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**The Long Term Effects of Sexual Assault on People of Color Through Cultural and
Societal Factors**

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2022

MERRIMACK COLLEGE

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Abstract

Sexual assault is still, to this day, a problem that many groups face, particularly People of Color (POC). Although there has been notable progress made in regard to laws, policies, and societal exceptions, there are barriers in achieving sexual assault reform. The progress that has been made up to date has benefited the majority, but the progress has inequitably addressed sexual assault for POC. The history of the United States' treatment of People of Color has hindered effective reforms for POC survivors. Expectations of sexual assault survivors and outdated misinformation and stereotypes further damage any progress made in regard to change. Both of these perceptions have influenced and formulated current legal practices and federal policies in the United States. The legal system and policies do not address and target the core issues of sexual assault. Due to these gaps in laws and policies, survivors fail to receive the resources and justice that they need. The Violence Against Women Act (VAWA), despite notable amendments and changes made, have yet to properly address the barriers and inequities of sexual assault reform. This paper will explore the history of sexual assault in the United States, the criminal justice system, societal perceptions and expectations, the barriers of sexual assault reform, and an analysis of VAWA's impact combating sexual assault violence.

Key words: Sexual Assault, People of Color, VAWA, #MeToo, Rape Kit Backlog, Rape Shield Laws

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Problem Statement

Sexual assault has been an issue in society since the beginning of time. It was not until the recent century that there was anything in place to combat the problem. During the last ten years, there has been an increase of sexual assault cases. One out of six women have been victimized by sexual assault, attempted or completed. Native American women are twice as likely to report sexual assault at a rate of forty-one percent (RAINN.org). Society has always ignored the plight of People of Color and treated the sexual assault of People of Color as two separate issues. Despite the impact of sexual assaults have on society, few laws and policies properly address the issue for People of Color. A Georgetown Law Center on Poverty and Inequality study found that, “adults often view black girls as less innocent and more adult-like” and that, “negative stereotypes of black women are mapped onto black girls,” resulting in harsher treatment and a lack of empathy for black girls (Times Up Foundation, 2021). All around the globe there have been countless protests to stand in solidarity with the survivors, calls for action, and several developed countries have taken note and updated their policies in regard of sexual assault. By examining the current sexual assault policies in place, discrepancies in access, services and resources for victim will be highlighted.

Seen through a wider lens, it has been theorized that essentially none of the current policies in place are helpful in current times; but, by looking at the statistics of assault through the lens of People of Color, the results are staggering. Any concern that is troubling society is magnified for People of Color due to past generational prejudices. When People of Color are being targeted specifically, then ignoring the attacks made against the community turns into enabling. The United States culture and treatment of People of Color has made a significant

negative impact on how our judicial system works as a whole. People of Color are both victimized as an assault victim, as well as perceived perpetrator or offender.

Sexual Assault and the Criminal Justice System

Law enforcement's treatment of sexual assault victims further adds to the issues, leaving the door open for People of Color and transgendered individuals to be targets of perpetrators. Historically, the practice of reporting to formal services has failed to give the victims the needed support after reporting their assault. By taking into consideration the nature of sexual assault (a "he said, she said, what were you wearing?" crime), police officers are often blinded by old school policing strategies and the ability to solve the case. These behaviors exhibited by law enforcement result in a lack of reporting by survivors. Some of the behaviors law enforcement exhibit towards victims are: intrusive lines of questioning or lack of education and training with handling sexual assault cases. Survivors fear poor treatment from law enforcement, as well as the belief that their case will not be taken as seriously as their counterparts. Looking at the statistics of the amount of sexual assault cases that have been reported, twenty percent of female students report, and thirty-two percent of non-student females report, their assault. In fact, "fifteen percent of victims stated that they did not report in fear of police not believing that they would help, or that the police could not do anything" (RAINN.org, 2021). By taking a closer look at the rates of sexual assault amongst the members of the People of Color populations at question, RAINN estimates that out of "every 1,000 sexual assault cases, only 230 are reported to the police. And for every black woman who reports rape, at least 15 do not report" (Times Up Foundation, 2021).

Current Existing Policies: A Background Overview

The issue of sexual assault has not been taken seriously in the judicial system. It was not until the mid-seventies that sexual assault reform was taken seriously. The 1970s feminist movement was the driving force of the anti-violence movement in regard to sexual assault reform. Prior to the 1970s, a married woman could not have pressed charges against her husband if he had assaulted her. It was not until the nineteenth century that there was any kind of policy work completed in the fight to change existing legislation. The fight behind marital rape is rooted in “societal reluctance to acknowledge the possibility of antagonistic interest and hurtful behavior in marriage” (Hasday, 2000). When marital rape laws were put into place, the marital rape laws itself were a stepping stone of policies that are designed to protect women. Another crucial law that is in place to ensure women’s rights is the Violence Against Women Act (Sacco, 2015). VAWA was established in 1994. The law is designed for protections against sexual assault, domestic violence, stalking, and harassment. Unlike other notable policies, VAWA has adapted and changed through revisions overtime.

When VAWA was established, it offered potential solutions to address other issues that are relevant to the on-going sexual assault concerns in the United State. One of the areas that was highlighted in VAWA revisions was addressing the rape kit backlog. There is a national rape kit backlog crisis in the United States, with many rape kits yet to be tested. This is a huge concern in the fight against sexual assault. When a victim steps forward and makes a complaint through the legal system, they have to complete a rape kit. Completion involves the victim being asked to disrobe and lay down on a piece of white paper to collect hairs or fibers, after which they would be thoroughly scraped and swabbed for the rapist's DNA. This process may take four to six hours, or twelve hours in neglectful circumstances (Lion, 2018). The evidence collection process itself is traumatizing for the victims. When the victim conducts a rape kit, they are reliving the

trauma of the assault; rape kits are extremely invasive and uncomfortable for the individual being tested. This experience also leaves the victims in fear of unwanted pregnancies or STDs. While the importance of collecting forensic evidence is understood, little is being done to reduce the backlog in an effort to prosecute offenders.

