

March 12, 2013



TALKING POINTS

Steubenville rape trial: 3 critical points

1. RAPE HAPPENS FAR TOO OFTEN

- **Defining rape:** In January 2012, the FBI revised the definition of rape to be defined as “penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”

SOURCE: U.S. Department of Justice, Federal Bureau of Investigation. (2012). *Attorney General Eric Holder announces revisions to the Uniform Crime Report's definition of rape* [Press release]. Retrieved from <http://www.fbi.gov/news/pressrel/press-releases/attorney-general-eric-holder-announces-revisions-to-the-uniform-crime-reports-definition-of-rape>

- **Consent:** The absence of “no” is not a “yes.” When sex is consensual, it means everyone involved has agreed to what they are doing and has given their permission. Non-consensual sex, or sex without someone’s agreement or permission, is rape. In many states, including Ohio, an intoxicated person who is “substantially impaired” cannot legally give consent. Silence does not imply consent. Don’t rely on past sexual interactions. Never assume you have consent. Always be sure you have consent.

SOURCE: Ohio Rev. Code section 2907.02: <http://codes.ohio.gov/orc/2907.02>.

- **Stats for minors:** Nationally, 1 in 4 girls and 1 in 6 boys will be sexually abused before they turn 18 years old. Over two-thirds of all victims of sexual assault reported to law enforcement were juveniles. In Ohio in 2011, 60% of all victims reporting to law enforcement were juvenile victims and the average age of victimization was 15.

SOURCES: Finkelhor, D., Hotaling, G., Lewis, I. A., & Smith, C. (1990). Sexual abuse in a national survey of adult men and women: Prevalence, characteristics and risk factors. *Child Abuse & Neglect* 14, 19-28. doi:10.1016/0145-2134(90)90077-7

Snyder, H. N. (2000). *Sexual assault of young children as reported to law enforcement: Victim, incident and offender characteristics* (NCJ 182990). Retrieved from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics: <http://bjs.ojp.usdoj.gov/content/pub/pdf/saycrle.pdf>

Ohio Department of Public Safety, Office of Criminal Justice Services, Ohio Incident-Based Reporting System. (2013). Retrieved from http://portals.ocjs.ohio.gov/oibrp_portal/faq.aspx

- **Drug-facilitated sexual assault:** Perpetrators look for intoxicated victims who have higher vulnerabilities. The majority of drug-related assaults (96%) involved alcohol consumption prior to an assault.

SOURCES: George, W. H., Cue, K. L., Lopez, P. A., Crowe, L. C., & Norris, J. (1995). Self-reported alcohol expectancies and postdrinking sexual inferences about women. *Journal of Applied Social Psychology*, 25, 164-186.

Lawyer S., Resnick, H., Bakanic, V., Burkett, T., & Kilpatrick, D. (2010). Forcible, drug-facilitated, and incapacitated rape and sexual assault among undergraduate women. *Journal of American College Health*, 58, 453-460.

- **The role technology:** Nearly three quarters (73%) of online teens use social network sites. Technology can help facilitate sexually-violent acts, before, during and after an offense. Before a sexually-violent act: Social networking can provide a false sense of connection between offender and victim. For example, the act of 'friending' enhances the feeling of 'trust.' During the act of sexual violence: Technologies can be used to record non-consensual sexual activity. Threats to distribute this material can be used to further coerce and victimize. After an either consensual or non-consensual sexual activity, offenders can distribute images to cause further harm to victims.

