

SEX OFFENDER LAWS



FAILED POLICIES,
NEW DIRECTIONS

RICHARD G. WRIGHT
EDITOR

Copyright © 2009 Springer Publishing Company, LLC

All rights reserved.

No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior permission of the publisher or authorization through payment of the appropriate fees to the Copyright Clearance Center, Inc., 222 Rosewood Drive, Danvers, MA 01923, 978-750-8400, fax 978-646-8600, info@copyright.com or on the web at www.copyright.com.

Springer Publishing Company, Inc.
11 West 42nd Street
New York, NY 10036
www.springerpub.com

Acquisitions Editor: Jennifer Perillo
Cover design: Steve Pisano
Composition: Monotype, LLC

13 14 15 16 / 8 7 6 5

Library of Congress Cataloging-in-Publication Data

Sex offender laws : failed policies, new directions / [edited by]
Richard G. Wright. p. cm.
ISBN 978-0-8261-1109-8
1. Sex offenders—Legal status, laws, etc.—United States. I. Wright,
Richard Gordon, 1965—
KF9325.S493 2009
345.73'0253—dc22

2009000758

Printed in the United States of America by Maple

The author and the publisher of this Work have made every effort to use sources believed to be reliable to provide information that is accurate and compatible with the standards generally accepted at the time of publication. Because medical science is continually advancing, our knowledge base continues to expand. Therefore, as new information becomes available, changes in procedures become necessary. We recommend that the reader always consult current research and specific institutional policies before performing any clinical procedure. The author and publisher shall not be liable for any special, consequential, or exemplary damages resulting, in whole or in part, from the readers' use of, or reliance on, the information contained in this book. The publisher has no responsibility for the persistence or accuracy of URLs for external or third-party Internet Web sites referred to in this publication and does not guarantee that any content on such Web sites is, or will remain, accurate or appropriate.

To my wife, Becky—There are no words that will ever convey how much I love you and appreciate you. Thank you for your many, many sacrifices. You have given me more than I ever could have conceived of. Thank you.

To my daughter, Sage—I am privileged to be your daddy. I know you have and will change the world forever. I love you.

To the Wetterling family, and in particular, Patty—Because you choose to seek wisdom and knowledge when faced with tragedy and loss, you are a source of affirmation about the goodness and power of humanity. I am sorry about Jacob. I am humbled by your strength and faith in the world. Nothing will replace your loss. I hope this book reminds you that we still care.

The Impact of Sex Offender Policies on Victims

Rachel Kate Bandy

Established elsewhere in this collection is a thorough examination of data that substantiate what victim advocates have long known: sexual violence is pandemic in U.S. society. One in 6 women and 1 in 33 men has been the victim of a completed or attempted sexual assault (Tjaden & Thoennes, 2000). Most victims know their perpetrators (Ibid) and, therefore, would be able to identify them to the authorities; yet "rape is the most underreported crime in America" (Kilpatrick, Whalley, & Edmunds, 2007 Abstract ¶ 1).

The impact of sexual assault on the health and well-being of its primary victims has also been well established in research. Sexual assault victims are three times more likely to suffer from depression, four times more likely to have suicidal ideations, six times more likely to suffer from posttraumatic stress disorder, 13 times more likely to abuse

alcohol, and 26 times more likely to abuse drugs (Kilpatrick, Edmunds, & Seymour, 1992).

The impact of sexual violence on secondary victims such as the family, partner, and/or friends of a sexual assault victim has also been studied (e.g., Motta & Kefer, 1999; Fickneider, 2001). Research has suggested that the stress and trauma secondary victims experience as the result of a loved one's victimization has significant and potentially long-lasting negative effects on their well-being and/or ability to provide support to the primary victim (Remer & Ferguson, 1995; Schneider, 2001). The aforementioned statistics have led scholars and practitioners alike to conclude that "rape is a problem for America's mental health and public health systems as well as for the criminal and juvenile justice systems" (Kilpatrick et al., 2007 Other Mental Health Problems ¶ 6). Therefore, public policy actors have multiple imperatives in efficiently addressing issues of sexual violence.

The past two decades have seen a tremendous growth in the enactment of sexual assault legislation. In 2005 alone, more than 100 laws aimed at identifying, treating, punishing, or otherwise controlling sex offenders were passed in the United States (Abner, 2007). Largely, these types of laws have intended to accomplish two ends: (1) public safety by controlling or containing sex offenders, and (2) public articulation of outrage and disdain for a specific criminal class while simultaneously acknowledging the loss suffered by its victims (Garland, 2001; Wood, 2005). Although much research has been conducted on the various ways in which these legislative initiatives have affected sex offenders (e.g., Glaser, 2003; Logan, 1999), virtually no research exists on the impact of sex offender laws on victims; specifically, research that explores victim-reported benefit—or harm—as a result of offender registration, notification, residency restrictions, and/or electronic monitoring.

The goal of this chapter is to explore what victims of sexual violence have reported needing and/or wanting from various stakeholders and to ascertain how well—if at all—various sex offender laws have addressed these needs and wants. To this end, 18 survivors of sexual assault were interviewed, as were representatives from five state coalitions against sexual assault. Additionally, as articulated in chapter 4, the story of one victim elaborates on her views of sex offender laws. In that chapter, Patricia Wetterling's views as

activist, parent, secondary victim, and policy maker, provide a unique perspective on the evolution of these laws.

To frame this research, first presented is a historical account of rape law reforms from a victim-centered perspective, followed by a brief introduction to the history of crime victims' rights. The existing empirical research on the impact of sex offender laws on victims and the criminal justice system is then presented, followed by an explanation of the research methods employed in this study and the subsequent findings. This chapter concludes with a discussion of possible policy implications for sex offender laws.

Background

Victim Construction and the Legal Redress of Sex Crimes

The social control of sexual behavior is not a new endeavor. Throughout history, societies have sought to establish rules to govern sexuality, rules informed by social norms, values, customs, and sensibilities (Thomas, 2000). Yet, across time, sexual behaviors determined to be morally repugnant or otherwise illegal have not been uniformly defined, policed, or punished (Hamilton, 2004; Thomas, 2000). The development of guidelines for unacceptable sexual behavior and its consequences, while not linear, has long been driven by the goal of controlling a population of offenders believed to be inherently more problematic than other offender types: sex offenders (Thomas, 2000).

Societies have employed various techniques over time to identify, rehabilitate, and/or punish sex offenders. To understand socio-legal changes in the social control of sex offenders—and by extension, sexual assault victims—Garland (1990, 2001) argued that we must begin by understanding the culture in which the social control takes place. It is here, he posited, that we find the necessary context in which to understand the underlying principles and goals of our systems of punishment and control; that a society's system of punishment is reflective of its culture. Punishment illustrates what a culture despises and, conversely, what it values (Ibid).

Arguably, most Americans value both public and personal safety. However, precisely how this value manifests

itself into policy and practice is widely disparate among key stakeholders charged with addressing sexual violence. Two groups have been identified as having prominent—and competing—influence in both the redress of sex crimes and the socio-legal construction of sexual violence: the criminal justice system and feminist organizations.

By design, the criminal justice system sets as its focal criminal acts and actors. The state is legally identified as the victim; by default, the true victim is relegated to the status of witness to her own victimization, her injuries treated as evidence in bureaucratized criminal proceedings. Under the legal system model, the state also assumes the role of dispassionate arbiter (Herman, 2005). However, under this same legal system, there has been little historical consistency in how, exactly, sex crimes have been adjudicated (Pratt, 2000). Moreover, identifying who qualifies as a real victim and a real perpetrator within this system has been largely informed by misconceptions and cultural stereotypes (Bachman & Pateroster, 1993; Estrich, 1987; Lagen, 1988).

Historically, broader structural relations and cultural systems of gender, race, and power went unexamined and therefore, were reinforced (Belknap, 2007; Madriz, 1997). Under the traditional legal system model of social control, 'real' sex offenders were men who preyed on strangers and/or belonged to a suspect class (poor, person of color). 'Real' victims were children or virtuous others (white, middle class, virginal, feminine) whom the public deemed worthy of compassion and justice (Estrich, 1987; Wood, 2005). As a result, the first modern wave of legislative action against sex offenders was foreseeably directed at a class of offender that would harm these 'real' victims (Lieb, Quinsey, & Berliner, 1998). The first wave of action against sex offenders was prompted by the rape and murder of two girls, 4 and 8 years old, respectively, in the late 1930s (Ibid). A moral panic about sex offenders was touched off by the intense attention these crimes received from the media and politicians. J. Edgar Hoover described this time as one marked by rapidly increasing sex crimes and stated that this was a time for "sex crimes to be placed under the spotlight and its evils disclosed" (as quoted in Lieb et al., 1998, p. 53). Moreover, he urged an "aroused public opinion" of crimes of this nature and the criminals that commit them (Ibid).