Rape shield laws are also important for the victim of sexual assault. Rape shield laws are designed to protect the victim during a criminal trial. Rape shield laws protect the victim as well as prevent bias of sexual assault myths in court: sexual experience and the victim's dress, and it, "excludes prior sexual history and limits personal therapy notes to be used during the trial" (Landsberg, 2020). Rape shield laws are the only means of protection in place for the survivors during the criminal court trial when testifying against the perpetrator. In the legal world, rape shield laws are being discussed as controversial to defendant's rights. Do they infringe on the defendant's constitutional rights? Defense attorneys will often use the manner of how the victim was dressed, past sexual history, and prior engagements to discredit the victim during the course of the trial. Even with the implementation of rape shield laws, defense attorneys will still use these tactics to sway the jury's opinion of the victim.

By examining the issues with the current policies, and offering improvements for these policies, social and judicial views as well as procedures for handling sexual assault cases could be transformed. Looking at the policies in depth will result in improvements of resources being shared and offered to victims. Strengthening the gaps in these policies can truly ensure that survivors of sexual assault are protected throughout the entire process: the initial report, the investigation, trial, and recovery. By addressing the deficits in existing policies, specific concerns to invisible communities, such as People of Color could also be solved. Sexual assault reform can also help the countless community and state organizations by providing more

financial resources to support survivors. By making adjustments in existing policies, better systems will exist to support victims of sexual assault, providing justice that they deserve.

Literature Review

Defining Sexual Assault: Legal and Societal Definitions

Sexual assault is a crime that presents in many shades of gray. Both the legal definition of sexual assault and society's definition has adapted and changed over time within the case precedents and research. The legal definition of sexual assault is, "any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent" (United States Department of Justice, 2020). Each state is allowed to adapt or change their parameters of what concludes a sexual assault, as well as set precedent on the amount of prosecutorial evidence required in order to obtain a guilty conviction on a sexual assault case. Historically, there have been many factors that have aided in sexual assault cases such as drug use, alcohol, or the relationship between victim and offender. Current research and movements in regard to the anti-violence movement have changed society's perception of sexual assault, as well as brought new questions to light. New generational social movements that have been aimed at ending sexual assault have highlighted that both People of Color and the LGTBQ community face discrepancies accessing available resources.

In recent movements to end sexual assault, the definition of sexual assault has changed with society's interpretation. With information presented by both criminal statistics and from non-profit movements, individuals have started to understand how deeply sexual assault has affected people in the United States. Mobilizing rape is a concept in which individuals are actively and publicly participating in oppressing sexual assault aids, which influences the negative behaviors in men. Members of the sexual assault reform movement suggest that,

“sexual assault is not simply an individual incident but a wide-ranging constellation of behaviors, attitudes, beliefs, and talk that work to produce and reproduce gendered dominance in everyday interaction” (Pascoe, 2016). As time progresses and the full scale effects of sexual assault emerge, there will be a deeper understanding of sexual assault.

Sexual assault has been an increasingly troubling issue over the last decade. One in six women have experienced sexual assault in their lifetime (RAINN.org). Recent movements, such as #MeToo, have brought attention to sexual assault and made the conversation less taboo. Current analyses of issues regarding sexual assault address the concern of the crime itself as well as across the country. However, there has been sparse research that highlights the effect of sexual assault on People of Color. People of Color are at a greater risk of being sexually assaulted in their lifetime. Native American women make-up 41% of sexual assault cases (RAINN.org). African-American women are at a greater risk of being assaulted compared to other racial groups. One must examine sexual assault through the eyes of marginalized groups, identify the factors that are associated with increased risk in People of Color’s communities and consider historical, legal, and societal factors that prohibit lowering the probability of assault in these communities. This examination, can further highlight the reason why there is a significant, statistical difference of reported sexual assault cases from People of Color survivors.

Through a wider lens, it has been theorized that the current policies in the United States have gaps that do not address all factors that contribute to sexual assault. By reexamining statistics through the lens of the POC community, it presents even more staggering factors that have not been addressed in the anti-violence movement. When there is a societal concern, People of Color are ignored based on generations’ worth of prejudices and assumptions. When People of Color are being targeted specifically, this action becomes enabling oppressive behaviors. The

reality of these notions is that society treats a white victim of sexual assault drastically different from People of Color victims or those who identify as part of the LGBTQ+ community. The United States' history, culture and the treatment of People of Color is currently making a significant, negative impact on how our judicial system works as a whole. People of Color are continuously being victimized as both an assault victim, and a perceived offender in crimes involving white victims.

History of Sexual Assault

Throughout the course of history, sexual assault was used as a weapon or means of punishment and control across all cultures. In 1789, a Maryland slave had sexually assaulted a freed slave woman named Elizabeth Amwood. The slave's owner, William Holland had "ordered the pair to take their clothes off, and forced the slave to rape the freed woman" (Foster, 2011). The sexual assault of Elizabeth Amwood has led to deeper considerations of the malicious use of sexual assault during the American Slave Trade. Enslaved women often experienced sexual abuse; it was considered "trespassing of property" when reported. Slavery violated the rights of African-American population overall, but by looking through the lens of slavery and sexual assault, it showcases underlying themes that have remained throughout society. Throughout history, slavery had "violated the masculinity of black men who were denied the ability to protect vulnerable female dependents" (Foster 2011). Slavery was noted to break down the mental consciousness of the individual, to make them less than human. According to Deborah Gray White, a historian, the men who "tried to protect their spouses were themselves abused" (Foster, 2011). With the emasculating psychic toll on the men who attempt to protect the women that they cared about (wives, mothers, daughters, or sisters), the toll of not being able to protect a loved one from a vicious cycle without being abused yourself was a consistent battle that male

slaves faced daily. The toll that these men had faced, White further argues, “could have led men to eschew monogamy or resist marriage altogether” (Foster, 2011).

