.usdoj.gov/bjs/
(general government statistics on sexual assault crimes)

Civil Society

St. Paul, MN
Phone: 651.291.0713
Website:
www.civilsocietyhelps.org/htw/HOME.html
(resources and services re: trafficking)

Counterquo

Website: www.counterquo.org
(resources and statistics about sexual assault; debunking myths)

Criminal Justice Journalists

Washington, DC
Phone: 202.448.1717
Website: www.reporters.net/cjj/index.html
(professional organization for journalists)

The Dart Center for Journalism & Trauma

Columbia University School of Journalism
New York, NY
Phone: 212.854.8056
Website: <http://dartcenter.org>
(research and resources for journalists)

End Violence Against Women International

Addy, WA

Phone: 509.684.9800

Website: www.evawintl.org

(training for professionals and conferences on criminal justice response)

Mending the Sacred Hoop

Duluth, MN

Phone: 218.623.HOOP or 888.305.1650

Website: www.mshoop.org

(focus on ending violence against Native women and children)

FORGE

Milwaukee, WI

Phone: 414.559.2123

Website: www.forge-forward.org

(resources, support and training re: transgender survivors)

Minnesota Chapter of the Association for the Treatment of Sexual Abusers

Website: www.mnatsa.org

(professional treatment providers)

The Gay, Lesbian and Straight Education Network

New York, NY

Phone: 212.727.0135

Website: www.glsen.org

(safe schools advocacy)

Minnesota Coalition Against Sexual Assault

St. Paul, MN

Phone: 651.209.9993 or 800.964.8847

Fax: 651.209.0899

Website: www.mncasa.org

(statewide membership for sexual assault victim service programs; resources and training; public policy response)

Know Your IX

Website: www.knowyourIX.org

(resources on campus sexual assault and adjudication)

Minnesota Coalition for Battered Women

St. Paul, MN

Phone: 651.646.6177

Website: www.mcbw.org

(statewide membership for domestic violence victim service programs; resources and training; public policy response)

Legal Momentum

New York, NY

Phone: 212.925.6635

Website: www.legalmomentum.org

(training for criminal justice response)

Minnesota Department of Health Sexual Violence Prevention Program

St. Paul, MN

Phone: 651.201.5483

Website: www.health.state.mn.us/svp

(statewide data and statistics, research reports, information clearinghouse; includes the statewide Safe Harbor program)

Male Survivor

New York, NY

Phone: 800-738-4181

Website: www.malesurvivor.org

(awareness re: sexual violence against men and boys)

Minnesota Indian Women’s Sexual Assault Coalition

St. Paul, MN
Phone: 651.646.4800 or 877.995.4800
Fax: 651.646.4798
Website: www.miwsac.org
(statewide membership for Native sexual assault victim service programs; resources and training)

Minnesota Men’s Action Network/Men as Peacemakers

Duluth, MN
Phone: 218.727.1939
Website: www.menaspeacemakers.org
(resources and training to raise awareness of men’s role in stopping violence)

National Alliance to End Sexual Violence

Website: www.naesv.org
(resources on federal Violence Against Women Act and other federal legislation)

National Child Protection Training Center

Winona State University
Winona, MN 55987
Phone: 507.457.2890
Website: www.ncptc.org
(resources and training, information clearinghouse on child protection issues)

National Crime Victims Law Institute

Lewis & Clark Law School
Portland, OR
Phone: 503.768.6600
Website:
http://law.lclark.edu/centers/national_crime_victim_law_institute/
(national resource on victims’ legal rights and protections)

National Network to End Domestic Violence

Washington, DC
Phone: 202.543.5566.
Website: www.nnedv.org
(resources on federal legislation and home of the SafetyNet technology project)

National Network for Missing and Exploited Children

Alexandria, VA
Phone: 703.224.2150
Website: www.missingkids.com
(national clearinghouse on information about missing and exploited children)

National Sexual Violence Resource Center

Enola, PA 17025
Phone: 877.739.3895
Fax: 717.909.0714
Website: www.nsvrc.org
(information clearinghouse on sexual violence; extensive library on a variety of topics)

