



# VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES

## VICTIMS SERVICES NEWS

April 2020

### Sexual Assault Awareness Month Special Edition

## A HISTORY OF SEXUAL ASSAULT AWARENESS MONTH

*Chad Felts, Victims Services Grant Program Specialist*

April 2020 marks the 19th Anniversary of Sexual Assault Awareness Month (SAAM). This nationwide recognition was organized and coordinated by the National Sexual Violence Resource Center. Its origins can be traced to the late 1970s and the very first “Take Back the Night” demonstrations in major urban centers across the country. Before 2001, state and local sexual assault advocacy organizations held rallies, observances, and other events to highlight the importance of the issue in their jurisdictions, often during weeklong events originally developed by the National Coalition Against Sexual Assault. Federal legislation, such as the Violence Against Women Act of 1993 (VAWA) also demonstrated the need for a national awareness and prevention effort.

Established in July 2000, the National Sexual Violence Resource Center (NSVRC) acted quickly to survey local and regional sexual violence coalitions, leading to the formal establishment of SAAM in April 2001. During the early 2000s, the primary goal of SAAM was increasing awareness of sexual assault. As SAAM continued to grow,

NSVRC began to incorporate prevention more heavily into its annual outreach efforts, targeting communities, college campuses, and workplaces. These campaigns focused on ways that communities, individuals, and advocacy groups can stop sexual assault before it occurs, by acknowledging warning signs and changing behaviors. Each year’s theme now shares several common goals: raising visibility about sexual assault, and increasing prevention through education about healthy sexuality, consent, and bystander intervention.

Most recently, SAAM has attempted to expand its audience beyond victim advocate organizations and law enforcement, reaching out to those who may not even realize the important role they can play in preventing sexual assault and violence. This includes parents, athletic coaches, faith leaders, and community activists. Finally, the teal ribbon, first selected by NSVRC in 2001, remains a powerful symbol, both for sexual assault awareness and for the annual recognition that occurs each April.



## TEAL THURSDAY

**April 23, 2020**

Please join us in showing support for survivors of sexual assault by wearing teal on Thursday, April 23, 2020.

Please send a picture of yourself in your teal to Tricia Everetts at [tricia.everetts@dcjs.virginia](mailto:tricia.everetts@dcjs.virginia). We will share the pictures on our Facebook page.

## APRIL–NATIONAL SEXUAL ASSAULT AWARENESS MONTH

### Defining Sexual Assault

Sexual assault is conduct of a sexual nature which is non-consensual, and is accomplished through threat, coercion, exploitation, deceit, force, physical or mental incapacitation, and/or power of authority.

Conduct of a sexual nature: Sexual assault includes a wide range of sexual behaviors and sexual activity. Some examples include rape, forcible sodomy, incest, child sexual abuse, unwanted sexual contact or touching, sexual exploitation, forced prostitution and sex trafficking, and sexual harassment.

Non-consensual: Sexual assault occurs when someone experiences sexual activity that she or he did not consent to or did not want. Consent cannot be given if a person is underage, drunk, high, unconscious, or physically or mentally incapacitated. A person can change her or his mind about sexual activity at any time and withdraw consent.

### The Realities of Sexual Assault

#### National Statistics:

- Nearly 1 in 3 women and 1 in 6 men reported experiencing some sort of contact sexual violence during their lifetimes.
- Among female rape victims, perpetrators were reported to be intimate partners (47.1%), acquaintances (44.9%), family members (12.6%), and strangers (12.8%).
- Among male rape victims, perpetrators were primarily reported to be acquaintances (47%) and strangers (19.9%).
- Nearly 23 million women and 1.7 million men have been the victims of rape or attempted rape in their lifetime.
- 41% of female victims and 24% of male victims reported being younger than 18 when the first incident of sexual violence occurred.

#### Virginia Statistics:

- The total number of violent crimes reported in 2018 includes 5,598 forcible sex offenses involving 5,835 victims.<sup>1</sup>
- Forcible sex offenses reported include forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling. Of the reported victims of forcible rape, the vast majority (98%) were female.<sup>2</sup>
- Over half (55.4%) of reported female victims and over three quarters of male victims (76.9%) were under the age of eighteen.<sup>2</sup> Id.
- 32% of the reported forcible sex offenses involved offenses committed against family members or intimate partners.<sup>3</sup>
- The majority of forcible sex offenses (74%) were committed by perpetrators known by or acquainted with the victim, including a substantial percentage of offenses committed by family or household members or dating partners (32%). Of the remaining offenses reported, 20.7% were committed by unknown/unreported assailants and 4.8% were committed by strangers.<sup>3</sup> Id.