Sexual assault towards the male slaves served a darker purpose than most would consider. Sexual assault has also been found and linked to the Spanish Slave system in Cuba. Robert Richmond Ellis, a historian, has argued on the account of a former slave named Juan Francisco Manzano, that sexual assault is “including the obvious barrier of the historical record in that male victim of slave rape left behind no biological record in the form of offspring as well as the prevalent homophobia in traditional Latin American societies, which would have prevented men from telling their stories given that male sexual passivity” (Foster, 2011). Although this community highlights key cultural ideology, this practice is seen vaguely in other cultures as well. When slave owners assaulted their male slaves, there was no trace of what is known today as biological evidence. The shame that comes after being assaulted often kept men from telling others what had happened.

The implications of sexual abuse used in slavery has trickled down into modern day ideologies on the marginalized communities. The abuse that both men and women have faced while being enslaved created racist depictions of both African-American women and men to be hypersexual, and white women as passive and asexual (Foster, 2011). The differentiating views of slaves of either being beastly, vile, and grotesque or being fetishized has been present in slave-master methodology. Colorism has affected many different racial and ethnic groups. Examining colorism within the slave trade also further provides insight in current societal practices. Antebellum “fetish” showcases both light-skinned enslaved women and men. Edward Baptist, for example, argues that the “antebellum domestic slave trade might be reconsidered as a ‘complex of inseparable fetishisms’ given the slave traders’ ‘frequent discussions of the rape of

light-skinned enslaved women, or 'fancy maids,' and their own relentlessly sexualized vision of the trade" (Foster, 2011). These behaviors are still seen today in modern society's perception of People of Color. Men often fantasize about being with African-American women based on physical appearance and stereotypes of hypersexuality. With this behavior, men often shame African-American women who have a darker complexion; this is seen in the reverse with women and African-American men as well. Fetishizing People of Color by the "category" that they fall in (light skin vs. darker skin complexions) has also created a resentment towards members of the populations due to the treatment that each party faces.

As a result of these stereotypical perceptions of African-Americans, "one quarter of the nearly 4,000 lynchings in 12 Southern states between 1877 and 1950 were of Black men accused of raping white women. The terror of lynching emerged as a way to control former slaves following Emancipation" (Armatta, 2018). This resulted in the mass incarceration of black men following accusations of sexual assault, and statements such as, "No white man has ever been executed in this country for raping a Black woman" (Armatta, 2018). The National Registry of Exonerations reported that "about 70% of white sexual assault victims were attacked by white men and only about 13% by Black men. But 57% of white victim sexual assault exonerees are Black, and 37% are white—which suggests that Black defendants convicted of raping white women are about eight times more likely to be innocent than white men convicted of raping women of their own race" (Armatta, 2018). The perception of African-American males being falsely labeled as rapist also prevents women of color from utilizing formal resources in reporting their sexual assault. Indigenous women are at a higher rate of being sexually assaulted as opposed to their white counterparts; indigenous women's rates of sexual assault is at fifty-six

percent. “Ninety percent of lifetime sexual violence against Indigenous women is perpetrated by someone of another race” (Armatta, 2018).

The results of the over sexualization of People of Color has trickled down into modern times. In society, often People of Color are exploited in a number of ways. The manipulation of white perpetrators noted by Foster (2011) has resulted in the stereotype that African-American women are often found promiscuous. Instilling these stereotypes onto young black girls increases the harsh treatment and lack of empathy toward black girls. The labeling of African-American men as predators was used as intimidation and manipulation. Foster’s historical perspective on stereotyping both African-American men and women to be hypersexual, can be seen in application in modern day where these perspectives are mirrored in sexual assault cases involving African-American men and women.

Sexual Assault and Children

Currently, it is agreed amongst the mass majority that any neglect or abuse toward children is morally wrong. This was not typically the viewpoint that the mass majority held in the past. Child abuse was seen as a disciplinary act, and was not discussed as it related to “private family matters.” Society’s current viewpoint of child sexual abuse is shaped by the repulsive nature of the crime itself. In modern society, the mass majority feels disgust and anger towards perpetrators who target children of any race or gender. Historically, this viewpoint is a new development within the last thirty to forty years that resulted in a revision of legal parameters that surround child sexual abuse. Children were often forgotten or ignored when cases of abuse and neglect surfaced. Prior to 1875, there were no protections for children in regard to sexual abuse, although, when crimes were committed towards a child, there were harsh repercussions. In 1809, a “New York shopkeeper was convicted for sadistically assaulting his

slave and her 3-year-old daughter” (Myers, 2008). It wasn’t until the mid-1800’s that a child sexual abuse case had reached a Supreme Court. “In 1856, the first rape conviction in state history reached the California Supreme Court. The victim was 13”; the case is known as *People v. Benson* (Myers, 2008). Between the years of 1856 to 1940, most of the rape prosecutions in the state of California involved child victims.

A review of prior cases of child sexual abuse demonstrates that prosecution of the offenders was not the only alternative. The State of Massachusetts, in 1642, “had a law that gave local magistrates authority to remove children from parents who did not “train up” their children properly” (Myers, 2008). In 1866, Massachusetts passed a law that authorized judges to intervene in the family when “by reason of orphanage or of the neglect, crime, drunkenness or other vice of parents' ' (Myers, 2008). Even if the child was growing up in a setting where education and control did exist, a judgment could be made that the child led a “sad life.” In states implementing these laws, intervention was sporadic and far from consistent. In comparison to the level of intervention that is seen today, there was acknowledgement from the adults in this time frame of maltreatment, as well as attempts to help and correct. Despite attempts made, there was not an entity that existed in order to protect children. In 1875, a little girl named Mary-Ellen was the inspiration for the first non-governmental charity that was specifically devoted to child protection services: New York Society for the Prevention of Cruelty to Children (NYSPCC) (Myers, 2008).