Sexual offenses and offenders had long been studied by criminal justice experts, psychologists, and psychiatrists, but prior to this intense interest in sexual offenses by mainstream society, relatively little attention was paid to these crimes. After these two high-profile sex crimes against children, popular, nonscientific magazines began to run stories about sex crimes and their victims, and people with little to no exposure to information about sexual criminals were now able to read about them regularly (Ibid; Robertson, 2001).

A second moral panic was touched off in 1949 when two girls, this time 6 and 7 years old, were raped and murdered (Lieb et al., 1998). The perception of a wave of sexual crimes prompted officials to seek out advice from psychiatric experts. Robertson (2001) noted the role of the media and politicians in the furor around sex crimes:

The press and public officials created a type of offender labeled the "sexual psychopath" from what psychiatrists told them. Legislators placed the sexual psychopath at the heart of new laws that provided for psychiatric examinations to identify those dangerous individuals and for the committal of such men for treatment until psychiatrists determined they no longer posed a threat to society. (p. 12)

Sexual psychopathy laws were considered the first social experiment in the United States to merge psychiatry and criminology and were "touted as a scientific, enlightened response to dangerous sex offenders" (Lieb et al., 1998, p. 55). California's sexual psychopathy laws, some of the earliest passed in the United States as well as the most utilized (Dix, 1976), originally applied only to child molesters (Lieb et al., 1998).

Under this model of sex offender redress, the public expressed less sympathy for the majority of adult, female victims. Sutherland (1950) remarked about this unfortunate hierarchy of victimization, "The ordinary citizen can understand fornication or even forcible rape of a woman, [but] a sex attack on an infant or girl must be the act of a fiend or a maniac" (p. 143). As a result of this general societal acceptance of male aggression against females, few offenders who attacked adult females were identified as sex offenders.

Therefore, few laws offered potential victims any protection against a more common and more "socially acceptable" offender type (Robertson, 2001, p. 31). In fact, sexual assault is the one crime for which victims historically have had to prove their innocence before the perpetrator was expected to defend his (Spohn & Horney, 1992; Estrich, 1987). As a result, there has been little incentive for victims to come forward with reports of sexual assault, for fear that they might be subjected to the legal system's "theater of shame" (Herman, 2005, p. 573).

Rape Law Reform and Victims' Interests

For the most part, the criminal justice system operated under this paradigm until the 1970s, when feminists challenged the assumptions underlying this system. Feminist groups began to speak out against more common types of sexual offenses and sexual victimizations. They organized victim rallies, at which they told stories of incest and date rape. They moved the dialogue past the idea of the stranger-rapist and towards the more common intimate-partner violence and intra-familial violence experienced by many (Lieb et al., 1998). The theory of "rape culture"ⁱⁱ was introduced to explain the United States' relatively high rates of sexual victimization and offending; that is, sexual violence as the result of institutionalized sexism and objectification of women. This view argued that the only way to adequately stop sexual assault was to stop patriarchy and male privilege in society. This ideology ran counter to that of stopping sexual violence through the increased power of the state via rape laws, policies, and criminal justice practices.

Due to the newly increased visibility of sexual violence, criminal justice system entities such as law enforcement and prosecutors joined feminist efforts for rape law reform. While ideologically misaligned, both camps were invested in advocating for sweeping legislative initiatives aimed at improving crime victim reporting, cooperation, and satisfaction (Bryden & Lengnick, 1997). As co-advocates, they pushed for legal changes to sex crime laws and won them (to varying degrees) in all 50 states (Spohn & Horney, 1992). As a result, rape laws and the treatment of rape victims were reformed through the efforts of a "fragile alliance [of] feminist groups, victim's

rights groups, and organizations promoting more general 'law and order' themes" (Bachman & Paternoster, 1993, p. 554).

By the early 1980s, emphasis was given to educating the public on the more prevalent types of sexual assaults, and policy initiatives reflected this. Since 'respectable' men (e.g., fathers, husbands, boyfriends, pastors) were now being identified as sex offenders, more treatment-based sentencing alternatives were advocated under the assumption that this would increase crime victim reporting and cooperation (particularly with child victims) within the criminal justice system; ergo, the victims' needs would be met while simultaneously holding offenders accountable (Lieb et al., 1998). For example, at the urging of treatment providers for both sex offenders and sexual assault victims, the Washington State Sentencing Guideline Commission, in conjunction with the state legislature, created the Special Sex Offender Sentencing Alternative, which allowed for certain offenders to receive community-based treatment and supervision, rather than serve time in prison (Berliner, Schram, Miller, & Milloy, 1995).

Victims' Rights and Roles in Sex Offender Policy

Rape law reform efforts sought to "reflect and legitimate the changing status of women in American society" (Marsh, Geist, & Caplan, 1982, p. 3). This movement to redefine sexual assault and sexual assault victims also called into question the very role of the victim in the criminal justice process. Public discourse during the 1970s and 1980s on the issue of formalized victims' rights was an extension of the public discourse on rape law reform. As Americans came to identify crime as a top-priority social problem, a larger conversation about the appropriate role of victims in informing criminal justice policy began to take place in earnest.

In 1975, the National Organization for Victim Assistance (NOVA) was formed to be a clearinghouse for information for victim service providers. By 1982, the first federal victims' rights legislation, the Victims and Witness Protection Act (VWPA), was passed (Glynn, 2000). Through VWPA, Congress acknowledged the historically poor manner in which victims were treated by the criminal justice system. The purpose of VWPA was

(1) to enhance and protect the necessary role of crime victims and witnesses in the criminal justice process; (2) to ensure that the Federal Government does all that is possible within limits of available resources to assist victims and witnesses of crime without infringing on the constitutional rights of defendants; and (3) to provide a model for legislation for State and local governments. (Pub. L. No. 97-291, § 2)

VWPA charged the U.S. Attorney General's Office with the responsibility of developing and implementing services to victims including case updates, protection, private and secure waiting areas within courthouses, and the return of personal property, while also mandating training for law enforcement on victim issues (U.S. Department of Justice, 2005). VWPA and subsequent legislation, including the Federal Victims of Crime Act of 1984 (VOCA), created a legally recognized victims' bill of rights which includes the right to make a victim impact statement at sentencing, mandatory financial restitution to sexual assault victims, and the establishment of a funding stream for victim service providers (Glynn, 2000; U.S. Department of Justice, 2005). Through VOCA, the Office for Victims of Crime (OVC) was created under the auspices of the Department of Justice as a federal initiative that was "committed to enhancing the Nation's capacity to assist crime victims and to providing leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime" (U.S. Department of Justice, July 2000).

Within 10 years of VWPA's passage, no fewer than 7,000 victim advocacy groups had been formed throughout the United States (Glynn, 2000). Today, NOVA has over 5,500 member agencies, including criminal justice agencies, service providers, health professionals, and survivors/victims (Martin, 2005). Approximately 32 states have victims' rights amendments in their constitutions (Herman, 2005). Dozens of crime bills have been passed into law that are named in honor of victims, serving as a symbolic act to recognize their suffering while demonstrating a legislative commitment to the prevention of future victimizations (Wood, 2005).

The victims' rights movement has played a key role in the development of the bevy of sex offender laws that have been enacted over the past 20 years. A combination of high-profile

sex crimes, the public's perception of high crime rates, and a growing distrust of the criminal justice system to adequately protect society from criminal threats fueled a legislative era marked by get-tough-on-crime policies; policies that would serve to honor crime victims while simultaneously acknowledging public outrage at the offenders (Garland, 2001).

Sexual violence became more freely discussed than it had been in previous eras, because of the efforts of the women's movement and victim advocacy organizations. Moreover, it was viewed as an increasingly serious crime—one worthy of immediate attention and redress in the name of justice—particularly when it came to child victims. Similar to the intense public attention given to sex crimes during the late 1930s through the 1940s, the 1980s and 1990s saw several high-profile sexual assault cases introduced to the American public in minute detail due to their extensive coverage by the media. As was the case in the 1930s and 1940s, many of these cases involved child victims and gruesome acts of violence. Examples of such high-profile cases include the abduction and murder of Adam Walsh in Florida; the abduction and presumed murder of Johnny Gosh in Iowa; the alleged ritualistic sexual abuse of children in day care centers spanning from California to Massachusetts; the abduction and presumed sexual assault and murder of Jacob Wetterling in Minnesota; the abduction, sexual assault, and murder of Polly Klaas in California; and the sexual assault and murder of Megan Kanka in New Jersey. Despite the rarity of such cases, America again turned its attention back to the rare offender and focused primarily on the child victim.

These cases were the catalyst for the current era of intense and increased attention on sex offenders and victims' rights. Members of the public, particularly survivors of sexual violence and their families, began to look to state legislatures and Congress—not to prison officials or the psychiatric profession as they previously had—to address their concerns (Lieb et al., 1998). The political voice of sexual assault victims grew and was given great deference when determining policy choices. When it came to discussions of what constituted justice, the offender was no longer the sole consideration (Logan, 1999).

The strides made in public policy concerning sexual victimization have been enormous. However, the impact of these laws on victims and victimization trends remain largely

unexamined. The following is a discussion of the limited existing research on the impact policy efforts have had on sexual assault victims and the systems that address their needs.

