

What Juries Don't Know: Dissemination of Research on Victim Response is Essential for Justice

Excerpted from an article by Jennifer J. Freyd, Trauma Psychology Newsletter, Fall 2008

I recently served as an expert witness for the prosecution in a federal criminal case. It was a new and eye-opening experience for me. I was asked to educate the jury about what we know from research about victim response to sexual assault. It became clear to me that I was only needed because of widespread ignorance about the reality of sexual assault in the general public, and thus in the population of potential jurors. The experience was a stark reminder of the importance of research dissemination and education on societal and criminal justice. Our research can only have an impact if it reaches the right people. In the case of a jury trial the right people are the jurors.

Jurors are asked to rely on their common sense and reason. This works well when common sense and reason coincide with empirical reality. However, the criminal justice system is at risk if jurors show pervasive ignorance or, worse, adherence to dangerous myths. Rather than holding accurate knowledge of victim psychology, many individuals endorse some degree of belief in what researchers have called "rape myths" and "child sexual abuse myths" (Burt, 1980; Collings, 1997; Cromer & Freyd, 2007; Cromer, in press). These myths can work against justice in profound ways. Educating the public about victim response to sexual assault so that jurors can rely on their common sense is thus a crucial duty for trauma researchers and educators.

The criminal case for which I recently served as an expert witness involved abusive sexual contact aboard an aircraft. The victim was at the time a 16-year old girl and the defendant was her 32-year old coach. The case was federal because the offense occurred on an airplane.

The defendant admitted to FBI investigators that the sexual acts did occur. There was no prior romance, flirtation, or invitation between coach and athlete. They were returning from an athletic event. The victim had fallen asleep under a blanket in the window seat and the defendant was seated next to her. It was nighttime and dark in the plane. She woke up to him touching her under her clothing. The victim displayed a fairly passive or "frozen" response to finding herself in this predicament.

The age of consent in federal sexual assault cases is 16. The defense attempted to portray the events as consensual sex, relying heavily on the implicit question: If she didn't want the sexual intrusion why didn't she actively object?

Consent in sexual assault cases remains a vexed issue in American courts. ... if your front door is unlocked and someone you know walks into your house and takes your laptop computer, this is a crime unless you have explicitly given affirmative permission. There is no argument to be made that you have implicitly consented to engage in giving away your possessions by your open door, the prior display of your product, or your silence during the theft. Compare this state of affairs to current beliefs about sexual assault where victims can be blamed for their clothing and are often held responsible for providing active resistance. Furthermore, sexual assault law currently draws inconsistent lines regarding age of consent, and is largely insensitive to other aspects of power differential (such as formal roles of authority and power) that can vastly reduce a person's ability to freely consent.

The combination of insufficient legal clarity about the standards for consent with wide-spread ignorance about victim response opens the door for a defense that blames the victim and potentially holds her responsible for sexual assault while leaving the perpetrator not accountable. It is thus critical for justice that we do even more to educate the public.

Below I offer a list of some of the things we know from research in trauma psychology that are likely not sufficiently known by potential jurors. We need to provide more education about these findings and also evaluate and monitor public understanding of these topics.

- Passivity during sexual assault is a common response of both child and adult victims.
- Sometimes victims forget all or part of their assault experience.
- Often victims do not disclose the assault at all or disclose only after a delay. Sometimes victims retract a legitimate accusation.
- Assault by a familiar other is both more common and potentially more toxic than assault by a stranger.
- Victims often display a constellation of reactions after the assault including avoidance of social contact and a drive to shower at even the thought of the event.
- Disbelieving and blaming the victim can compound the damage done by the assault.

This list of relevant research findings not generally known by the public is far from exhaustive. There is much more we know about trauma psychology in general and the response of victims to sexual assault in particular. An educated public would lead to a better world for both the criminal justice system and society more widely. An educated public would make it more likely that eventually the laws themselves would be improved to better reflect the reality of power dynamics and victim response. An educated public would better defend our freedom from assault.