The story of Mary-Ellen influenced the NYSPCC, and later, Child Protective Services (CPS) models. Similar models were applied to different organizations across the country. With the development of CPS, there were resources in place to help children who were being neglected or sexually abused by adults in their lives. In 2016, Child Protective Services noted

that 57,329 children were victims of sexual abuse (RAINN.org, 2020). Sixty-six percent of 12-17 year olds faced sexual abuse, and “ninety-three percent of children knew the perpetrator, with fifty-seven percent being an adult family member” (RAINN.org, 2020).

In the 21st century, children are considered a protected population. Advancements have been made in CPS structure that are outside the scope of this paper, but one change has been the increased focus on mandated reporting for child abuse. Although advancements have been made, there are issues that remain within CPS, such as “cracks” in which children often go unsaved due to the high demand for social workers as well as their overbearing caseloads. One of the landmark cases in regard to CPS is the 2013 case of Gabriel Fernandez, a nine-year-old child who was a victim of horrific child abuse by the hands of his mother and step-father. It was cited that he “fell through the cracks” when there were attempts of CPS interventions that were made by different advocates in Fernandez’ life. The case of Gabriel Fernandez highlighted instances of overworked case managers and outdated procedures of CPS.

Recent Roe v. Wade debates in regard to pro-life and pro-choice highlight more issues within the foster care system, such as overcrowding and potential perpetrators. The threat of Roe v. Wade’s removal increases the potential of mothers, who do not want their newborn children, to place them in foster care. By taking into account the increased fluctuation of new children in need of placements, this would stretch the thinning resources that states have for their foster care children, as well as increase the risk of overlooking foster parents who may prey on the vulnerability of the children in the system.

United States Legal History with Sexual Assault

Legal reforms in the United States highlight the drastic changes in society’s view of the criminal nature of sexual assault. It was not until the 1970’s that there were movements that were

actively fighting to change the perception of sexual assault. The Feminist Movement was the core driving group in Rape Law Reform, followed by law-and-order advocates. Law-and-order advocates did not agree with key beliefs of the Feminist's Movement, the criminal justice advocates at the time had opposed reforms that would benefit the Feminist's Movement's platform on Rape Law Reform. Some of the key factors that were a concern in the reform movement were the ability to redefine the legal definition of sexual assault and rape. Another issue that was faced was to eliminate spousal exemption. Before the 1970's movement, a wife could not press charges against her husband if he had sexually assaulted her. Marital rape was undefined as the view was that it was a women's duty to fulfill her husband's sexual desires, and that any issues that resulted inside of the marriage were to be fixed in private, not in the public eye. The Feminist Movement has been credited for their vast efforts in their initiatives in the anti-violence movement. Marital rape laws were created during the 1970s. Feminists theorized that "if women did not win the right to set the terms of marital intercourse. Indeed, feminists explained a woman's lack of control over her person as the key foundation of her subordination" (Hasday, 2000).

States were willing to grant women rights in regard to property and finances as a result of a divorce, but refused to adapt sexual assault as grounds of divorce. "Authoritative legal sources proved staunchly opposed to the notion of incorporating into the law a vision of marriage as a potentially disharmonious, abusive, even dangerous site of human interaction, in which wives might need and deserve legal rights against their husbands" (Hasday, 2000). This would leave women who were in violent and abusive relationships stranded and without resources to receive help to leave their marriages. Without legal ramification of spousal rape, lawmakers had formed a society in which the husband's right to sexually assault his wife was protected. When marital

rape laws were debated, it brought into question the topic of marriage and expected behaviors. The Feminist Movement argued that marriage is to be a consensual, harmonious relationship between two consenting adults.

To examine other factors that played in the role of the Rape Law Reform movement it is critical to examine the behaviors of both police departments and the United States legal system as related to victims of sexual assault. Sexual assault cases are extremely underreported; about one percent of cases go to a criminal trial. When a victim makes a formal report, it is recorded at their local police department. Police officers are the first initial point of contact for the victims in the criminal justice system. Police officers can “choose whether to document a report, how much time and effort to devote to a case, whether to make an arrest, and how to classify a case when sending it to prosecutors' ' (Wentz, 2020). Police officers play a critical role in how the case is handled throughout the criminal justice system as a whole. Ericka A. Wentz from University of West Georgia conducted a study examining 231 police reports and court documents for any discrepancies in what could lead to a conviction of the assault. She further analyzed the factors that both prosecuting attorneys and police officers consider when investigating a sexual assault in the United States judicial system (Wentz, 2020).

Traditionally, police officers and prosecutors are tasked to work together in order to close cases and to adhere to legal practices. However, sexual assault is a crime in which police officers have to heavily rely on the victim’s account. “According to earlier studies, suspects are more likely to be arrested in sexual assaults that involved a weapon, collateral injuries to the victim, and forensic evidence that was collected, including evidence collected from a rape kit” (Wentz, 2020). Wentz’s 2020 study indicated that when the perpetrator is an acquaintance of the victim, arrests are more likely to occur. After examining 610 police incident reports, it was found that

“the police interpreted the victim's hesitation to report in one of two ways: uncertainty about whether they were even assaulted, or that the victim needed time to create a “cover story” to hide their behavior, as in the case of infidelity” (Wentz, 2020). By overlooking the traumatic response a survivor may have as a result of the sexual assault, police make assumptions based on bias and a lack of training in these crimes. Survivors are often faced with depression and anxiety after the crime. It is reported that ninety-four percent of women experience PTSD during the first two weeks after the assault, and thirty percent of women experience PTSD nine months after the assault (RAINN.org, 2020). Often when survivors report the sexual assault shortly after it happened, the survivor may experience memory lost due to the initial shock of the assault.