If you or someone you know is a victim of sexual assault, please contact:

**Virginia Family Violence & Sexual Assault Hotline**  
1-800-838-8238 (24-hours/day, toll-free)

For additional sexual assault-related information and resources, please visit:

**Virginia Sexual and Domestic Violence Action Alliance website at [www.vsdvalliance.org](http://www.vsdvalliance.org).**

You may also contact the toll-free number:

**Victim Assist Helpline at 1-855-443-5782**

Sources: Virginia State Police, Crime in Virginia, 2018 (2019).

<sup>1</sup> Virginia State Police, Crime in Virginia, 2018 (2019).

<sup>2</sup> Virginia State Police, Crime in Virginia, 2018 (2019).

<sup>2</sup> Id. The number for victims under the age of 18 reflects victims in the 0-17 age range, as well as victims of unknown age.

<sup>3</sup> Virginia State Police, Crime in Virginia, 2018 (2019). 3 Id.



## Sexual Assault and Incarcerated Survivors

*Dione Bassett, Victims Services Grant Program Specialist*



Rarely do we want to acknowledge that sexual assault happens to both men and women in prisons, jails and other forms of detention. I recently read a publication called *“Hope for Healing: Information for Survivors of Sexual Assault in Detention”* written by Just Detention International (JDI), a human rights organization that seeks to end sexual violence in all forms of detention. I found it heartbreaking and inspirational. Heartbreaking because I could not imagine the additional barriers these victims face in reporting and healing. Inspirational because their voices are being heard by JDI.

As advocates and fellow human beings, it is important to recognize and educate ourselves on how to better assist these chronically underserved victims, and not be apathetic to how incarcerated individuals are treated.

The National Resource Center for Reaching Victims and the Vera Institute of Justice’s Center on Victimization and Safety published a new report called *“Opening the Door to Healing: Reaching and Serving Crime Victims Who Have a History of Incarceration.”* Due to the passage of the Prison Rape Elimination Act in 2003, there has been an increase in data collection. The report indicated that 38% of men surveyed in prison had been a victim of sexual or physical violence by another inmate or staff member in the previous six months, as had 37% of incarcerated women. However, crime victims previously incarcerated are not typically accessing victim services.

The assessment conducted showed that the perception of someone as either a “victim” or an “offender” keeps service providers from seeing formerly-incarcerated people as victims, and keeps these survivors from seeking help for the trauma they have experienced. To quote the report, “Many mainstream providers often have trouble viewing someone who has been incarcerated as a victim, and this can impact everything from how an organization does outreach and engagement to the partnerships it develops and the services it provides.”

Since August 2016, it is allowable to use Victims of Crime Act (VOCA) funds to serve incarcerated victims. This opened the door for community-based programs to use their funding to support these survivors. The assessment conducted

showed that some advocates and crisis counselors still have reservations about working with incarcerated sexual abuse victims, and that people with a history of incarceration typically anticipate rejection, which keeps them from seeking help. Service providers that are reaching out to formerly-incarcerated victims stated “healing services for this population may encompass a range of nontraditional services or peer-based programs and may not fit neatly into defined categories outlined by federal agencies and private foundations. One survivor of prison rape who serves on JDI’s Survivor Council told us that ‘healing is expensive’ and described how kickboxing classes turned out to be among the most affordable and effective avenue for healing.”

The report offered recommendations for victim service providers to increase their ability to respond effectively, including:

- Hire victim service providers who are professionally trained, trauma-informed, and comfortable working with people who have been incarcerated – and train current staff to develop related knowledge and skills.
- Storytelling (when a person with relevant lived experience shares stories of their personal history of trauma and healing).
- Develop and nurture partnerships between victim service providers and reentry programs. These providers and programs should come together to learn more about each other and find ways to work together to promote healing for people returning to the community from jail or prison.
- Adopt broader definitions and terms for victimization. Discussing victimization in terms of “people harmed by violence,” “anyone affected by violence,” or “survivors of trauma or harm” may resonate more with people who have been incarcerated, especially with men.

It is my hope that this article brings insight and motivation to professionals and encourages outreach to a population that has been traditionally ignored and unheard.