In my testimony I had drawn on research about victims to educate the jury that a passive response to sexual assault is not uncommon and I discussed some of the research regarding factors that are associated with such a response, such as fear and perceived powerlessness. During closing arguments, the prosecutor was able to remind the jury that crime victims often do respond passively and to remind the jury of all the substantial evidence contrary to the defense argument of consent. The jury found the defendant guilty.

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April is Sexual Assault Awareness Month

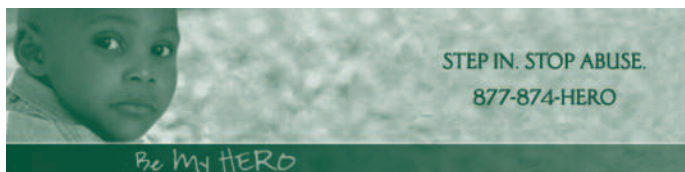
Protect Children Take the HERO Pledge

I WILL work to end child sexual abuse and protect children because:
I AM outraged that 1 out of 4 girls and 1 out of 6 boys are sexually abused before age 18.

I AM saddened by the fact that the vast majority of child sexual abuse is never reported.

I PLEDGE to become a HERO to children by accepting my responsibility to intervene and report every time I suspect that a child is being sexually abused.

**In Westmoreland County, for more information,
call Blackburn Center's hotline at
724-836-1122 or 1-888-832-2272.**



The HERO Project originated in Westmoreland County and is now a statewide project of the Pennsylvania Coalition Against Rape.

Stand Against Racism!

April 30, 2010

**Blackburn Center joins
the YWCA of Westmoreland County**

to raise awareness
that racism still exists in our communities.

Blackburn Center stands for the right of individuals to be treated with the dignity and respect they deserve and we commit ourselves to take action for peace, justice, freedom and dignity for all people.

Please take a stand with us on April 30!
For more information about how you can participate,
visit www.StandAgainstRacism.org

WHAT PART CAN YOU PLAY in Improving the Status of Women in Westmoreland County?

For the past several years, Blackburn Center has been part of a local collaborative that has been actively engaged in an effort to improve the status of women in Westmoreland County. The public part of this work began with the release of a report called "The Status of Women in Westmoreland County." The report details how women in the county are faring with regard to issues such as economic well being, health, leadership and violence.

The Status of Women in Westmoreland County project team and volunteers continue to advance this work through a Speakers' Bureau, whose members are available to make presentations to organizations, businesses and community groups. The speakers will present the research findings and provide an update on current activities with the goal of helping organizations and community members become more aware of the status of women and what can be done to improve it. Some of the key findings noted in the report include:

- The median salary for Westmoreland County women is 75.3% of the county male median.
- In 2006, forty-one percent of female-headed households in Westmoreland County lived at or below the poverty level.
- 84% of Westmoreland County older adults living in poverty are women.
- Women hold just 5% of corporate leadership positions in larger companies in Westmoreland County.
- Nearly 3,000 county residents seek services from Blackburn Center Against Domestic & Sexual Violence each year; the agency provided over 12,000 hours of counseling and over 4,300 days of emergency shelter last year.

The presentations emphasize that these issues are important to the entire community and that improving the status of women enhances the overall health and well being of everyone in Westmoreland County.

Members of the Status of Women Speakers' Bureau are available to make presentations and can also coordinate poster presentations and displays that will inform groups. The presentations generally last about a half hour and can be scheduled at the group's convenience. To schedule a speaker or poster presentation, please call 724.834.7170, ext. 30.