Both the prosecuting attorneys and judges also demonstrate bias in sexual assault cases within a court of law. Prosecutors rely on the police officer's report of the crime to decide whether or not to prosecute a crime, and decide on the charges that need to be filed. Although both police and prosecutors hold similar procedural practices in regard to handling a sexual assault crime and victim, prosecutors also consider both legal and extralegal factors. Prosecutors are often bound by needing to be able to provide the judge and jury with enough evidence, as required by the state. Prosecutors also often consider extralegal factors. Such factors “that pertain to the victim's character and credibility are also considered, such as the victim's relationship with the defendant” (Wentz, 2020). Another controversial extralegal factor that has been discussed is if the victim “physically resisted the attacker and the risk-taking behavior of the victim. Charges are less likely to be filed in cases where the victim did not actively resist the attacker” (Wentz, 2020). This often leaves areas of discussion where the victim may have been drugged or drunk.

In 1987, sexual assault researcher Estrich, stated that the blame and believability of the victims are factors in what is considered to be a simple sexual assault case. “A simple rape usually occurs between acquaintances or intimate partners, rarely involves a weapon, and the victim rarely sustains injuries. Conversely, a real rape, or aggravated rape, is often more violent in nature, occurs among strangers, and often results in physical injuries” (Wentz, 2020). By viewing sexual assault through the lens of extralegal factors, one considers that if the victim was pulled aside during a night out by a stranger who had assaulted her, that it did not matter if she was engaging in risky behavior prior to the attack. “It is likely that prosecutors use factors that question the victim’s character alongside legal factors when determining whether to accept or reject sexual assault cases” (Wentz, 2020). Prosecutors often will consider the victim’s character when taking sexual assault cases. This could be for several reasons, such as the prosecution’s concern of the perception of the victim in the eyes of the jury and judge, and what the defense attorney could potentially say.

Defense attorneys have different legal standards by which they can operate in the court of law. Unlike prosecuting attorneys, who are required to meet the state’s burden of proof and beyond a reasonable doubt, defense attorneys are to provide exculpatory evidence in their defendant's trial, as well as provide reasonable doubt that it was, in fact, their client. In criminal proceedings, sexual assault victims are often treated as witnesses. This impacts the line of questioning that defense attorneys are allowed to conduct during their cross examination. By following their state’s requirements, defense attorneys are able to question the victim with the same line of questions as they would use with a witness. When testifying during their trial, victims are treated as witnesses. By treating the victim as a witness, this gives defense attorneys opportunities to discredit the victim by bringing up past sexual behaviors, dress, and any illegal

activity that the victim may have participated in. Rape Shield Laws created a divide between victim's rights and the defendant's rights. Arguments against Rape Shield Laws that have been made state that rape shield laws are a "denial of due process, a fair trial, violation of the right to cross-examination, discrimination between sexes, against men, violation of the privilege against self-incrimination, vagueness of law, and intrusion by the legislature into the judiciary in violation of the separation of powers" (Roman, 2011).

In the fight against sexual assault, the courts are the only place that holds true power. The judicial courts in the United States are designed to be fair and just in all criminal proceedings, although, there is a gap of ethical and biased practice that judges participate in within their courtrooms in regard to sexual assault cases. Although judges are required to remain "neutral" in their opinions, often times with sexual assault cases, their personal biases come to light. During the criminal trial, the victims are treated as a witness in the trial, and not the victim. Victims are required to take the stand, unlike the perpetrator. They are also not automatically provided legal representation, even though they can expect to be subjected to aggressive questioning in a bid to undermine their credibility. Most advocates believe sexual assault victims who testify should be provided with some form of legal support (Landsberg, 2020). Many of the concerns in the fight to end sexual assault are directed toward both legal practices and the judges that may be sitting on the bench. A majority of sitting judges are older males, who may stereotype the victims. Judges may also not have updated knowledge of best practices for dealing with victims or may not have adequate training in conducting questions with regard to sexual assault. They may be hesitant to stop the line of questioning, or be fearful of being criticized for stopping a defendant's line of questioning (Landsberg, 2020).

The treatment of sexual assault victims differs between People of Color and their white counterparts. The historical stereotypes of black women being oversexualized and labeled as hypersexual have followed black women into current modern times. Black girls are often seen as more mature than their white counterparts. The United States' legal and societal history of how People of Color were treated in the legal system shows the limitations of the laws from which People of Color may benefit. The legal protections that have been in place for victims of sexual assault for decades were created for white victims, further supporting the need of inclusive practices in regard to sexual assault.

Media Influences

Society and the media can influence any social issue. Examining American society's viewpoints on sexual assault and People of Color brings to light the current legal discrepancies in the anti-violence movement. Societal views influence laws and regulations that do not benefit the people of the country. Politicians and policymakers use their own personal biases and opinions to formulate laws that abide by their ideologies. This leads to calls to actions from non-profit organizations, marginalized groups, and supporters for change. Examining societal viewpoints on sexual assault of People of Color can contribute to the United States' strategy to eliminate sexual assault. A closer look at disparities of new social media movements related to sexual assault demonstrates the progressive viewpoints and perceptions of sexual assault and the "ideal victim". With society's perceptions changing, the view of rape myths is currently changing as well, showing a greater understanding of the United States' methodology of handling sexual assault cases, with a focus on the People of Color community.

Perceptions of Sexual Assault

A closer look at the country's current climate of sexual assault gives insight into how judicial bodies handle sexual assault. Historically, women have been seen as inferior to men, despite the 1920's Women Suffrage Movement and 1970's Feminist Movement that had made considerable change to women's rights in the United States. Currently, these changes seem far from the truth. When reporting sexual assaults, women were often faced with questions about how they dressed, how intoxicated they might have been, or how their own actions may have caused the assault. There have also been noted discrepancies between treatment of white victims versus their People of Color counterparts. Social media-based movements have brought attention to the masses of the impact of sexual assault on victims and conversations regarding the terms of "victim" and "survivor". The #MeToo movement, clarification of terminology, the implication of the ideal victim and perpetrator, and the anti-violence movement in regard to the male perspective have had an impact on how sexual assault cases are being handled to date.