<https://www.dcsj.virginia.gov/sites/dcsj.virginia.gov/files/publications/victims/hopeforhealingweb.pdf>

<http://reachingvictims.org/resource/opening-the-door/>

<http://reachingvictims.org/how-we-help/>





## Sexual Assault Language

*Christine Wengloski, Victims Services Grant Program Specialist*

**W**hether we are advocates for victims of sexual assault in the court system, in the community, or on the state level, it is important that we use language that is accurate, fair, and addresses the seriousness of sexual violence. Making changes to the language we use to describe sexual assault is a way to continue to help society understand the severity of sexual violence and the trauma endured by victims.

Overall, best practice is to avoid language normally used to describe consensual sex to describe acts of sexual violence. For example, using "sex" or "intercourse" for a euphemism for sexual assault confuses whether the act was consensual or a crime. It is also important to avoid phrases that appear to place agency or blame for the sexual act on the victim rather than the perpetrator, such as "the victim performed," as opposed to "the defendant forced." Finally, an active and accurate voice is best used to describe sexual violence; for example, "the defendant attempted to strangle the victim," is more precise than "the victim was grabbed by the defendant around the neck."

### Other language to consider:

- Instead of "accuser," use "victim, survivor." This demonstrates that the victim was the person who was victimized, not the one doing something negative to the perpetrator.
- Instead of "engaged in," use "was forced to," to demonstrate that the act was not consensual.
- Instead of "victim admits, victim confesses," use "victim reports, victim says," to remove responsibility for the attack from the victim.
- Instead of "fondle," use "grope, unwanted touching, unwanted sexual contact," to demonstrate that the act was harmful, not gentle.
- Instead of "story," use "account, statement, or description," to avoid implying the victim is fabricating their memories of the events.

### Instead of:



### Use:



## Combatting Campus Sexual Violence

*Tierra Smith, Victims Services Grant & VSTOP Coordination Specialist*

Sexual assault remains a prevalent problem that is often unreported on college campuses throughout the nation. Despite underreporting, sexual violence is more prevalent within college and university settings compared to other crimes (RAINN). These acts of sexual violence include any unwanted sexual activity, ranging from unwanted touching to rape (Office on Women's Health, 2018). According to statistics from the Rape, Abuse & Incest National Network (RAINN), 11.2% of all students experience rape or sexual assault through physical force, violence, or incapacitation (among all graduate and undergraduate students). Additional findings from RAINN indicate that among undergraduate students, 23.1% of females and 5.4% of males experience rape or sexual assault through physical force, violence, or incapacitation. Whether a student or not, college-aged adults (18-24) are at an elevated risk for being a victim of sexual violence. Victims of sexual assault may experience health concerns to include post-traumatic stress disorder, cardiovascular problems, or exposure to a sexually transmitted disease or infection. Additional impacts include a decline in academic performance, difficulty in maintaining interpersonal relationships, and resistance to returning to the school environment.

In an effort to combat the occurrence of sexual violence on college campuses, various national organizations have been established to spread awareness, resources, and best practices to help decrease the occurrence of such acts of violence. RAINN serves as the nation's largest anti-sexual violence organization. Their website offers an array of statistics, resources, and trainings geared towards educating



the community, promoting policy reform, and providing consultation to organizations around sexual violence. End Rape on Campus (EROC) was established to end campus sexual violence through direct support for survivors and their communities, prevention through education, and

policy reform at the campus, local, state, and federal levels. The organization is unique as it uses a direct approach to providing assistance to victims by filing federal complaints, establishing supporting networks, and mentoring student activists to encourage micro, mezzo, and macro-level change. Faculty

Against Rape (FAR) is a volunteer-run group dedicated to increasing faculty involvement in confronting campus assault. Members include teachers, survivor advocates, researchers, and others who have a desire to enhance their efforts in addressing sexual violence at colleges and universities. FAR is also committed to supporting those individuals who experience retaliation as a result of their efforts.

To learn more about the options in your area, call the National Sexual Assault Hotline at 800.656.HOPE (4673).

### References

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- National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. Preventing Multiple Forms of Violence: A Strategic Vision for Connecting the Dots. (2016).