Office of Justice Programs at Minnesota Department of Public Safety

St. Paul, MN
Phone: 651.201.7300
Website: www.ojp.state.mn.us
(victim rights and victim services programs; statistics and data)

Polaris Project

Washington, DC
Phone: 202.745.1001
Website: www.polarisproject.org
(information on trafficking nationwide)

The Poynter Institute

St. Petersburg, FL
Phone: 727.821.9494
Website: www.poynter.org
(resources for journalists)

Prevention Connection

California Coalition Against Sexual Assault
Sacramento, CA
Phone: 916.446.2520
Website: www.preventconnect.org
(resources on sexual violence prevention)

Prevention Institute

Oakland, CA
Phone: 510.444.7738
Website: www.preventioninstitute.org
(resources on sexual violence prevention)

Rape, Abuse & Incest National Network

Washington, DC
Phone: 202.544.1034
Website: www.rainn.org
(national clearinghouse on sexual violence issues)

Stalking Resource Center

National Center for Victims of Crime
Washington, DC
Phone: 202.467.8700
Website: www.ncvc.org/src/
(national clearinghouse on stalking issues)

Survivor Project

Portland, OR
Phone: 503.288.3191
Website: www.survivorproject.org
(advocates for intersex and trans survivors of domestic and sexual violence)

Tribal Law and Policy Institute

West St. Paul, MN/West Hollywood, CA
Phone: 651.644.1145/323.650.5467
Website: www.home.tlpi.org
(clearinghouse/training on tribal law)

University of Minnesota School of Journalism & Mass Communication

Minneapolis, MN 55455
Phone: 612.625.9824
Website: www.sjmc.umn.edu
(local resource on journalism ethics)

Victim Rights Law Center

Boston, MA
Phone: 617.399.6720
or
Portland, OR 97204
Phone: 503-274-5477
Website: www.victimrights.org
(national resource on civil legal response to sexual violence)

The Voices and Faces Project

Chicago, IL
Phone: 800.743.9182
Website: www.voicesandfaces.org
(national documentary project giving voice to survivors of sexual violence)