In light of recent events of the 21st century, the #MeToo movement has given women the platform to speak out about sexual harassment and sexual assault. However, even with the #MeToo movement taking center stage, it does not promote a platform for People of Color or transgendered individuals to call for justice similar to that of their white female counterparts. With the overnight success of the #MeToo movement, the original intention was forgotten. "In 2006, Tarana Burke starting using the term "Me Too" to refer to herself and other women of color who had been sexually abused. Burke was talking to a 13-year-old African American girl who had been sexually assaulted. Burke thought afterward, "Me Too," referring to her own suffering from sexual abuse" (Johnson and Renderos, 2020). Burke had attempted to gain traction for her movement with primarily women of color, but the movement did not gain recognition until white survivors stepped onto the #MeToo platform. There is significant

“evidence that the movement did not gain traction until white women who were celebrities got involved. This is to suggest that because of fame, fortune and race, these celebrities were able to bring the issue of sexual assault and sexual violence to the public on a national stage” (Johnson and Renderos, 2020).

As more stories and accusations appeared as result of the #MeToo movement, criticism of the movement itself appeared. When the #MeToo movement had started to become a “trending topic”, there were debates on whether or not the #MeToo movement was critical in the movement to end sexual violence. The #MeToo founder Tamara Burke and white actress Aylssa Milano went on a joint interview for the Today Show. Critics highlighted that Milano took up most of the airtime and was found speaking over Burke. After the interview hit airtime, Phipps (2019) stated that with “public feminisms in this area, as in many others, have been demographically and politically dominated by white women, who have often ignored or co-opted the experiences and contributions of women of color” (Phipps, 2019). The #MeToo movement received recognition and attention; most of the key voices that projected the movement are predominantly white women, besides the movement’s founder, Burke. The growth of the #MeToo movement has highlighted the pattern of survivor reporting that puts the white, privileged majority’s stories at the forefront. There has been very little impact on the foundational causes of the #MeToo movement that has been realized.

Despite Burke’s resume of non-profit work within several organizations, her actions could not draw any national attention to the #MeToo movement. It was not until white women had stepped out and spoke about their sexual abuse that the movement began to get any traction. Historically, when there is a problem within a marginalized community, efforts to eradicate it are not put into place until the problem is a concern of the majority. In the 1980s, the Reagan

Administration had ignored the AIDS epidemic citing it was a “gay disease” and did not concern the mass majority. It was not until the AIDS epidemic had started to appear in the heterosexual community that concerns and actions to find treatments or cures for AIDS occurred (Johnson and Renderos, 2020). When AIDS first started to appear within the heterosexual community, or the mass majority, plans of action and reform were taken into consideration. Despite the years of protesting and movements made by the LGTBQ community, it was not until the epidemic had reached the mass majority that it was taken seriously in the eyes of public health. Similar to sexual assault, the #MeToo movement did not gain notable traction until white women had participated in the movement.

Ideal Victim and Perpetrator Scenarios

As society’s perception of sexual assault changes, the conversation of the “ideal” victim is often discussed. Unlike other felony cases, the victim is looked at in the way that a perpetrator is viewed. Sexual assault victims are often asked what they did to entice the assault; bystanders would often be questioned about the victim’s appearance; their relationship with the perpetrator would be examined; and they were questioned regarding how intoxicated they were at the time. By comparing society’s viewpoint of the “ideal” victim of sexual assault, it is important to analyze society’s relationship with the perpetrators and men. One suggested solution for sexual assault is that we teach boys and men not to rape. This solution results from the stereotypes that are often linked to sexual assault-that perpetrators are unknown to the victim-and often target People of Color as the source of these crimes. These inaccurate representations of sexual assault further hinder progress in the anti-violence movement by stating that sexual assault only fits into a black and white legal definition as provided by state laws.

Society's perception of the ideal victim is damaging to the perception of sexual assault as a whole. Socially, the "ideal" victim is considered a woman who was attacked by a stranger in a dark alleyway. In light of recent social media movements, such as the #MeToo movement, the concept and understanding of what a "victim" is has changed. With recent media coverage of public sexual assault cases such as Brock Turner, Harvey Weinstein, Kevin Spacey, and Brett Kavanaugh, "more than 19 million tweets included the hashtag #MeToo between October 2017 to September 2018" (Newins, 2021), women have shown public sympathy to the survivors whose sexual assault cases were on trial. Social media-based movements pertaining to sexual assault have enhanced the understanding of "victim." "Rape acknowledgment refers to whether an incident that meets the definition of rape is labeled as a rape" (Newins, 2021).

Newins (2021) conducted a study with 207 women who were rape survivors who filled out a survey of rape acknowledgement and characteristics related to sexual assault. Newin's study resulted in the following findings: "Approximately sixty percent of female rape survivors did not label their experience as rape. The high rate of unacknowledged rape among survivors is concerning because individuals who do not label their experience as rape are less likely to receive mental or physical health services compared to their counterparts" (Newins, 2021). There is no current conclusive study in regard to whether labeling as a rape survivor has an affect on psychological effects comparing women who do and do not acknowledge the assault. Rape acknowledgement is also influenced by any beliefs about rape, or "rape scripts" and "rape myth acceptance" (RMA). "Scholars have coined the term "rape scripts" to refer to these cognitive conceptualizations of rape and, for many people, these scripts are consistent with stereotypes about stranger rape" (Newins, 2021). It is theorized that survivors will align their experiences with rape scripts in acknowledgement of their own experiences.