Empirical Research

The Impact of Rape Law Reform on Victims and Criminal Justice Outcomes

According to Herman (2005), victims need "social acknowledgement and support ... a sense of power and control over their own lives ... [and] an opportunity to tell their stories in their own way" (p. 574). The degree to which sex offender laws and rape law reform have adequately addressed these needs has not been widely researched. The research that does exist has identified three key metrics to assessing the effectiveness of sexual assault law reforms: increased comfort and confidence in the reporting of an assault, decreased case attrition rates, and increased conviction rates.

Research findings have been largely inconsistent. Caringella-MacDonald (1984) found a postreform decrease in attrition rates and an increase in conviction rates. Marsh et al. (1982), too, found an increase in conviction rates, but Spohn and Horney (1992) did not. Neither Marsh et al. (1982) nor Polk (1985) found an increase in reporting of sexual assault victimization, but Spohn and Horney did. Overall, Spohn and Horney (1992), whose study was the most extensive at the time, concluded, "The ability of rape reform legislation to produce instrumental change is limited" (p. 173). Moreover, they noted, "Victim-oriented reforms are unlikely to facilitate the smooth and efficient flow of cases through the system, and are likely to conflict with officials' values" (Ibid). While their research did not provide evidence of systemic behavior change, they did proffer that "the passage of reforms sent an important symbolic message regarding the treatment of rape cases and rape victims ... [therefore] this symbolic message may be more important than the instrumental change" (p. 175). As evidence of symbolic change, they noted that several key players in the criminal justice system reported that they no longer felt that victims' sexual histories or social status should be taken into account when determining an official course of action.

Bachman and Paternoster (1993) took this body of research a step further by examining the overall impact of rape reform laws in reporting, sentencing, and the extent to which the more common sexual offense (acquaintance rape) is actually adjudicated when compared to other violent crime types. Using both official and unofficial data, they concurred with Spohn and Horney's (1992) conclusion that rape law reform has had little impact on either victim behavior or criminal justice system practices. Bachman and Paternoster (1993) did find a slight increase in the likelihood of an offender (including an acquaintance rapist) being sentenced to prison. They also found a slight increase in victim reporting of sexual assault and speculated that this may indicate a symbolic effect of rape law reform "[in] a reduction ... in rape victims' perceptions that the legal process would stigmatize them" (p. 574).

What is the victim's perspective on the impact of these laws on their experiences, needs, and desires? As sex offender legislation has continued to grow over the past two decades in both numbers and scope—with justice for victims as the ostensible goal—very little is known about how this new class of sexual assault laws impacts victims' needs or desires. The following is a presentation of the research methods and findings from the present study that sought to address this question.

Methodology

Within the past two decades, various rape law reforms and sexual assault laws have attempted to redress sexually criminal behavior, ostensibly from a more victim-centered perspective than in the past. This assumes that victims' needs and desires are understood and accurately represented by these laws. However, given this unchecked assumption, justice assumed may be justice denied.

In order to better understand what victims need and/or want, 18 sexual assault victims were interviewed in depth. Additionally, representatives from five state coalitions against sexual assault (CASA) were interviewed to ascertain how well they believed sex offender laws assisted or impeded victim services.

Sample Demographics

An initial convenience sample of 21 victim participants was secured through professional and personal acquaintances. After three subjects declined to complete participation, 18 victim interviews were conducted. Most interviews took place in face-to-face meetings lasting approximately 1 1/2 hours. Eight interviews took place over the telephone. Victim participants were asked a series of open-ended questions about their experiences with sexual victimization, what they wanted and needed from informal and formal support networks, and what adjudication they wanted for their offender(s). They were also asked their opinion on the effectiveness of various sex offender laws to help past victims or to prevent future victimizations.

The group consisted of two men and sixteen women ranging in age from 18 to 71 years old. The group was racially and ethnically homogeneous, except for one African American, one Latina, and one Middle Eastern person. All others identified as white. Nine were married or otherwise partnered, one was engaged, seven were single or dating, and one was divorced. Nine participants were parents. Two participants held high school degrees, eight had some college or were college graduates, four were pursuing college degrees, and four held advanced degrees. Four were retirees, with the rest actively involved in either paid labor or unpaid, family-related labor. For two participants, victimization influenced their chosen professions, social work and victim advocacy. Three participants were involved in volunteer work serving sexual assault survivors.

Victimizations took place in childhood for five participants, for four during adolescence, for five during college, and for two in post college adulthood. Two participants had been victimized at multiple times throughout their lives, by multiple assailants. Eight participants survived ongoing acts of abuse. Ten survived one-time acts of sexual violence. Almost all of the participants knew their assailants. Only one subject was sexually assaulted by a stranger. One was assaulted by a man she had met on the day of her attack. Eight were assaulted by family members. Three were assaulted by neighbors or family friends, and five were assaulted by husbands, boyfriends, dates, or acquaintances.

Seven state sexual assault coalitions were invited to participate in this study, as well. In selecting coalitions to solicit for interviews, criteria included geographic dispersion, population size, and varied sex offender legislative initiatives (past and present). Five state coalitions accepted the invitation to be interviewed, one each from the West Coast, the Southwest, the Midwest, the Northeast, and the Southeast. All victim respondents in this research are identified by a pseudonym, and state coalitions are simply referred to as "CASA" to retain each participant's confidentiality.

The following sections describe key elements that have been identified by sexual assault victims and/or by victim advocacy organizations in both adequately meeting victims' needs and desires and in coordinating an effective social response to addressing sexual violence.

Results

Supportive Disclosure Opportunities

Without exception, respondents identified disclosure as a critical element in both assisting sexual assault victims in their recovery and preventing future victimizations by making it acceptable to talk publicly about something about which they feel immense shame. Participants identified as a key need of victims the opportunity to disclose their victimization without feeling judged or rejected by family, friends, or the criminal justice system. Additionally, they wanted to have control over how, when, and to whom this information was shared.

The National Women's Study (NWS), a longitudinal survey of over 4,000 adult women, reported that 71% of sexual assault victims fear their families finding out about their assault; 68% fear friends or others finding out (Kilpatrick et al., 1992). Victims were concerned because they feared they would be blamed—at least in part—for their own victimization (Ibid). Daane (2005) reported that the response victims receive from the first people to whom they disclose greatly impacts their recovery process. If a victim discloses to a supportive, nonjudgmental source, she is more likely to seek out support services to aid in long-term recovery and less likely to blame herself.

Blame, Shame, and Labeling

Throughout victim interviews, respondents reported that they dreaded disclosure to any party because they believed they would be harshly judged and/or blamed for their own victimization. This fear was well-grounded, as many did receive harsh judgment from family, friends, and/or the criminal justice system. While most participants (12) reported disclosing their victimization to family members, most also identified this as a painful experience made worse by family members' reactions, which ranged from lukewarm to hostile. Some loved ones implied or overtly alleged guilt on the part of the victim (especially if the assault involved another family member). Others focused on why the victim waited to disclose the information, rather than on why the victim was disclosing in the first place.

Sharice, a 25-year-old graduate student from Mississippi, was assaulted repeatedly by a neighbor when she was 8 years old. Not knowing exactly what was happening to her, she assumed that the behavior was wrong because it involved nudity. Being raised in a strict household with a Baptist preacher for a father, she decided to disclose the abuse. Because of his response, she reported that she never talked about the abuse again until after taking a women's studies course in college:

My daddy was quiet at first when I told him. He's a Baptist preacher so he tried to turn this into some kind of learning exercise. He told me that since I was so grown [physically developed] at such a young age I needed to mind myself like a lady; that what had happened to me was a message to "get right with God." I didn't know I was "wrong" with him. (Personal interview, January 4, 2008)

Sharice explained that for several years she assumed that she had brought violence upon herself. In high school, she experienced both emotional and physical abuse at the hands of boyfriends. She stated in her interview that she accepted this behavior as "just the way it is" (Ibid). In her women's studies course, she read about the prevalence and incidence rate of sexual violence. She was introduced to theories of violence that did not place her at the center of explanation or blame. Armed with this knowledge and new language to

discuss what she experienced, she talked about her victimization with a few college friends and learned that they, too, had either been molested as children or knew someone who had. She reported taking great comfort in knowing that she was not alone in her experience, but also being saddened by this fact. She is convinced that if more victims felt comfortable disclosing their assaults, that fewer assailants would "get away with it" (Ibid). To her knowledge, her abuser was never turned in to the authorities, and he lives in the same house he did when she was growing up. She still identifies as a devout Baptist.