Endnotes

- ¹ Dart Center for Journalism and Trauma: A Resource for Journalists Who Cover Violence, <http://dartcenter.org/topic/sexual-violence> (last visited Sept. 17, 2017).
- ² Arthur S. Brisbane, *Confusing Sex and Rape*, NEW YORK TIMES (Nov. 19, 2011), <http://www.nytimes.com/2011/11/20/opinion/sunday/confusing-sex-and-rape.html> (last visited Sept. 17, 2017).
- ³ End Violence Against Women International, *Sexual Assault Report: Suggested Guidelines for Language Use*, (April 29, 2010) <http://www.evawintl.org/library/Detail.aspx?ItemID=344> (last visited Sept. 19, 2017) (hereinafter referred to as *Suggested Guidelines*).
- ⁴ *Id.*
- ⁵ Mallory Jean Tenore, Poynter Institute, *The Grammar of Assault: Salisbury Paper Learns Why ‘Performing a Sex Act’ Misrepresents the Crime*, <https://www.poynter.org/news/grammar-assault-salisbury-paper-learns-why-performing-sex-act-misrepresents-crime> (last visited Sept. 19, 2017).
- ⁶ Bob Steele, The Poynter Institute, quoted in Michigan Coalition Against Domestic and Sexual Violence, *Reporting Sexual Assault: A Guide for Journalists* (2004) at 10, <http://www.mcedsv.org/resources/media.html> (last visited Sept. 19, 2017) (hereinafter *Reporting Sexual Assault*).
- ⁷ BENEDICT, HELEN, VIRGIN OR VAMP: HOW THE PRESS COVERS SEX CRIMES (Oxford University Press 1992) quoted in *Reporting Sexual Assault*, *supra* note 6, at 8.
- ⁸ National Alliance to End Sexual Violence, www.endsexualviolence.org (last visited Sept. 19, 2017).
- ⁹ *Id.*
- ¹⁰ *Id.*
- ¹¹ Arthur S. Brisbane, *Gang Rape Story Lacked Balance*, Public Editor’s Journal, NEW YORK TIMES (Mar. 11, 2011), <http://publiceditor.blogs.nytimes.com/2011/03/11/gang-rape-story-lacked-balance/> (last visited Sept. 17, 2017).
- ¹² James C. McKinley and Erica Goode, *3 Month Nightmare Emerges in Rape Inquiry*, NEW YORK TIMES (Mar. 28, 2011), <http://www.nytimes.com/2011/03/29/us/29texas.html> (last visited Sept. 17, 2017).
- ¹³ Rahim Kanani, *White House Q and A: How We Can End Violence Against Women*, HUFFINGTON POST (April 6, 2011), http://www.huffingtonpost.com/rahim-kanani/violence-against-women-white-house_b_844990.html (last visited Sept. 17, 2017).
- ¹⁴ See LYNN HECHT SCHAFFRAN & JILLIAN WEINBERGER, NEW U.S. CRIME REPORTS: FLAWED METHODOLOGY SHARPLY UNDERESTIMATES RAPE RATES AGAINST WOMEN AND PERSONS WITH DISABILITIES (2009), <http://legalmomentum.typepad.com/blog/2009/10/new-us-crime-reports-flawed-methodology-sharply-underestimates-rape-rates-against-women-and-persons-.html> (last visited April 22, 2011).
- ¹⁵ Minnesota Department of Health, *Costs of Sexual Violence in Minnesota* (July 2007) 4, available at <http://www.health.state.mn.us/injury/pub/svcosts.pdf> (last visited Sept. 17, 2017) (hereinafter referred to as *Costs Report*).
- ¹⁶ University of Minnesota Humphrey School’s Center on Women & Public Policy and the Women’s Foundation of Minnesota, *Research Status of Women & Girls in Minnesota: Research Summary 7* (Feb. 2012), <https://iwpr.org/publications/status-of-girls-in-minnesota-research-overview/> (last visited Sept. 17, 2017) (hereinafter referred to as *Research Summary*).
- ¹⁷ Centers for Disease Control and Prevention, *National Intimate Partner and Sexual Violence Survey* (2017), <https://www.cdc.gov/violenceprevention/nisvs/summaryreports.html> (last visited Sept. 17, 2017) (hereinafter referred to as NISVS).
- ¹⁸ Bureau of Justice Statistics, *Criminal Victimization in the United States Statistical Tables 2004*, <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1102> (last visited Sept. 17, 2017).
- ¹⁹ Dean G. Kilpatrick, Heidi S. Resnick, Kenneth J. Ruggiero, Lauren M. Conoscenti, Jenna McCauley, *Drug-Facilitated, Incapacitated and Forcible Rape: A National Study* (2007), <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=240972> (last visited Sept. 19, 2017).
- ²⁰ NISVS, *supra* note 17.
- ²¹ Amnesty International, *MAZE OF INJUSTICE 2* (2007), <https://www.amnestyusa.org/pdfs/mazeofinjustice.pdf> (last visited Sept. 17, 2017).