RMAAs are described to be “widely held beliefs that tend to generalize, trivialize, or even deny sexual assault” (Maxwell, 2020). A RMA that a mass majority of individuals may be familiar with is the stranger perpetrator myth: that a majority of sexual assaults were completed by someone that the victim did not know nor have a prior relationship with. Maxwell’s research further supports Newins (2020) by stating that “evidence suggests that, regardless of how strongly a rape myth is endorsed, it can have serious consequences for the victim, as people who endorse rape myths are less likely to consider a scenario as sexual assault, even when it meets the legal criteria for a sexual offence” (Maxwell, 2020). RMAAs also provide evidence that may suggest that RMAAs may also lead others to “advise sexual assault victims not to press charges or lead those dealing with rape charges to doubt the legitimacy of alleged victims’ claims, and may lead lawmakers away from enacting appropriate legislation” (Maxwell, 2020). RMAAs further support and perpetuate sexual violence indirectly. RMAAs create “distorted beliefs and attitudes about sexual assault and shift elements of blame onto the victims. RMAAs have been shown to lead to greater victim blame, lower conviction rates for accused rapists and shorter sentences for convicted rapists by juries in mock trials” (Maxwell, 2020).

One of the misconceptions of sexual assault is that it only happens to women, and that men cannot become victims of sexual assault themselves. Sexual assault is currently considered a feminizing crime, in which it happens only to women. It has been reported that 1.7% of men have been assaulted (Mulder, 2020). Mulder (2020) has conducted a two part study in which she provided two scenarios to participants: a male perpetrator assaulting a female victim, and a male perpetrator assaulting a male victim. In the study, Mulder (2020) found that “the association of victimhood and sexual violence with femininity has been hypothesized to obstruct recognition of male victims of sexual assault and to potentially complicate the reaffirmation of victims’ own

sense of masculine identity” (Mulder, 2020). This supports nonprofit movements in their focus of debunking the stereotype that “real men can’t get raped.”

In Mulder’s study, there were two components of the study that were conducted, Study One through Three. In Study One, researchers used the “extent of feminization of a male student (including picture) described as: a victim of sexual assault was compared with a male student accused of sexual assault or, a male student who was not described any further” (Mulder, 2020). Study Two had the same parameters as the first study, but interchanged the male victim with a female victim in place. In the third study, the scenario was that of a male target with two additional comparisons: victim of sexual assault, and a male student who engaged in consensual sex with another male. The researchers measured the study through “prescriptive and proscriptive masculine and feminine traits; second, by an explicit question regarding how feminine or masculine the target person seemed; and third, by an implicit measure that involved selecting one of two morphed pictures” (Mulder, 2020).

Mulder’s study revealed in his results that “Neither victim experience nor sexual orientation had an independent effect” (Mulder, 2020). After studying the results from the three studies, the results showed that male victims of sexual assault were regarded as less proscriptively masculine than male victims of assault. This also compares to male targets of consensual sex, the control, and the accused. Compared to the perspective female traits that were examined during the course of the study, respondents rated victims of “sexual assault as more prescriptively feminine than they did accused persons. No significant differences on the dimension of prescriptive femininity were found between perceptions of victims of sexual assault and victims of physical assault, men engaged in consensual sex, and the control condition” (Mulder, 2020).

Mulder further concluded in his research that both “Male and female victims were consistently attributed less prescriptive masculine traits than target persons in other conditions and more prescriptive feminine traits than target persons in the accused condition” (Mulder, 2020). Even compared to men who have been accused of sexual assault, many respondents did not rate this scenario any higher on scales of femininity. Mulder had also made the connection between victim perception. Mulder concluded that “ reactions of feminization are additionally intertwined with perceptions of passive victimhood. The results then lend some support to the hypothesis that sexual assault has a uniquely gendering effect, which cannot be ascribed to either interpersonal victimization or perceptions of homosexuality alone” (Mulder, 2020). Mulder’s study further supports societal expectations of sexual assault survivors, and highlights misconceptions of survivors altogether.

In reviewing the provided research of RMAs, rape scripts, and both self-victimization and characterization, it is evident that outdated beliefs of rape victims and perpetrators are currently damaging the efforts of the modern day anti-violence movement. These damaging behaviors do not adhere to the real life statistics and data in the United States in regard to sexual assault. As a results of these behaviors, misconceptions of sexual assault shield the mass majority from recognizing how deeply sexual assault is rooted in the United States. Because of the misconceptions and stereotypes that state that sexual assaults are perpetrated by strangers; that these perpetrators are People of Color, specifically African-American men; and that People of Color communities are not being affected by sexual assault, barriers exist for People of Color to be taken seriously in the anti-violence movement.

According to RAINN, over fifty percent of perpetrators are identified as white, opposed to twenty-seven percent of perpetrators identified as African-American, or six percent who

identified as “other” (RAINN.org, 2020). Another misconception of sexual assault is that the victims do not know who had assaulted them. In cases in which juveniles are involved, approximately ninety-three percent of the victims know the perpetrator. In contrast to sexual assault committed against adults, over eighty percent of assaults were committed by an acquaintance, a current or former partner, multiple offenders, or a family member (RAINN.org, 2020). Data indicates that the offender profile for sexual assault perpetrators are white males who have a prior relationship to the victim in one way or another.

When looking into potential solutions for ending sexual assault, men’s roles in society are also part of conversations for potential solutions. Both men and women in American society often state that “Good guys don’t rape.” These behaviors are often reflected in practices such as engaging in activities that are legally defined as rape, talking about rape and sexual assault, making jokes, laughing at images depicting sexual assault, self labeling as a rapist or others, or blaming survivors (Pascoe, 2016). Pascoe also contends that mobilizing rape is continuously fueling gender inequalities of both male and female relationships, as well as male and male relationships. Pascoe argues that hierarchical relations are established or supported by the rape of another man’s women:

By the rape, real or symbolic, of other men themselves—and, we suggest, by claims of not raping. In other words, mobilizing sexual assault as a masculinity resource allows men to do the dominance work not only over women, but also over other men, that comprises masculinity at this historical moment, even as rape itself becomes increasingly framed as socially undesirable. (Pascoe, 2016)

One of the most important factors related to sexual assault is rape culture. Rape culture is defined as “in which rape is normalized and sexual dominance is rendered “sexy” (Pascoe,

2016). These behaviors are often seen in adolescent years, such as in high school. It has been cited that “sexual violence, rape, and threats of rape are deeply integrated into the fabric of young people’s lives such that it is a normative rather than an unusual part of their emotional and physical relationships. These forms of symbolic sexual violence are central to constitutions of normatively masculine and feminine identities” (Pascoe, 2016). The prevalence of rape culture in the last forty years has shaped many ‘normal’ heterosexual relationships often leading to confusion concerning the boundaries between consensual and non-consensual.