Four participants disclosed their victimization to law enforcement agencies. Rebecca, a 44-year-old professor, was sexually assaulted by a date in college and immediately reported it to the local police. She explained the police's response to her disclosure:

They looked me up and down, incredulous and disinterested at the same time. They told me I didn't "look" like I'd just been raped and wondered if it wasn't just a misunderstanding between me and my date. They asked if I really wanted to "cry rape" on "some poor guy." I have never recovered from that. I don't know what's worse: the rape or the insulting way I was treated afterwards. (Personal interview, December 1, 2007)

Rebecca is open about her experience with sexual assault and occasionally uses it as a teaching tool in her classes. As a result, not infrequently, students come to her with disclosures of sexual victimization. She stated that because of her negative experience with the police, she cautions students against filing a formal complaint with the police without having with them a support person who can forcefully advocate for their rights. Rebecca believes police reaction to assault allegations depends on the personality of the local police department—not sex offender laws—observing that law enforcement agencies in college towns handle sexual violence differently than do police departments that serve a different demographic. She does not believe that, generally, the sex offender legislation of the past decade has provided any improvement of victim treatment or rights that she would define as "meaningful" (Ibid). She clarified her opinion by stating,

It's complete political bullshit to say that these so-called get-tough-on-crime sex offender laws are supposed to somehow help victims. If they [politicians] wanted to help victims, they'd address issues like free or affordable [mental health] services ... access to safe housing and comprehensive sex ed[ucation] in the schools. They just pass these laws to get reelected. (Ibid)

Ashley, a 23-year-old advertising assistant who was sexually assaulted during an off-campus mixer between her sorority and a fraternity, had a much more positive experience with law enforcement. She immediately disclosed the assault to the privately hired security personnel who were working the mixer. They informed the local police department, and an investigation was instigated. Ashley reported that she received both support from her sorority sisters and simultaneous pressure from them to drop the charges. She stated,

They were all, like, "We totally believe you and love you but he was drunk and so were you." They didn't want there to be bad feelings between the [sorority] house and the [fraternity]. Even though it's a huge campus, everyone in the Greek system knows everyone else at [this university]. I didn't want to be known as the girl who got [offender] in trouble. (Personal interview, December 2, 2007)

According to Ashley, because she was a freshman at the time of the assault, she was convinced that her remaining college years would be marred by this experience if she pursued criminal charges. Her family agreed with her and encouraged her to "just move on and put this behind me" (Ibid). She remained in the sorority for a short time following the assault but decided to deactivate after feeling that her sisters had betrayed her by showing tacit support for her perpetrator. She stated that the police treated her very well and listened carefully to her. She appreciated the way her case was handled by the detectives.

Others who disclosed their victimization to family, but not law enforcement, were often advised by loved ones to move on and to put the assault behind them, as Ashley had been. Three respondents, two women and one man, had been molested as children by uncles. When they told their parents

about the abuse, each was told the same thing: we will make sure the abuse will stop, we will get you therapy or support, and we do not want to continue to talk about this because it is upsetting to the family.

Piroz, a male, 27-year-old business professional whose family is from Iran, explained that he was told that the punishment for the uncle would far outweigh the harm he, as the victim, experienced. He was told that he should just be quiet and not dishonor the family:

Family is everything in our culture ... I was raised in the States, but everyone else in my family still follows Iranian culture and customs. If I were to go against [these customs], I would have been seen as the problem, not my uncle. Mostly, I was just afraid that [the sexual abuse] made me gay, but I couldn't talk about it with anyone because in my family's culture you do not talk about sexuality and certainly not homosexuality. I think they still kill people in Iran for being gay. (Personal interview, December 11, 2007)

Piroz felt that as a result of his victimization, his sexuality and masculinity were questionable or suspect, a common fear among male sexual abuse survivors (Dumond & Dumond, 2002). In college, Piroz spoke with a college professor about his experiences and stated that he was relieved to have someone tell him that his assault did not have anything to do with his sexual orientation, which he identified as heterosexual. He stated that throughout high school and college he felt as though he always needed a girlfriend to "prove to myself that I'm straight" (Ibid). He reported that he does not seek out information about the prevalence of male sexual assault victims or support services because he fears that "people will find out and I'll have to explain myself" (Ibid).

Molly, an 18-year-old college student who was sexually assaulted at the age of 15 by a young man whom she had met earlier on the day of her assault, concurred with Piroz about wanting support to help understand the victimization, but not wanting to disclose or to be labeled a sexual assault victim:

Anytime sexual assault would be brought up on TV or in school, I always wondered if I had a big red flag on my face that said "rape victim" ... I wondered, "Do they know something is wrong with me?" I sort of got the message

that a rape victim was a victim because they were doing something wrong and the consequence was rape. (Personal interview, February 29, 2008)

Conflicting Loyalties

When a family member or loved one is the perpetrator, disclosure—and what will come of it—becomes more complicated for victims. Conflicting loyalties are a serious concern for many sexual assault victims and their families. Many victims know—and even love—their offenders. Consequently they fear disclosing because they are unsure what will come of it. Some families do not support disclosure because any sanctions against the offender may negatively impact the entire family in profound ways. According to two CASAs, sex offender laws such as residency restrictions and juvenile offender registration have inadvertently created a disincentive for victims to disclose. A Midwest CASA said,

We're predicting a decrease in reporting due to the various sex offender laws ... [The laws] disallow discretion and discretion is needed ... [Sex offending] disrupts the entire family ... There needs to be a middle ground. We've lost focus on treatment and only focus on punishment. (Personal interview, March 4, 2008)

Those victimized by family members want the abuse to stop—not necessarily for their abuser to be imprisoned. Because legal sanctions have been elevated in profound ways for almost every sexual offense category, some victims and their families are hesitating to disclose because they fear that there are no intermediate interventions available. Victims and/or their families fear that the offending family member will go to prison, thereby depriving their loved ones of a breadwinner. In families where the abuse was at the hands of a juvenile, they fear that the youth will be required to register as a sex offender and will, therefore, be “branded” for life despite being potentially amenable to treatment. As a byproduct, then, victims receive less or no supportive services, and perpetrators go untreated and unaccountable. The West Coast CASA noted an increase in defense attorneys counseling their clients to refuse plea bargains and/or guilty

pleas “because the stakes are so high” (Personal interview, March 5, 2008).

Amelia, a 28-year-old lawyer from a prominent family, was molested by her uncle when she was approximately 11. When her parents learned of the abuse, they put her in therapy but did not press charges or cease contact with the perpetrator. During her teens, she developed an eating disorder and was hospitalized. Because she refused to continue with therapy and her parents refused to cut her uncle out of her life, the juvenile courts ordered her into a residential treatment center (RTC), where she lived for over a year with youth adjudicated for crimes ranging from armed robbery to drive-by shootings. Her placement in the RTC reinforced to her that she, not her abuser, did something wrong. Amelia explained her reaction to her family's handling of her abuse:

I'm pretty sure what messed me up the most was the fact that my parents picked him over me ... They showed more loyalty to him ... They were so afraid that if anyone found out [about the molestation], our “good name” would be ruined ... [My uncle] was in business with my dad, so if he went to jail, the family's finances would collapse ... I didn't want his life to be over—I just wanted him to admit what he did was wrong. (Personal interview, March 2, 2008)

Iris, a 29-year-old doctoral candidate, was sexually assaulted when she was 12 by her brother's best friend, during a sleepover. She was conflicted about the assault, she explained:

I didn't want it to happen, but I was afraid and didn't know what to do ... I was embarrassed and didn't want to get in trouble and I didn't want to get him in trouble ... If he had been held accountable, I would have felt bad because he was a friend. (Personal interview, February 7, 2008)

Overwhelmingly, respondents offered that providing victims with supportive and varied opportunities and outlets for disclosure was the most crucial need yet to be adequately met for sexual assault victims. Moreover, they wanted some

control in deciding what sanctions to impose against their perpetrator, whether that be court-ordered therapy or prison. Respondents largely agreed that expanding statutes of limitations on sexual abuse cases was beneficial, but none thought this legal reform would have made a difference in their cases. In fact, most victim respondents were unaware what specific laws and/or legal reforms have been initiated over the past two decades on behalf of sexual abuse victims.

When given examples of these reforms (e.g., Megan's Law, Jessica's Law), several subjects nodded to acknowledge familiarity with what these laws attempt to accomplish. Others rolled their eyes, seemingly in exasperation. Tammy, a 41-year-old, stay-at-home mother who was molested repeatedly by her father, explained her dissatisfaction with laws that attempt to restrict where a sex offender can live: "I get why people care about where an offender lives. I've got kids and I care, but my offender lived in my house. No law was going to change that—at least not one that was being enforced" (Personal interview, February 10, 2008). Two CASAs proffered that the general expansion in size and scope of sex offender laws was unnecessary, that the laws that already existed were sufficient—they were simply poorly implemented. They attributed this poor implementation largely to criminal justice actors who were uninformed or misinformed about sexual assault in general, and about sex offenders and victims, in particular.

Accurate Public Education and Awareness

Victim participants in this study observed that a well-informed and accurately informed public would be more likely to believe victim disclosures and to respond to the effects of sexual abuse. Victims, in turn, would feel more comfortable asking for the support and help that they needed. Tammy stated, "All the signs [of molestation] were there, I was just waiting for someone to notice them ... to save me ... for someone—anyone—to ask the right questions" (Ibid).