-
- ²² RAINN, *Victims of Sexual Violence: Statistics*, <https://www.rainn.org/statistics/victims-sexual-violence> (last visited Sept. 17, 2017) (hereinafter referred to as RAINN).
- ²³ Office of Justice Programs, Minnesota Department of Safety, HUMAN TRAFFICKING IN MINNESOTA: A REPORT TO THE LEGISLATURE (2014), <https://dps.mn.gov/divisions/ojp/forms-documents/Documents/2014%20Human%20Trafficking%20Report.pdf> (last visited Sept. 17, 2017).
- ²⁴ Minnesota Indian Women's Sexual Assault Coalition and Prostitution Research & Education, THE GARDEN OF TRUTH: THE PROSTITUTION AND TRAFFICKING OF NATIVE WOMEN IN MINNESOTA (2011), <http://www.miwsac.org/images/pdf/Garden%20of%20Truth%20Final%20Project%20WEB.pdf> (last visited Sept. 17, 2017).
- ²⁵ *Id.* at 3.
- ²⁶ Minnesota Department of Health, *The Promise of Primary Prevention of Sexual Violence: A Five-Year Plan to Prevent Sexual Violence and Exploitation in Minnesota*, 12 (June 2009), <http://www.health.state.mn.us/injury/pub/svpplan.pdf> (last visited Sept. 17, 2017) (hereinafter referred to as *The Promise of Primary Prevention*) citing Joan Petersilia, Joseph Foote, and Nancy A. Crowell, eds., *Crime Victims with Developmental Disabilities*, National Academy Press, Washington, DC, 2001. Criminal Justice and Behavior, 2001.
- ²⁷ *Promoting Better Health for People with Disabilities: Ending Exclusion*, Minnesota Department of Health, 2007, <http://www.health.state.mn.us/injury/pub/index.cfm?gcCategory=disability> (last visited Sept. 17, 2017).
- ²⁸ Dick Sobsey and Sheila Mansell, *The Prevention of Sexual Abuse and Assault: Sexual Exploitation of People with Disabilities* (Special Issue), *Sexuality and Disability*, Vol. 9, 1990, 243-259.
- ²⁹ Laurie E. Powers, et al, *Barriers and Strategies in Addressing Abuse: A Survey of Disabled Women's Experiences*, J. Rehabilitation 4-13, Jan.-Mar. 2002.
- ³⁰ Liz Stimpson and Margaret C. Best, *Courage Above All: Sexual Assault Against Women with Disabilities*, Toronto: DisAbled Women's Network, 1991.
- ³¹ The Arc Twin Cities, <https://arcgreatertwincities.org/abuse-prevention/> (last visited Sept. 17, 2017).
- ³² *The Promise of Primary Prevention*, *supra* note 26, at 8.
- ³³ RAINN, *supra* note 22.
- ³⁴ *Id.*
- ³⁵ U.S. Department of Education, Office of the Assistant Secretary, *Dear Colleague Letter*, <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html> (last visited Sept. 17, 2017); Campus Sexual Violence Elimination Act (Campus SaVE Act), P.L. 113-4 (2013).
- ³⁶ NISVS, *supra* note 17.
- ³⁷ *Costs Report*, *supra* note 15, at 6.
- ³⁸ *Id.*
- ³⁹ *Research Summary*, *supra* note 16, at 7.
- ⁴⁰ *The Promise of Primary Prevention*, *supra* note 26, at 12.
- ⁴¹ University of Minnesota Humphrey Institute's Center on Women & Public Policy and the Women's Foundation of Minnesota, *Status of Women and Girls in Minnesota*, 51-53 (2010), <http://www.wfmn.org/research/status-of-women-girls-in-minnesota-project/> (last visited Sept. 17, 2017).
- ⁴² *Id.* at 62-64.
- ⁴³ *The Promise of Primary Prevention*, *supra* note 26, at 12, citing U.S. Department of Health and Human Services, Administration on Aging, *National Elder Abuse Incidence Study*, 4-42 (1998), https://www.acl.gov/sites/default/files/programs/2016-09/ABuseReport_Full.pdf (last visited Jan. 5, 2013).
- ⁴⁴ *Id.*
- ⁴⁵ Ann Burgess and Paul T. Clements, *Information Processing of Sexual Abuse in Elders*, Medscape, <http://www.medscape.com/viewarticle/546942> (last visited Sept. 17, 2017).
- ⁴⁶ National Sexual Violence Resource Center, *Sexual Violence Against Adults in Later Life*, <https://www.nsvrc.org/projects/lifespan/sexual-violence-against-adults-later-life> (last visited Sept. 17, 2017).
- ⁴⁷ *Id.*
- ⁴⁸ U.S. Department of Justice, Child Exploitation and Obscenity Section, <http://www.justice.gov/criminal/ceos/> (last visited Sept. 17, 2017),
- ⁴⁹ Lauren Martin, *The Prostitution Project: Community-Based Research on Sex Trading in North Minneapolis*, CURA REPORTER, Fall-Winter (2010).