**To learn more about the options in your area, call the National Sexual Assault Hotline at 800.656.HOPE (4673).**

## Physical Evidence Recovery Kit (PERK) Tracking System

*Chrissy Smith, Victims Services Grant Program Specialist*

Beginning July 1, 2020, law enforcement and collection sites will be mandated to use the Physical Evidence Recovery Kit (PERK) tracking system. As of March 20, 2020, 12 collection sites and 38 law enforcement agencies are using the system. As part of eliminating the backlog of testing sexual assault kits, the Virginia Department of Forensic Science (DFS) developed this tracking system with grant funds awarded to the Office of the Attorney General of Virginia by the U.S. Bureau of Justice Assistance. The system tracks PERKs from their inception, through the testing process, and when they are returned to law enforcement. The web-based program allows victims/survivors to check the status of the completed PERKs. Each kit has a unique number associated with it, which is provided to the victim/survivor at the hospital. The system only tracks the PERK through

the testing process and does not have any confidential information attached, including the results of the testing. A victim/survivor with an offense-reported PERK will be granted a PIN by the investigating law enforcement agency, if doing so will not interfere with the investigation or prosecution of the offense. If the victim/survivor is not reporting to law enforcement, the kit is considered an anonymous kit and is sent to the Division of Consolidated Laboratory Services (DCLS) for storage. If the victim/survivor chooses to report the crime to law enforcement at some point, the kit can be located and sent for testing.

Please visit <https://perk.dfs.virginia.gov> for access to a FAQ section, information on community advocacy groups by location, and contact information.

## Victim Notification: Virginia's Sexually Violent Predator Civil Commitment Process

*Andi Martin, Sexual Assault and Intimate Partner Violence Program Coordinator*

If you work with victims of sexual assault whose case may be prosecuted, you need to know about Virginia's Sexually Violent Predator Civil Commitment process. This process pertains to individuals who are incarcerated in a Virginia Department of Corrections (DOC) facility after having been convicted of a sexually violent offense.\* As a convicted sex offender nears the end of their sentence with DOC, they are screened to determine whether they are likely to reoffend once released from custody. If an offender is deemed likely to reoffend, they are further assessed through a psychological evaluation, after which a committee determines whether to recommend that the Office of Attorney General of Virginia (OAG) proceed with a civil commitment process.

The civil commitment process includes taking the sexual assault offender to court, in a civil hearing in the jurisdiction where the conviction occurred, and asking the court to determine whether the offender should be classified as a Sexually Violent Predator (SVP). The first step in the civil process is for the OAG to file a petition for a civil commitment, followed by a probable cause determination by the court. If the court determines there is probable cause that the offender is a SVP, the case is set for a civil trial. Although it is rare, the victim may be subpoenaed to testify. The trial may be a bench trial (the decision determined by a

judge) or a jury trial (the decision determined by a jury).

If the offender is determined by the court or a jury to be a SVP, the court can place restrictions on the offender after they are physically released from DOC. These restrictions may include placement in a treatment facility of which they are not allowed to leave. The court could also allow their parole to occur and have them released into society with extra restrictions, such as no access to the Internet and no contact with children. This is called "conditional release." If an offender is determined to be a SVP through a trial and is either committed or put on conditional release, they will be re-evaluated intermittently to assess whether they still meet the definition of SVP and warrant civil commitment or restrictions of a conditional release.

Many victims do not know about this process, but can request notification from the OAG Victim Notification Program. By completing a post-conviction notification request form, victims can be informed of status changes by DOC, Parole Board hearings, appeals filed in their case, and the SVP Civil Commitment process.

For more information about this process, please visit: [www.oag.state.va.us/divisions/criminal-justice-public-safety/sexually-violent-predators-civil-commitment](http://www.oag.state.va.us/divisions/criminal-justice-public-safety/sexually-violent-predators-civil-commitment).

\*In addition to DOC inmates convicted of sexually violent offenses, this process is also used for people who have been charged with such an offense but not convicted, due to having been deemed incompetent to stand trial.



## “There’s an App for That” Using Technology to Empower Survivors of Sexual Assault and Misconduct

*Tricia Everetts, Training and Grant Program Coordinator*

In the aftermath of surviving a sexual assault, survivors face many difficult decisions, including the decision to report the incident. For many survivors, this can be a daunting choice. The reporting process can often evoke feelings of shame, embarrassment, confusion, and fear. According to the 2017 National Crime Victimization Survey, only about 40% of sexual assault or rape victims reported the crime to law enforcement.<sup>1</sup> This figure illustrates that over half of sexual assaults and rape still go unreported. Considering that more than half of all reported rapists have a previous conviction,<sup>2</sup> many perpetrators will continue to victimize if the crime goes unreported.