Carol, a 63-year-old retiree, was sexually assaulted when she was 21, while on a date with a man who was considered in her hometown to be "quite a catch" (Personal interview, December 30, 2007). She reported that some years later she learned,

Apparently, everyone in town knew he had his way with women—that's what they called it—but no one ever did

anything about it. He was from a nice family and was so handsome ... If that boy had been forced to list his whereabouts [on a public sex offender registry], I doubt anyone would have acted any differently towards him or his family. It's like because he didn't look like a rapist, he wasn't one. (Ibid)

All CASAs interviewed for this study observed that one of the most confounding impacts of sex offender laws is their power to misinform the public about the issue of sexual violence. As a result of these laws, several coalitions believe that the public is actually less safe from sexual abuse. The Southeast CASA noted, "[These laws] shift the focus from the majority of offenses to the minority" (Personal interview, March 28, 2008). The Southwest CASA observed, "[These laws] intended to keep people safe, but they don't work ... Now the public is afraid" (Personal interview, March 24, 2008). Coalitions identified two areas in which sexual assault education has been done a disservice by sex offender laws: (1) the construction of sexual assault risk—who poses it, who faces it, and how to mitigate it—and (2) the reinforcement of a victim hierarchy that demeans most victims.

Misunderstood Victimization Risk

By drawing public attention and scrutiny towards the most egregious offenders and offenses, sex offender laws detract attention and scrutiny from the most common type of offenders and victims. It is this detraction that potentially decreases public safety and increases victimization risk. The Northeast CASA offered, "If these sex offender laws have done anything, they have confused the public by emphasizing the least common offender" (Personal interview, March 21, 2008). The West coast CASA stated, "Vulnerability [for sexual abuse] is actually reinforced by these laws because it turns the attention [of the public and the criminal justice system towards] one-percent of the crime" (Personal interview, March 5, 2008). The Southwest CASA argued that laws such as sex offender notification, offender GPS tracking, and residency restrictions have actually impeded public safety because they have reinforced to the public grossly inaccurate depictions of the type of sexual assault risk one is most likely to face. The Southwest CASA noted that by focusing on

the “stranger danger” myth, people are less aware of a more likely assailant: a person they know. These myths, in turn, have created a public demand for sexual assault risk mitigation (e.g., residency restrictions, offender registries and notification) aimed at particularly scary, but unlikely, threats.

All five CASAs interviewed have independently and publicly denounced residency restriction laws, describing them as “irresponsible,” and “counterproductive,” on the grounds that they provide the public with a false sense of security and serve to reinforce stereotypes about the typical offender and the typical victim. The Midwest CASA noted that some family members of well-known victims, such as Megan Kanka and Jacob Wetterling, have acknowledged the harm of the unintended consequences of the laws named on behalf of their loved ones. The majority of the victim respondents in this study knew their offenders and disclosed to family their victimization; yet most victims maintained (by force or default) at least some contact with the offender, either because he was family or because their accusation was not entirely believed. None of the research subjects’ offenders were ever prosecuted or convicted; therefore, none would have been subject to sex offender residency restrictions, registration, or public notification. This finding is consistent with the literature, which finds systematic underreporting of sexual violence. Therefore, these laws would have done nothing to assist these victims or the potential future victims of their assailants.

Various CASAs stated that, while public discourse on sexual victimization has increased (in part due to sex offender laws), the way sex offenders are discussed is problematic. All of the CASAs interviewed offered that sex offenders are often publicly depicted “as if they are all the same.” Sex offender laws have been widely applied to a variety of offender types, with little public education of the various aggregates and the various risks each poses. As an example, the Midwest CASA observed that the blanket label of “sex offender” does not take into account the important differences (in response to treatment, recidivism, etc.) between offenders on a public registry, one of whom is a diagnosed pedophile and the other a 19-year-old statutory offender. Without receiving accurate information and education on the variety of offender types, the public is left at a disadvantage as to how to best mitigate sexual victimization risk. Consequently, hypervigilance is

used against those who are the least likely to offend (strangers) and guards are dropped around those most likely to offend (nonstrangers).

While casting a broad net over all sexual offenses, sex offender laws simultaneously reinforce a narrow construction of what sexual behavior is inappropriate and unacceptable: that only forced sexual contact with a stranger that results in grave bodily harm is a ‘real’ assault, and that only child victims are ‘real’ victims. Thereby, a social blind spot to the most common types of victimizations is sustained. According to the Southeast CASA,

Victims need to be heard about a broad range of victimizations. If they don’t, it makes it harder to come forward ... [The laws] reinforce the notion that [the justice system, public, and service providers] are only interested in a specific offender type ... [Advocates] need to say, “What you’re seeing is only one piece of the issue.” (Personal interview, March 28, 2008)

Reinforcement of the Victim Hierarchy

Some sex offender laws have served to reify a victim hierarchy—that is, a spectrum of victim types categorized according to the sympathy (or lack thereof) each evokes from the public and policy makers. Laws named in honor of certain sexual assault victims inadvertently prioritize the suffering of one victim type over the suffering of another (Wood, 2005). The victims for whom these laws have been named do not reflect the common story of victimization or victim type. The implication is that these were truly innocent victims and, therefore, their victimization is deserving of public acknowledgment, more so than that of other victim types (Ibid). As a result, several CASAs reported that they and the service providers they support have heard from victims that they do not see any reflection of self in many of the sex offender laws named for victims. This has made it hard for some victims to acknowledge and act upon their needs for support and self-care because their assaults were not as ‘bad’ as those suffered by victims for whom laws were named. The West Coast CASA stated, “Individual stories need to be honored, but balanced with what we know about all victims ...

We shouldn't have a law that simultaneously honors one victim type while disregarding other victim types" (Personal interview, March 5, 2008). The Southeast CASA noted, "The victim hierarchy is reinforced with [these laws] ... A secondary victimization is that the majority of victims do not see their experiences reflected in sex offender laws" (Personal interview, March 28, 2008).

Nine years ago, Rose, now 51 years old, was brutally beaten and raped by a stranger after leaving her second job as a janitor at an office building late one evening. She was duct taped to a dumpster and assaulted at knifepoint. Her assailant carved a sign into her upper thigh with a coat hanger and told her it was so "you'll never forget me." When police arrived on the scene, they did not immediately free her hands or cover her exposed body; they were concerned with preserving evidence. Only after the crime scene was recorded was she cut free, covered, and then transported to the hospital. After several hours of receiving medical treatment and giving statements to the police, she was left to find her own ride home. Three months after the assault, she learned that during the attack, her perpetrator infected her with HIV.

During her attack, she was instructed to make sexual comments to her perpetrator, comments that she was instructed to repeat to the detectives who interviewed her. She stated that these comments were "indecent and vulgar" (Personal interview, February 13, 2008). She was so disturbed by having to say them and then repeat them to the police that she reported brushing her teeth repeatedly afterwards. While she stated that repeating these vulgar comments to investigators was humiliating, she was bothered more by the way the investigators responded to her:

I was brought up to be a lady ... It bothered me to be treated as less than that. I was raised to never use that kind of language; in fact, a lot of what was said to me I had never heard before that night ... The police looked at me like I was crazy for being embarrassed to use this type of language with them or for being unfamiliar with it ... I took this as an assumption about my character ... They acted like they didn't believe me when I told them that I just don't talk about my body in that way ... They were so used to dealing with things like this, they couldn't understand why their questions were so hard for me. (Ibid)

According to Kilpatrick et al. (2007), "Victims are most likely to receive sensitive treatment when they are 'good victims,' meaning that they were raped by a stranger who used a weapon and were sober at the time of the assault" (Scope and Key Characteristics of Rape Cases ¶ 2). Despite fitting this description, Rose did not feel that she was treated with sensitivity or compassion by law enforcement or other criminal justice actors. She suspects that the officers thought they were doing their job well by vigorously investigating her case. She believes that it never occurred to the investigators that she was not "a case," but a human from whom "the soul [was] taken" (Personal interview, February 13, 2008). She explained what she wanted and needed from the police after her victimization:

I wanted them to treat me like an individual, like a human being—not some case number or opportunity for career advancement. I wanted them to explain to me why they were doing what they were doing, and asking what they were asking. I wanted them to ask my permission to ask me certain questions—I just wasn't ready or prepared when they were ready. (Ibid)

Ironically, because Rose was identified by law enforcement as a 'good' victim, and by prosecutors as a 'good' case, her experience was processed by the criminal justice system with the offender in mind, not her. Even though the circumstances of her assault placed her somewhere near the top of the victim hierarchy, the 'sensitive' treatment she received from the criminal justice system was focused on catching her perpetrator— with little attention paid to her recovery. Eighteen months after her assault, her perpetrator was identified while being held on another criminal offense. Rose reported that she wanted desperately to confront her attacker, to ask him why he picked her. She wanted him to take responsibility for his actions and for the criminal justice system to hold him accountable. Before he could be tried, he died of AIDS complications. She noted, "Before he died his defense attorney asked the prosecuting attorney, 'Well, how do we know that she didn't give him HIV?'" (Ibid). Rose's attack and subsequent HIV infection took place before mandatory HIV testing and reporting in sexual assault cases. She strongly supports mandatory testing and enhanced penalties for offenders who

knowingly expose their victims to HIV. She also thinks that restitution should be paid by the offender to a community-based AIDS foundation or support service. Moreover, she supports the development of services specifically designed for people infected during the course of a crime: "I tried to get services from the local AIDS support group but it was mainly geared towards gay men ... They didn't really know how to treat me ... I felt even more alienated" (Ibid). Rose did not express concern for the privacy rights of the offender; rather, she holds as a paramount priority the need for victims to receive immediate and adequate health care to prevent further physical and mental harm:

[The offender's HIV status] is a base to go off of ... It's informational and can offer some relief to the victim. If [the offender's HIV status] is known, [the victim] is maybe spared one less intrusive procedure ... She doesn't have to go back [to the hospital]. (Ibid)

She explained that whereas it took her time to talk openly about her victimization, she still keeps her HIV status private. On occasions when she selectively disclosed being HIV-positive, she was rejected by some family members. Additionally, she was dismissed by a long-time employer, an act she believes was the direct result of her HIV status disclosure.