-
- ⁵⁰ Lauren Martin, Richard Lotspeich and Lauren Stark, *Early Intervention to Avoid Sex Trading and Trafficking of Minnesota's Female Youth: A Benefit Cost Analysis*, Minnesota Indian Women's Resource Center (2012), <http://uroc.umn.edu/sites/default/files/Benefit-Cost-Study%20Full.pdf> (last visited Sept. 17, 2017).
- ⁵¹ Wilder Foundation, Safe Harbor: First Year Evaluation Report (2015), <https://www.wilder.org/Wilder-Research/Publications/Studies/Safe%20Harbor/Safe%20Harbor%20First%20Year%20Evaluation%202015.pdf> (last visited Sept. 17, 2017).
- ⁵² Minnesota Department of Health, Safe Harbor Minnesota, <http://www.health.state.mn.us/injury/topic/safeharbor/> (last visited Sept. 17, 2017).
- ⁵³ Federal Bureau of Investigation, Minneapolis Division, What We Investigate, <https://www.fbi.gov/investigate> (last visited Sept. 17, 2017).
- ⁵⁴ National Sexual Violence Resource Center, *Sexual Violence & Individuals Who Identify as LGBTQ Research Brief 1*, <http://www.nsvrc.org/publications/nsvrc-publications-information-packets/sexual-violence-individuals-who-identify-lgbtq> (last visited Sept. 17, 2017). See also NISVS, *supra* note 17.
- ⁵⁵ *Id.*
- ⁵⁶ *Research Summary*, *supra* note 16, at 6-7.
- ⁵⁷ National Sexual Violence Resource Center, *Sexual Harassment & Bullying of Youth 1*, <http://www.nsvrc.org/publications/nsvrc-publications-information-packets/sexual-violence-individuals-who-identify-lgbtq> (last visited Sept. 17, 2017).
- ⁵⁸ Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-2012* (2013), <https://www.bjs.gov/index.cfm?ty=tp&tid=20> (last visited Sept. 17, 2017).
- ⁵⁹ *Id.*
- ⁶⁰ RAINN, *supra* note 17; *Protect Our Defenders* Fact Sheet, <http://www.protectourdefenders.com/factsheet/> (last visited Sept. 17, 2017) (hereinafter referred to as *Protect Our Defenders*).
- ⁶¹ *Protect Our Defenders*, *supra* note 60.
- ⁶² *Id.*
- ⁶³ Minn. Stat. § 617.261.
- ⁶⁴ Lori Janjigian, *Nearly Ten Million Americans are Victims of Revenge Porn, Study Finds*, BUSINESS INSIDER, (Dec. 13, 2016) <http://www.businessinsider.com/revenge-porn-study-nearly-10-million-americans-are-victims-2016-12> (last visited Sept. 17, 2017).
- ⁶⁵ *Id.*
- ⁶⁶ Centers for Disease Control and Prevention, *Sexual Violence: Consequences*, <https://www.cdc.gov/violenceprevention/sexualviolence/consequences.html> (last visited Sept. 17, 2017).
- ⁶⁷ See NISVS, *supra* note 17.
- ⁶⁸ See Kilpatrick et al., *supra* note 19.
- ⁶⁹ Timothy Hart and Callie Rennison, *REPORTING CRIME TO THE POLICE, 1992-2000*, 5-7. Washington, D.C.: U.S. Department of Justice (2003).
- ⁷⁰ David Lisak and Paul M. Miller, *Repeat Rape and Multiple Offending Among Undetected Rapists*, 17 *Violence and Victims* 78 (2002).
- ⁷¹ ROBERT A. PRENTKY AND ANN WOLBERT BURGESS, *FORENSIC MANAGEMENT OF SEXUAL OFFENDERS* 245 (Plenum, 2000) *cited in* ERIC JANUS, *FAILURE TO PROTECT* (Cornell University Press, 2006).
- ⁷² See NISVS, *supra* note 17.
- ⁷³ Minnesota Sentencing Guidelines Commission, *MSGC Report to the Legislature* (Jan. 2017), <https://www.leg.state.mn.us/docs/2017/mandated/170124.pdf> (last visited Sept. 17, 2017).
- ⁷⁴ *Id.*
- ⁷⁵ *Id.*
- ⁷⁶ *Id.*
- ⁷⁷ *Id.*
- ⁷⁸ *Id.*
- ⁷⁹ Minnesota Department of Human Services, *Minnesota Sex Offender Program Statistics*, <https://mn.gov/dhs/people-we-serve/adults/services/sex-offender-treatment/statistics.jsp> (last visited Sept. 17, 2017).