The Westmoreland County Task Force of Men Against Sexual Violence (MASV) is continuing its mission to eliminate sexual violence. Pledge signings were held on the campuses of Seton Hill University and University of Pittsburgh-Greensburg in February and March. In February 2010, a MASV member read the Jackson Katz "10 Things Men Can Do to Prevent Gender Violence" before the performances of *The Vagina Monologues* at University of

Pittsburgh at Greensburg. MASV is currently recruiting male college students for their Role Model Program. After completing training, Role Models will be prepared to speak to high school and community youth groups on ending sexual violence. MASV is also recruiting adult men willing to share their time and support as members of the Task Force. Interested men can contact Terry Stewart at 724-837-9540 ext. 114, or TerryS@blackburncenter.org.

“If we are to achieve a richer culture, rich in contrasting values, we must recognize the whole gamut of human potentialities, and so weave a less arbitrary social fabric, one in which each diverse gift will find a fitting place.”

– Margaret Mead

Painting for Prevention

April is Child Abuse Awareness Month, and Blackburn Center is pleased to be part of the “Painting for Prevention” Project sponsored by the PA Family Support Alliance. On April 20, 2010, the community will be invited to help paint a collaborative mural, designed by the “Heart to Art” organization, depicting the theme of strength of families and communities throughout Westmoreland County. Children residing at the Blackburn Center Shelter were invited to sketch community settings that have meaning to them and their families. The sketches will be incorporated into the mural. Seton Hill University has generously donated their art studio space for the project, as well as the work of many Seton Hill art students under the guidance of Dana Elmendorf, Assistant Professor of Art Therapy. The students have been instrumental in planning, and will assist painters on the day of the event. Children, families, advocates, child welfare staff, and local dignitaries will be among the artists of the day. Other organizations collaborating on the project are the Westmoreland County Childrens Bureau, ParentWISE, and Bikers Against Child Abuse-Westmoreland Chapter. The completed mural will be portable and will displayed at various venues throughout Westmoreland County, including the Courthouse in Greensburg.

Save the Date
Monday, September 20, 2010

Greensburg Garden and Civic Center

Join us for an abundance of exceptional hors d'oeuvres, with cocktails, to support one of our community's most urgent causes.

Una Sera del Dare

AN EVENING OF GIVING



Blackburn Center
AGAINST DOMESTIC & SEXUAL VIOLENCE

PROCEEDS FROM THIS EVENT BENEFIT
BLACKBURN CENTER AGAINST DOMESTIC AND SEXUAL VIOLENCE

Call **724-837-9540** for more information

Planting the seeds of promise to nurture a bouquet of hope.



Again this year, Blackburn Center is offering a meaningful way for you to mark important occasions and to honor special people in your life: special occasion cards with an original hand-colored sketch.

This year's card, designed by Nicole Doherty of Fernwold Reproductions, features a garden path with the Scandinavian proverb: “Go often to the house of thy friend; for weeds soon choke up the unused path.”

For each \$25 gift to Blackburn Center, we will send a card to the person you specify and will include your personal message inside the card. For any level of giving, your name and the name of the person or occasion you honor will be included in the summer edition of our newsletter, and your name will appear in Blackburn Center's Annual Report. (If you prefer, we will list you as “anonymous.”) We have enclosed a remittance envelope in this newsletter for your convenience.

Please consider this way to touch the lives of thousands of people in our community as you touch the lives of those you honor. On behalf of those we serve, thank you for sharing in our mission.

In 1853, Esther Howland brought young girls into her Massachusetts home to hand-color valentines. She provided them with shelter and an opportunity to earn a livelihood. In that tradition, each specially created collector's card will be hand-colored by clients and friends of Blackburn Center.

Blackburn Center Against Domestic & Sexual Violence is a private, not-for-profit organization that provides 24-hour hotline services, counseling, advocacy and support groups to survivors of domestic violence, sexual assault, incest, child sexual abuse, and sexual harassment; emergency shelter is available to survivors of domestic violence and their dependent children. Blackburn Center also provides community education, school student awareness programs, and in-service professional trainings throughout Westmoreland County.