Again, being the 'good' victim had its disadvantages for Rose; it meant that her case was scrutinized throughout various stages in the criminal justice process, scrutiny that introduced her to more avenues for secondary assaults. Rose eventually became a victim advocate, in part to educate criminal justice actors on how *not* to treat a sexual assault victim. She did not believe that her treatment as a victim or the processing of her case indicated that rape reform efforts or sex offender laws made criminal justice actors more victim oriented or better educated about the impact of sexual assault on victims—even for someone at the top of the victim hierarchy.

Immediate and Long-term Victim Services

Respondents in this study identified a strong need for both immediate and long-term, sustainable support services for both themselves and for loved ones traumatized as secondary

victims. Immediately after her assault, Ashley received a medical exam by a Sexual Assault Nurse Examiner (SANE) who she described as "someone who seemed really safe" (Personal interview, December 2, 2007). SANE programs, while not widespread, were identified by many of the CASAs interviewed to be exceptionally important agents in providing compassionate victim treatment and in assisting criminal justice processes by their careful collection of forensic evidence. Several CASAs noted that SANE programs were developed before widespread sex offender legislative initiatives, but that these initiatives may have improved SANE visibility. Still, the Northeast CASA explained why some hospitals are hesitant to get involved with SANE programs:

No one wants to be affiliated with sexual assault victims ... Hospitals want to be known as centers for excellence in cardiac care—not for excellence in sexual assault care ... There is a stigma even amongst the medical profession about sexual assault victims. (Personal interview, March 21, 2008)

Sustainable Access to Services and Support

Several participants observed that their healing has been a process, noting that although immediate assistance from a victim advocate is helpful, access to free, confidential, long-term therapy services and/or support groups was more helpful. Rose, a woman of strong religious faith, reported that she felt God had left her during her assault. Some well-intentioned but uninformed members of her religious community made unhelpful and hurtful comments about her assault and recovery process, such as, "God doesn't give anyone anything more than they can handle" (Personal interview, February 13, 2008). She did not find informed or sustained support within a community she considered to be primary in her life. Despite this, she reported that "my pastor was my 'rock'" (Ibid). She found a support group through her county's victim service agency, a group she described as something that "became sacred to me" (Ibid). She observed:

Most of my initial supporters didn't last ... They kept expecting me to "get over it." For 1 to 2 years after my assault, I couldn't make decisions ... I thought I was

going nuts ... My pastor formed what he called "a circle of love" consisting of people who stayed with me on and off ... Others wrote down directions or maps or grocery lists to help me do the mundane things I needed to do ... My long-term support network helped me focus on "celebrating" a year, 2 years, etc., of success rather than focusing on it being 1 year, etc., since my assault. (Ibid)

Molly did not tell anyone about her assault or seek therapeutic services until 1 year after her assault, when she went from a straight-A student to a struggling one. In therapy she came to realize that she had internalized the message that she was to blame for her victimization. Her school work suffered, and she assumed it was her fault that boyfriends were unfaithful. Over months of counseling, she came to believe that she was not to blame—that her offender took something away from her that was hers alone to give. While therapy was helpful in teaching her how to communicate her feelings, she did not find in it the support she needed to deal with the day-to-day effects of sexual assault. She credits her volunteer work as a victim advocate as the key to her long term recovery success:

At first, volunteering was about meeting my own needs ... clandestinely ... The more I learned [in training], the better I felt ... Now whenever I work with a victim, I tell her all the things I wish someone would have told me, I do the things I wish someone would have done for me ... When I hear someone's story, it's reassuring to know that I'm not alone. I try to put myself in their shoes and treat them the way I wish I had been treated. (Personal interview, February 29, 2008)

By finding a sustainable support network, Molly has slowly become more comfortable talking about the victimization she suffered 3 years ago. She noted that every time she talks about her assault, "There is a little less weight on my shoulders" (Ibid).

Donald, a 71-year-old, retired social worker, was physically abused by his father and sexually abused by his mother, by a hired hand on his parent's farm, and by a neighbor. He did not receive any supportive services to help him work through these experiences until well into

his career as a social worker. He attributed this to a combination of being both ashamed about and uneducated on sexual abuse. He said,

In those days, no one talked about anything like that; it was all hush-hush. You practically had to kill someone to get into trouble. A man basically owned his family and had the right to use physical control ... I came to grips about the physical abuse much earlier than I did about the sexual stuff ... I was already a practicing social worker when during a professional workshop where I had to talk about some personal information, a colleague said to me, "You're a sexual abuse victim, you just don't realize it." At first I denied it, but then it all made sense. (Personal interview, February 19, 2008)

Donald reported that because of a lack of support services and education about the effects of sexual abuse, he spent a lot of his adult life feeling angry, inadequate, and primarily interested in his own needs. He confessed that he participated in sexual activities "that I'm ashamed of ... stuff that probably could've landed me in jail" (Ibid). He wondered aloud during his interview what his life would have been like if he had received the services he needed to appropriately deal with his abuse. His first marriage, which ended after 18 years, was by his description completely unhealthy. He feels that he was not the father to his children that he would have liked to be, and that when his children were born, "I did not know what love was, so I didn't know how to give love" (Ibid). After receiving the support and treatment that he needed to aid his recovery from both physical and sexual abuse, he reported, he remarried and now enjoys a healthy marriage, which has lasted several years. He acknowledged that although he cannot change the way he parented his children when they were young, he has come to terms with his relationships with them as adults. He identified two key figures in helping him begin his long journey toward recovery before he was even aware of his recovery needs: a schoolteacher he had as a teenager and a college administrator he met in seminary. Although he never disclosed his abuse to either party, he stated that they told him what he longed to hear his whole life: that he was a person of value who deserved good things in life. He stated, "When you grow up abused, you assume there is something

wrong with you. [These two people] didn't just *not* reject me like every other adult in my life; they *accepted* me" (Ibid). Donald stated that if victims do not feel that they can disclose their experiences and seek out therapeutic services or do not have access to services, they have little hope for a healthy life. He stated that in his practice as a social worker, he saw first-hand the impact of sexual abuse on a person's trajectory in life.

Secondary Victims

Although some respondents reported that their disclosures were met with initial support from friends or family, several stated that eventually they felt pressured to get over it. Their initial support systems were frustrated and/or fatigued by their continual needs for emotional support and reassurance. Many faced questions such as "How long was I going to 'let' this [victimization] control me?" "Why can't I just forget about the whole thing?" or "Why can't I just move on?"

Several subjects attributed these responses to a lack of general understanding of sexual abuse; others observed that their loved ones were also impacted by their victimization but did not realize it and, therefore, did not receive any services to address their own trauma. As a result, several victims reported being put in a caretaker role for *their* caretaker. Some participants reported feeling as though they needed to comfort their confidant because he or she was upset at learning of the victimization.

Rose stated that her weekly support group meeting was the only place where she did not have to worry about taking care of other people. Several respondents reported having to jockey for control over what the confidant would do with the information. Iris noted, "I never got the right reaction ... I wanted them to be concerned with me, but they kept focusing on him ... He's not the person I wanted to talk about" (Personal interview, February 7, 2008).

Some respondents reported well-intentioned boyfriends or fathers wanting to hunt down their attacker and beat him up. Although some victims appreciated the sentiment, none thought that it would have benefited them. Patricia, a 38-year-old, stay-at-home parent, was molested by a boy in her neighborhood when she was 11 years old. She noted,

When I told my dad [about the assault] I thought he was going to go through the roof. He was so mad, stomping around, saying stuff like, "I'll kill him—I don't care if I do go to jail!" At first, this made me feel safe, like he would really protect me, but then I was sick with worry that he would do something [to the assailant] and would go to jail, leaving me alone. (Personal interview, January 2, 2008)

Some resented having to refocus their confidant's attention away from their offender, and back onto them. Veronica, a 21-year-old college student, was sexually assaulted by an acquaintance. She explained the impact of having to meet the emotional needs of her fiancé: "He was a secondary victim ... and had a Superman complex ... He wanted to fix everything ... He wanted revenge ... This didn't help me heal ... His actions just brought it all back up ... I was afraid he would retaliate [against the offender]" (Personal interview, February 14, 2008).