-
- ⁸⁰ Chris Serres, *Sex Offenders Appeal Federal Ruling on Constitutionality of State Treatment Program*, STAR TRIBUNE (Feb. 1, 2017), <http://www.startribune.com/sex-offenders-appeal-federal-ruling-on-constitutionality-of-state-treatment-program/412486283/> (last visited Sept. 17, 2017).
- ⁸¹ Minnesota Department of Public Safety, Bureau of Criminal Apprehension Website, <https://por.state.mn.us/PredatorFAQ.aspx> (last visited Sept. 17, 2017).
- ⁸² Minnesota Department of Corrections, *Community Notification*, <https://mn.gov/doc/community-supervision/community-notification/> (last visited Sept. 17, 2017).
- ⁸³ David Lisak and Paul M. Miller, *Repeat Rape and Multiple Offending Among Undetected Rapists*, 17 *Violence and Victims* 78 (2002).
- ⁸⁴ See NISVS, *supra* note 17.
- ⁸⁵ See Janjigian, *supra* note 65.
- ⁸⁶ Russell Strand, *Sex Offenders: The Hunter and the Hunted*, Plenary Session at End Violence Against Women International Conference, Chicago, IL (April 12, 2011).
- ⁸⁷ Minnesota Coalition Against Sexual Assault, *Children with Sexual Behavior Problems* (June 2017), http://www.mncasa.org/assets/PDFs/RalianceReport_ONLINE_final4_small.pdf (last visited Sept. 17, 2017).
- ⁸⁸ *The Promise of Primary Prevention*, *supra* note 26, at 4.
- ⁸⁹ Tracy Cox, *Lessons Learned in Bellefonte*, THE RESOURCE: THE NATIONAL SEXUAL VIOLENCE RESOURCE CENTER'S NEWSLETTER, Spring-Summer 2012, 14, http://www.nsvrc.org/sites/default/files/Publications_NSVRC-The-Resource_Spring-Summer-2012.pdf (last visited September 19, 2017).
- ⁹⁰ *Id.* at 29.
- ⁹¹ PATRICIA WEAVER FRANCISCO, *TELLING: A MEMOIR OF RAPE AND RECOVERY 3* (Cliff Street Books, Harper Perennial 1999).
- ⁹² William Cote and Bonnie Bucqueroux, *Covering Crime Without Re-victimizing the Victim*. Presented at the Newspapers and Community Building Symposium, National Newspapers' Association Annual Convention held in Nashville, Tennessee, September 1996, *cited in Reporting Sexual Assault supra* note 6, at 10.
- ⁹³ National Sexual Violence Resource Center, *Talking with Survivors, Info & Stats for Journalists*, http://www.nsvrc.org/sites/default/files/publications_nsvrc_factsheet_media-packet_talking-with-survivors.pdf (last visited Sept. 19, 2017).
- ⁹⁴ Kimberly A. Lonsway, Joanne Archambault & David Lisak, *False Reports: Moving Beyond the Issues to Successfully Prosecute Non-Stranger Sexual Assault*, 3 *THE VOICE* 1, 2 (2009). See also David Lisak, Lori Gardinier, Sarah C. Nicksa & Ashley M. Cote, *False Allegations of Sexual Assault: An Analysis of Ten Years of Reported Cases*, 16 *Violence Against Women* 1318 (Dec. 2010), <http://vaw.sagepub.com/content/16/12/1318.full.pdf+html> (last visited Sept. 19, 2017).
- ⁹⁵ Liz Kelly, Jo Lovett & Linda Regan, *A Gap or a Chasm? Attrition in Reported Rape Cases*, *Home Off. Res. Study*, 293 xi (Feb. 2005), <http://webarchive.nationalarchives.gov.uk/20110218135832/http://rds.homeoffice.gov.uk/rds/pdfs05/hors293.pdf> (study analyzing 2,643 reports of sexual assault over a fifteen-year time period) (last visited Sept. 19, 2017).
- ⁹⁶ Melanie Heenan & Suellen Murray, *Study of Reported Rapes in Victoria 2000-2003*, 5 (2006) (study analyzing 812 cases of sexual assault).
- ⁹⁷ Lisak et al., *supra* note 83.
- ⁹⁸ Lonsway et al., *supra* note 94, at 3.