Several apps hope to make the reporting of these crimes easier for survivors. Although these apps may differ in their intended users and platforms, all aim to empower survivors and give them the information they need to make an informed choice to report the incident to others. They allow the survivor to make a confidential report of the incident for their records, provide information about types or reporting, and provide links to resources and support.

Developed by a survivor, JDOE is an app that allows individuals to anonymously report incidents of sexual misconduct or sexual assault. Rather than forwarding the report to law enforcement, the app anonymizes the report and adds it to the JDOE database. The app uses end-to-end encryption to ensure reports are stored and indexed without any identifying information. Although the app

does not forward the reports to authorities, it does allow survivors to indicate if they are open to future contact by an attorney or a prosecutor. Once added to the database, the report can be reviewed by the attorneys and prosecutors. If the survivor indicated they are open to contact, the app will forward messages from the attorneys to the survivor, all without releasing any identifying information to the attorney. It is then up to the survivor if they wish to further dialogue with the attorney. The app also uses the reports to create statistical reports based upon the geolocation of the incident and on the reported identifying information about the perpetrator. This information allows the app to create live maps showing all reported incidents, to create alerts when the user is geographically close to an area with dense reporting, and to create lists of local resources including law enforcement, counseling, medical services, and support groups. JDOE has an index of each state’s reporting laws, and can walk a survivor through the reporting processes in their state. It also has a feature called “Heal and Inspire” which shares inspirational survivor stories as well as information about awareness events.

University College London neuroscientist Julia Shaw used her expertise in memory science to design a trauma-informed app that survivors can use to report workplace harassment and discrimination. Intended as platform for companies to purchase and offer for use by employees, SPOT allows users to create a report of the sexual misconduct or

<sup>2</sup> Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Female Victims of Sexual Violence, 1994-2010 (2013)

*(Continued)*

## “There’s an App for That” (Continued)

harassment for their own use. The report uses artificial intelligence to create a dialogue bot. Utilizing evidence-based cognitive interviewing techniques, the bot asks the survivor to describe details of the incident in a trauma-informed way designed to eliminate interview bias. SPOT users then can save a copy of their report for their own personal record, or can choose to report it to the company’s human resource department. If they chose to report, they then have the option to submit the report anonymously. Through the SPOT app, employers can also offer sexual harassment prevention training to their staff, as well as send surveys to gain employee feedback on the organization’s climate in regards to sexual misconduct and harassment.

Designed for college students, the Callisto app allows students the information and resources to make informed choices to report incidents of sexual misconduct. It has the option for users to create a report for their own use, or to share the report with college administrators. Used as a third-party campus based reporting system, Callisto is now available on 12 college campuses, including the University of Southern California, the University of Oregon, Stanford University, Loyola Marymount University, and others. When a survivor logs on to the Callisto system, they are presented with three options: make a record of the assault, lookup the name of the offender in a perpetrator’s database, or learn about reporting options, available support services, and sexual misconduct definitions. If the student chooses to

report, they then have the option of making a time-stamped report for their own record, filing the report with the school immediately, or filing the report only if the named perpetrator is matched in Callisto’s database. The app’s match feature allows the survivor to match their perpetrator in the database of other reported campus perpetrators. This provides for the identification of repeat offenders and is reported to have been helpful for campuses. According to Callisto’s 2017–2018 Academic Year Report, 15% of the perpetrators named in reports were repeat offenders and named in multiple reports.<sup>3</sup> They also found that students were six times more likely to report the sexual assault incident to the school if they first visited Callisto, and three times more like to seek out medical and support services if they visited Callisto.

Although these apps do not replace victim advocacy, they do provide survivors with options and empower them to make decisions on their reporting. Survivors who might not otherwise report an incident or reach out for support now have an option to receive information, referrals, and reporting mechanisms in a way that might be less intimidating. As seen with early results from the Callisto app, these apps might have the long-term effect of increasing the likelihood that survivors feel comfortable in reaching out for additional services.

<sup>3</sup> Callisto.2017-2018 Academic Year Report. [https://www.projectcallisto.org/Callisto\\_Year\\_3\\_final.pdf](https://www.projectcallisto.org/Callisto_Year_3_final.pdf)

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