Veronica speculated that her fiancé's strong reaction was due in part to the judgmental and/or nonsupportive reaction she received from campus security, college administrators, medical personnel, and local law enforcement. She was surprised that despite all of the energy and attention given to sex crimes, by both policy makers and the media, she still struggled to find support within the criminal justice system: "The nurse was hostile ... The cop who interviewed me treated me like I was a suspect ... He was blunt and demanding ... The college just wanted it to go away ... He got away scot-free, and this will stick with me forever" (Ibid). She takes some comfort in knowing that because she refused to be silent about how as a sexual assault victim she was failed at every turn, her college has instituted sweeping changes in how sexual assaults are now handled on campus.

Resources for Services

According to several of the coalitions interviewed, the majority of state funds earmarked to address sexual violence are directed to agencies that provide services to offenders, thereby leaving fewer resources available for victim services. The West Coast CASA offered that an enormous number

of resources are used for initiatives such as offender GPS tracking, with absolutely no corresponding increase in material support for victim services—yet these are the very laws named for victims:

[Sex offender laws] have provided zero increase in support for victims in material forms. [These laws] didn't add victim funds ... Victims have not benefited from most sex offender laws ... [These laws] haven't done for sexual violence what O.J. did for domestic violence. (Personal interview, March 5, 2008)

The Midwest CASA reported that its state is outside the norm in that it has seen an increase in funding streams for victim services, but noted that the funding opportunities are not on par with funding for offenders: "The money for victim services is a drop in the bucket compared to the money for offenders ... Legislators believe that sex offender laws are inherently victim focused ... [By passing them] they can 'check off' that constituency" (Personal interview, March 4, 2008).

The West Coast CASA noted the exorbitant amount of state money—\$25 million—spent in 2007 on a class of offender deemed the most rare: the sexually violent predator. This spending in turn created some tension between those who treat offenders and those who treat victims. This CASA observed, "Victims aren't necessarily aware of the exact money spent on sex offenders, but they do know that [victim] services aren't available and that there is a long wait to process their evidence" (Personal interview, March 5, 2008). The Northeast CASA explained that the reason victim services are not adequately funded is that there has not been the public outcry to do so. Despite a lack of evidence supporting the notion that sex offender laws actually achieve their intended outcomes, the Northeast CASA has been cautious when publicly opposing sex offender legislation for fear that it may lose funding in retaliation:

If a policy is problematic, we'll say so; we're not afraid to do that, but we have to be very specific about why we're against it. We're a nonprofit, grant-funded entity. A number of state agencies are our funders; some of these agencies have contrary relationships; it's adversarial

sometimes. This has the potential to create a funding issue. We can't be too political, but by doing that, we *are* being political. (Personal interview, March 21, 2008)

In light of expensive offender initiatives, victim services in some states have had to turn to unexpected sources to generate funds. According to the Southwest CASA, in 2007 a bill was passed in its state to tax the adult entertainment industry in order to fund sexual assault programs aimed at prevention, research, and treatment. It has been estimated that this will generate approximately \$40 million annually, with the first \$12.5 million earmarked for sexual assault victim services. Similarly, the Illinois state legislature is currently considering a bill that would require patrons at strip clubs to pay a tax, referred to as a "pole tax," to fund victim services. This initiative was introduced in an effort to ease the burden of a looming budget crisis at rape crisis centers because of a \$1.4 million cut in federal funding (Colindres, 2008). The Southeast CASA noted that its state is considering a similar initiative to complement the limited funds currently available for sexual assault victims and their service providers. The Southeast CASA observed that its state lags behind other states in providing services to victims and in showing a commitment to supporting victim services in any sustainable manner. It was as recent as 2003 that its state created a fund to finance sexual assault victim services. This CASA observed, "Sexual violence is a tough sell in [this state] ... In a conservative state we don't even want to talk about consensual sex, so how can we begin to talk about nonconsensual sex?" (Personal interview, March 28, 2008).

Policy Implications

Victims and CASAs largely agreed that the most effective ways in which policy makers and the public could assist victims and prevent future victimizations included the following: (1) providing opportunities to talk about victimization without being judged, (2) demanding and supporting accurate and widespread sexual violence prevention education, and (3) funding and otherwise supporting access to both immediate and long-term, sustainable services for both

Major Sex Offender Laws' Impact on Addressing Sexual Assault Victim Needs

16.1

	Registration Notification	Residency Restrictions	Electronic Monitoring	Mandatory HIV Testing
Supportive Victim Disclosure Opportunities	NA	NA	-	NA
Accurate Public Education	-	-	-	NA
Immediate and Long-Term Victim Services	NA	NA	NA	+

+ positive impact, per victims and CASAs

- negative impact, per victims and CASAs

0 no discernible impact, per victims and CASAs

NA not applicable

victims and offenders. The research findings presented here indicate that the host of sex offender laws passed in recent years have had little to no impact on the aforementioned victim- and CASA-identified needs. As illustrated in Table 16.1, victims and CASAs consistently identified only one sex offender policy as having a positive impact on victims' needs: mandatory HIV testing. Other policies were viewed as negatively impacting victims and/or having no discernible victim impact.

Several CASAs observed that sex offender laws really have nothing to do with victims. They argued that victims may be used as a political tool to pass the law but in reality, few—if any—tangible benefits are realized by victims. Garland (2001) identified the naming of laws in honor of victims as

The new political imperative ... [These named laws] purport to honor them ... though there is undoubtedly an element of exploitation here, too, as the individual's

name is used to fend off objections to measures that are often nothing more than retaliatory legislation passed for public display and political advantage. (p. 143)

CASAs are invested in the outcomes these laws have on offenders, as well. According to several CASAs, these expensive laws have demonstrated little to no discernible impact on reducing recidivism. Instead, they eat up scarce resources, scare victims into not reporting a perpetrating loved one, and reinforce to the public stereotypes about what sexual violence is and who perpetrates it. The West Coast CASA believes, "These policies are about a *sense* of safety, not *real* safety" (Personal interview, March 5, 2008). The unintended byproduct of these laws, then, may well be the creation of more victims. Although victims and CASAs believe that these laws have increased public discourse on sexual violence as a social problem, the laws have also managed to highlight the most sensationalistic types of offenders, thereby reinforcing stereotypes that only serve to decrease public safety.

It appears as though the fragile alliance between victims' rights groups and criminal justice actors has been reconstituted as of late, as more and more of these groups have come together to publicly oppose sex offender legislative initiatives. Although at first blush it may seem strange that victim advocates, sexual assault coalitions, and some victims themselves would oppose laws ostensibly aimed at increasing public safety, they are actually best suited to know the real impact these laws have on the public, the criminal justice process, and sexual assault survivors. Fittingly, several respondents in this study advised against policies in which a zero-sum relationship is falsely created between victims and offenders. Although offenders are understandably unsympathetic characters, true public safety demands policies that will most vigorously and effectively address all sexual violence—not just the rare types most frequently explored by the media and elected officials.

The public conversation about how best to address the social problem of sexual violence may be headed back to the future. Over the past several decades, the policy pendulum has swung from focusing on the rare offender, to focusing on intra-familial and acquaintance victimization, back to the rare offender. The respondents in this study—both victims and CASAs—believe that the policy pendulum must swing back again if victims' needs are to be adequately and

compassionately addressed. In order for this to happen, policy makers must not presume to know what victims need and want; they must ask victims how they can best be served through legislative initiatives that seek to redress sexual violence as a social problem. This will require that policy makers engage in an ongoing dialogue with many and varied sexual assault survivors to better understand the often complicated relationships between the abuser and the abused. But most importantly, "victims must be key stakeholders rather than footnotes in the justice process" (Zehr, 2001, p. 195).