Contact Information

Office 724-837-9540
 Fax 724-837-3676
 Hotline 724-836-1122
 Toll Free Hotline 1-888-832-2272
 Website www.blackburncenter.org

Board of Directors

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Blackburn Center is funded in part by United Way of Westmoreland County, PA Department of Public Welfare funds, including Title XX and Act 44 funds, foundations and local contributions.

A copy of official registration and financial information for Blackburn Center may be obtained from the PA Department of State by calling within Pennsylvania 1-800-732-0999. Registration does not imply endorsement.



United Way
 of Westmoreland County
 Donor Designation 382

CHALLENGE THE POWER. DEMAND CHANGE.

Domestic and sexual violence are rooted in an imbalance of power between men and women. Our society accepts violence against women as normal and inevitable. For Blackburn Center to fulfill its mission to end domestic and sexual violence, we must challenge this imbalance of power that supports the oppression of women.



PO Box 398
 Greensburg, PA 15601-0398

Address Service Requested

Nonprofit Organization
 U.S. Postage
PAID
 Permit No. 648
 Greensburg, PA

NEEDS LIST Your contributions have a direct impact for victims of domestic and sexual violence.

A donation of items from the needs list throughout the year helps Blackburn Center sustain the shelter program, and helps to maintain the support groups the agency provides for women and children. In addition, some of these items are made available to women – and their children – who are establishing their own homes and need support with basic household items.

Please put the items that are in ***bold italics*** at the top of your shopping list, and help Blackburn Center manage donations by bringing new items. If you have used items to donate, the agency can provide a list of thrift shops in the area that make items available to Blackburn Center shelter residents at no cost to them.

■ KITCHEN

- Aluminum foil
- Baking pans – 9" x 13"
- Can openers (hand-held)
- Coffee (regular & decaffeinated)
- Coffee creamer
- Cooking oil
- Cookie sheets
- Dish drainers
- Dishpans
- Drink boxes
- Flatware***
- Food items: any canned food, other non-perishables, etc.
- Food storage containers
- Kitchen garbage bags
- Packaged snacks for lunches
- Paper products: paper towels, napkins
- Paper towel holders
- Plastic pitchers with lids
- Plastic wrap
- Skillets
- Small appliances: coffee maker, can opener, knife sharpener
- Spices and condiments
- Tea towels and dishcloth sets
- Zip-lock bags (gallon size)

■ BATHROOM

- Bath mats
- First aid and healthcare supplies
- Heating pads***
- Paper products: toilet paper
- Plungers
- Shower curtains and rings
- Soap dispensers
- Toilet brushes
- Toilet paper
- Towel sets***
- Wastebaskets

■ BEDROOM

- Alarm clocks***
- Bed pillows
- Bed-in-a-bag sets
- Blankets: twin & full
- Crib sheets
- Nightgowns: women's one-size fits all***
- Pajamas: women's one-size-fits-most & children's all sizes, including teen boys
- Sheet sets: full***
- Mattress covers (vinyl, zippered): twin & full***
- Plastic hangers
- Wastebaskets

■ MISCELLANEOUS

- Baby monitors

- Batteries: AA and 9-volt
- Bottled water
- Brooms
- Buckets
- Calendars
- Extension cords
- Flashlights
- Gasoline cards
- Gift cards (Walmart or Target)***
- Laundry detergent
- Light bulbs: 60-watt & 3-way
- Mops
- Nasal aspirators
- Outdoor garbage bags
- Pedialyte
- Phone cards
- Socks: for women & teen boys
- Sweat suits: all sizes
- Telephones
- Tool kits
- Umbrellas***
- Underpants: women's & teen boy sizes
- PERSONAL CARE
- Hotel-size items are no longer needed.*
- Conditioner
- Deodorant
- Disposable razors
- Soap

PLEASE NOTE: Deliver donations to Blackburn Center's administrative offices on Tuesdays and Thursdays from 9:00 to 4:00 pm. Please call if you cannot bring your donation during regular business hours. We can make other arrangements if necessary.