SOURCES: Lenhart, A., Purcell, K., Smith, A., & Zickuhr, K. (2010b). *Social media and young adults*. Retrieved from the Pew Internet & American Life Project: http://www.pewinternet.org/~/media//Files/Reports/2010/PIP_Social_Media_and_Young_Adults_Report_Final_with_toplines.pdf

Zweig, J. M., Dank, D., Yahner, J., & Lachman, P. (2013). The rate of cyber dating abuse among teens and how it relates to other forms of teen dating violence. *Journal of Youth and Adolescence*. Advance online publication. doi:10.1007/s10964-013-9922-8

Bluett-Boyd, N., Fileborn, B., Quadara, A., & Moore, S. (2013). *The role of emerging communication technologies in experiences of sexual violence: A new legal frontier?* (Research Report No. 23). Retrieved from the Australian Institute of Family Studies
<http://www.aifs.gov.au/institute/pubs/resreport23/rr23.pdf>

- **Juvenile offenders:** Nationally, 23% of sexual assault offenders were under age 18. In Ohio in 2011, 19% of sexual assault offenders were under the age of 18, with 14% between the ages of 13-17. There were 1,672 juvenile sexual assault suspects in Ohio in 2011. Nationally each year, there are nearly 2,200 juveniles arrested for rape and nearly 9,200 arrested for other types of sex offenses. According to The Association for the Treatment of Sexual Abusers (ATSA), research indicates that juvenile offenders may be more responsive to treatment than their adult counterparts because of their emerging development.

SOURCES: Snyder, H. N. (2000). *Sexual assault of young children as reported to law enforcement: Victim, incident and offender characteristics* (NCJ 182990). Retrieved from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics: <http://bjs.ojp.usdoj.gov/content/pub/pdf/saycrle.pdf>

U.S. Department of Justice, Federal Bureau of Investigation. (2005). *Crime in the United States, 2004*. Retrieved from http://www2.fbi.gov/ucr/cius_04

Ohio Department of Public Safety, Office of Criminal Justice Services, Ohio Incident-Based Reporting System. (2013). Retrieved from http://portals.ocjs.ohio.gov/oibrss_portal/faq.aspx

2. BELIEVE SURVIVORS WHEN THEY DISCLOSE ABUSE

- **Stop victim blaming:** If it was any other crime we would not blame the victim. Yet, when it comes to rape, victims face many barriers. It takes an incredible amount of courage for a victim to come forward. High-profile cases make it even harder, because a victim may worry about how the media scrutiny will impact their lives/families, or some fear that they will not be believed. Others may face retaliation or fear for their safety. We need to support survivors everywhere. This case could impact whether other victims will come forward in future cases. This case will set a precedent on drug-facilitated sexual assaults.
- **Trauma impacts memory:** Rape impacts the way victims recall events.

SOURCE: The OAESV and NSVRC gratefully acknowledges the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, for allowing us to reproduce, in part or in whole, the video interview with Dr. Rebecca Campbell on the Neurobiology of Sexual Assault. The opinions, findings, and conclusions or recommendations expressed in this video are those of the speaker(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice.

- **False reporting is rare:** The prevalence of false reporting is low between 2% and 10%.

SOURCES: Heenan, M., & Murray, S. (2006). *Study of reported rapes in Victoria 2000-2003: Summary research report*. Retrieved from the State of Victoria (Australia), Department of Human Services: http://www.dhs.vic.gov.au/_data/assets/pdf_file/0004/644152/StudyofReportedRapes.pdf

Lonsway, K. A., Archambault, J., & Lisak, D. (2009). False reports: Moving beyond the issue to successfully investigate and prosecute non-stranger sexual assault. *The Voice*, 3(1), 1-11. Retrieved from the National District Attorneys Association: http://www.ndaa.org/pdf/the_voice_vol_3_no_1_2009.pdf

3. THESE CRIMES CAN BE PREVENTED

- **Invest in prevention:** Resources are needed to address and prevent sexual violence. In Ohio, more than 50 counties are without rape crisis programs and even less offer prevention programs. For more information, visit the OAESV's website at www.oaesv.org or NSVRC's website at www.nsvrc.org.
- **Engage bystanders:** Everyone has an active role in preventing abuse. To build safer communities, everyone must speak up against incidents or messages that normalize sexual harm, abuse, or exploitation. An engaged bystander is someone who intervenes before, during, or after a situation when they see or hear behaviors that promote sexual violence. When you see something, say something. When you hear something, do something.