References

- Abner, C. (2007). Waging war on sex crimes: States target sex offenders through policy and practice. National Legislative Briefing, The Council of State Governments. Retrieved November 29, 2007, from <http://www.csg.org/pubs/Documents/sn0604WagingWar.pdf>
- Bachman, R., & Paternoster, R. (1993). A contemporary look at the effects of rape law reform: How far have we really come? *Journal of Criminal Law and Criminology*, 84(3), 554-574.
- Belknap, J. (2007). *The invisible woman: Gender, crime, and justice*. Belmont, CA: Wadsworth Publishing.
- Berliner, L., Schram, D., Miller, L., & Milloy, C. D. (1995). A sentencing alternative for sex offenders. *Journal of Interpersonal Violence*, 10(4), 487-502.
- Bryden, D. P., & Lengnick, S. (1997). Rape in the criminal justice system. *The Journal of Criminal Law and Criminology*, 87(4), 1194-1388.
- Buchwald, E., Fletcher, P., & Roth, M. (2005). *Transforming a rape culture*. Minneapolis: Milkweed Editions.
- Caringella-MacDonald, S. (1984). Sexual assault prosecution: An examination of model rape legislation in Michigan. *Women & Politics*, 4, 65-82.
- Colindres, A. (2008, March 1). Strip club tax designed to aid rape-crisis centers. *Springfield Journal Register*. Retrieved from http://www.sjr.com/news/statehouse/2008/03/01/strip_club_tax_designed_to_aid_rape_crisis_centers/
- Daanne, D.M. (2005). Victim response to sexual assault. In F. Reddington and B. Wright Kreisel (Eds.) *Sexual assault: The victims, the perpetrators, and the criminal justice system* (pp. 77-106). Durham, NC: North Carolina Academic Press.
- Dix, G.E. (1976). Differential processing of abnormal sex offenders. *Journal of Criminal Law, Criminology, & Police Science*, 67, 233-243.
- Dumond, R.W. & D.A. Dumond. (2002). The treatment of sexual assault victims. In C. Hensley (Ed.) *Prison sex: Practice and policy* (pp. 67-88). Boulder, CO: Lynne Rienner Publishers.
- Estrich, S. (1987). *Real rape: How the legal system victimizes women who say no*. Cambridge, MA: Harvard University Press.
- Garland, D. (1990). *Punishment and modern society: A study in social theory*. Chicago: University of Chicago Press.
- Garland, D. (2001). *The culture of control: Crime and social order in contemporary society*. Chicago: University of Chicago Press.
- Glaser, B. (2003). Therapeutic jurisprudence: An ethical paradigm for therapists in sex offender treatment programs. *Western Criminology Review*, 4, 143-154.
- Glynn, K. (2000). *Tabloid culture: trash taste, popular power, and the transformation of American television*. Durham, NC: Duke University Press.
- Hamilton, M.A. (2004). Religious institutions: The no-harm doctrine and the public good. *BYU Law Review*, 2004(4), 1099-1126.
- Herman, J.L. (2005). Justice from the victim's perspective. *Violence against Women*, 11(5), 571-602.
- Kilpatrick, D., Edmunds, C., & Seymour, A. (1992). *Rape in America: A report to the nation*. Arlington, VA: National Crime Victims Research and Treatment Center at the Medical University of South Carolina.
- Kilpatrick, D., Whalley, A. & Edmunds, C. (2007). Sexual Assault. In A. Seymour, M. Murray, J. Sigmon, M. Hook, C. Edwards, M. Gaboury, & G. Coleman (Eds.), *National victim assistance academy textbook* (ch.10). Washington, DC: US Department of Justice, Office for Victims of Crime. Retrieved November 19, 2007, from www.ojp.usdoj.gov/ovc/assist/nvaa2002/chapter10.html
- Largen, M.A. (1988). Rape law reform: An analysis. In A. Wolbert Burgess (Ed.) *Rape and sexual assault, II* (pp. 271-292). New York: Garland Publishing, Inc.
- Lieb, R., V. Quinsey, & L. Berliner. (1998). Sexual predators and social policy. In M. Tonry (Ed.) *Crime and justice: A review of research*, vol. 23 (pp. 43-114). Chicago and London: University of Chicago Press.
- Logan, W.A. (1999). Liberty interests in the preventative state: Procedural due process and sex offender community notification laws. *Journal of Criminal Law and Criminology*, 89(4): 1167-1231.
- Madriz, E. (1997). *Nothing bad happens to good girls: Fear of crime in women's lives*. Berkeley, CA: University of California Press.
- Marsh, J. C., A. Geist, & N. Caplan. (1982). *Rape and the limits of law reform*. Boston: Arbor House Publishing.
- Martin, P. Yancey. (2005). *Rape work: Victims, gender, and emotion in organization and community context*. New York: Routledge.
- Motta, R. W., & J. M. Kefer. (1999). Initial evaluation of the secondary trauma questionnaire. *Psychological Report*, 85(3), 997-1002.
- Polk, K. (1985). Rape reform and criminal justice processing. *Crime & Delinquency*, 31(2), 191-205.
- Pratt, J. (2000). Sex crimes and the new punitiveness. *Behavioral Sciences and the Law*, 18(2/3), 135-151.
- Pub. L. No. 97-291, § 2
- Remer, R., & R. A. Ferguson. (1995). Becoming a secondary survivor of sexual assault. *Journal of Counseling and Development*, 73(4), 407-412.
- Robertson, S. (2001). Separating the men from the boys: Masculinity, psychosexual development, and sex crime in the United States, 1930s-1960s. *Journal of the History of Medicine*, 56(1), 3-35.
- Spohn, C., & J. Horney. (1992). *Rape law reform: A grassroots revolution and its impact*. New York and London: Plenum Press.
- Sutherland, E. (1950). The diffusion of sexual psychopath laws. *American Journal of Sociology*, 56(2), 142-148.

- Schneider, H. J. (2001). Victimological developments in the world during the past three decades: A study of comparative victimology. *International Journal of Offender Therapy and Comparative Criminology*, 45(5), 539-555.
- Thomas, T. (2000). *Sex crime: Sex offending and society*. UK: Willan Publishing.
- Tjaden, P. & N. Thoennes. (2000). *Full report on the prevalence, incidence and consequences of violence against women* (NCJ 183781). Washington, DC: National Institute of Justice, Centers for Disease Control and Prevention. Retrieved February 2, 2008, from <http://www.ncjrs.gov/pdffiles1/nij/183781.pdf?PHPSESSID=9b0f266925c06211980333e713e2e399>
- U.S. Department of Justice, Office of Justice Programs, Office of Victims of Crime. May 2005. Attorney General Guidelines for Victim and Witness Assistance. Retrieved May 29, 2008 at <http://www.usdoj.gov/olp/final.pdf>
- U.S. Department of Justice, Office of Justice Programs, Office of Victims of Crime. July 2000. Retrieved May 29, 2008 at <http://www.ojp.usdoj.gov/ovc/welcovc/mission.htm>.
- Wood, J. K. (2005). In whose name? Crime victim policy and the punishing power of protection. *NWSA Journal*, 17(3), 1-17.
- Zehr, H. (2001). *Transcending: Reflections of crime victims*. Intercourse, PA: Good Books.

¹ Although we recognize that males experience victimization and that females perpetrate sexual offenses, here feminine pronouns are used for victims and masculine pronouns used for perpetrators to reflect the gendered patterns of these statuses.

² The phrase "rape culture" cannot be attributed to any one author as it was used widely and, apparently, simultaneously by many writers beginning in the early 1970s.

Index

NOTE: Footnotes are indicated by lower case roman numerals.

A

- Abortions
Roe v. Wade, 325
 for victims of sexual assault, 30
- Ackerman, Alissa R., and Karen J. Terry, "Leaders in Sex Offender Research and Policy," 13, 399-426
- Acquaintance rape, 428, 449, 455
- Adam Walsh Child Protection and Safety Act of 2006, 6, 66, 78, 90-92, 94, 101, 108, 400-401
- Colorado Department of Public Safety, 419, 421
- federal civil commitment statute, 339
- GPS monitoring, 251
- implementation of, 408, 417-418
- and Internet sex stings, 128-130
- and juvenile sex offenders, 282
- and mandatory HIV testing, 165
- and Minnesota Department of Corrections (MDOC), 413
- offense-based classification system, 285
- sex offender registration and community notification, 216-222, 225, 226, 235-236
- website of, 274
- Adolescent sexuality, 150-151. *See also* Juveniles
- Adoptive and foster parents, background checks on, 217
- Adults, relationship between childhood and adult victimization, 23-24
- Adversarial versus inquisitorial system of justice, 147-148
- Advocacy
 citizen, 372v
 victim, 478, 479
- African Americans
 black men raping white women, 376
 castration of black slaves, 293
 and mandatory HIV testing, 105
 women as victims, 25, 29
- AIDS
 HIV/AIDS pandemic, 161, 164, 165, 208ii
 rights of people with AIDS and mandatory HIV testing, 203
see also HIV; Intentional transmission of HIV; Mandatory HIV testing
- AMBER Alert Program, 75, 139-140
- American Civil Liberties Union, 32
- American Indians. *See* Native Americans
- American Medical Association (AMA), and castration, 326-327
- American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders* (2nd Ed.), 70
- Americans with Disabilities Act (ADA), and HIV/AIDS, 161, 173, 208ii
- Angry rapist, 32
- Anonymity on the Internet, 146-147, 148, 149
- Apology and forgiveness, in restorative justice, 460-462
- Ashcroft v. Free Speech Coalition*, 141
- Assault, and mandatory HIV testing, 167-168, 204. *See also* Sexual assault
- Association for the Treatment of Sexual Abusers (ATSA), 50, 88, 406
- ATSA. *See* Association for the Treatment of Sexual Abusers
- Augustus, John, 243-244
- Ayotte, Kelly, 272