Sociological Theories

The Feminist Theory is directly related to sexual assault, as is the theory of White Privilege. The Feminist Theory, or feminism, focuses on equality for both men and women in society. The Feminist Movement was an essential driving force and critic in the United States’ most up-to-date reforms on sexual assault in the United States, specifically through the lens of radical feminism. It has been cited through multiple sources within this paper that the second wave feminist movements of the late 1960s and early 1970s paved the way for the development of marital rape laws and rape shield laws. However, the Feminist Theory often forgets to include women of color in their fight against sexual assault. The factors raised by Johnson and Renderos (2020) suggest that it is a result of the mass majority of social media-based movements and white women that are the driving force behind the changes in addressing sexual assault. Johnson and Renderos (2020) concluded that the changes do not go far enough as they appear to exacerbate, rather than correct, the unequal treatment for People of Color and other vulnerable groups. Despite the efforts of the Feminist Movement, People of Color are absent in this research. This suggests that People of Color, and their contributions, were left out of consideration in this

movement. Similar to White Privilege Theory, this suggests there is value in the individual's appearance rather than their livelihood and rights.

With recent 21st century developments, women of color have taken initiative in creating restorative measures to support the anti-violence movement. The focus of restorative measures excluded the criminal justice system due to the historical mistreatment of People of Color. The restorative measures have been implemented through community efforts. One such initiative is Incite! Incite's mission is to create a "nation-wide network of radical feminists of color working to end violence against women, gender non-conforming, and trans People of Color, and our communities while supporting each other through direct action, critical dialogue, and grassroots organizing" (Armatta, 2018). Incite's understanding of the unique roles community structures play explains the methods used in addressing the anti-violence movement. Other groups have formed as well, such as the Black Youth Project 100 (BYP100), and Generation Five (Gen5) that adhere to a community-based approach in addressing issues in sexual assault through a POC queer lens or through community-based efforts to change both social and economic causes of Childhood Sexual assault (CSA). People of Color have been left out of important social movements, similar to the Feminist Movement. People of Color turned inwards, relying on one another to fix the concerns of their communities. People of Color have created several different organizations and projects that are specifically targeted to their ethnic group. Such groups and movements such as #MeToo, BYP100, Times Up, and Gen5 provide guaranteed support and change that does not further harm the communities.

Current Sexual Assault Policies

The United States sexual assault policies are a double edge sword in the fight of sexual assault. Policies directly influence how sexual assault cases are treated and handled. The current

legal factors that are in place in the United States are not aiding in the fight to end sexual assault. To date, many of the policies are enacted state by state; for example, sexual assault kits. The current federal policies that are in place are Rape Shield Laws and the Violence Against Women Act. Many researchers, advocates, and legal workers argue that there is not enough being offered to the victims through these safeguards. Despite legal parameters in place, societal expectations further hinder the anti-violence movement in regard to People of Color in the United States. With these negative perceptions of People of Color, legislation that has been created to help aid in the anti-violence movement has not included specific language that offers safeguards for People of Color, a documented majority impacted by sexual assault. The Violence Against Women Act (VAWA) of 1994 is the overarching policy that drives support for victims of sexual assault, domestic violence, stalking, and other forms of Intimate Partner Violence. Language in VAWA dictates non-profit federal funding.

Rape Kits and Rape Shield Laws

Limited legal protections exist for survivors. Rape shield laws are the only legal protection that survivors have in court. Rape shield laws are credited to the second wave feminism movement of the late 1960s and early 1970s and its anti-rape movement, which sought to redefine rape (Roman, 2011). Changing understanding of the causes of rape accompanied adjustments in policies. “Rape came to be redefined as a power dynamic whereby gender roles, masculinity and femininity, were reenforced in a power hierarchy placing men above women. Thus, rape came to be conceptualized as a means whereby men could socially control women, a form of male violence against women” (Roman, 2011). Rape shield laws are laws that disbar defense attorneys from using sexual history of the victim, therapy notes, or relationship history. Rape shield laws also protect the victim from media use. Rape shield laws have been discussed

as an infringement to the defendant's rights. Rape shield laws are the only means of protection in place for the survivors serving to encourage them to report.

From a feminist viewpoint, rape shield laws are cultural, structural, and dispersive. In 1988, *New Hampshire State v. Colbath*, justices sanctioned the survivor's "provocative behavior" and "publicly inviting acts" toward a group of men prior to her sexual encounter with the defendant as proof of her sexual proclivity for the alleged rape (Roman, 2011). This decision rules directly against the purpose of rape shield laws. Taking into account the victim's dress and prior actions resulted in a not guilty verdict in the Colbath case. The ruling and trial itself have also set a precedent that a woman does not have the right to retract any consent, no matter the point of the interaction. Although rape shield laws have been put into practice, sometimes they have been ignored by defense attorneys. This further reinforces the treatment of victims in the legal system, in which they are put on trial more often than their accused perpetrator.

Rape kits are DNA evidence collected from the victim after initiating a report. The evidence from the rape kit often leads to a rise in conviction rates for sexual assaults. But, in the United States, there is a alarming number of untested rape kits. There is no current federal policy that mandates the process of testing rape kits. Rape kits are stored in police stations, evidence lockers, and courtrooms across the country (Lions, 2018). With the climbing amount of rape kits that go untested, the viability of the evidence is at risk. DNA is a biological matter, and to make an accurate DNA match, each state has a requirement for DNA markers for a reliable match. As DNA goes untested, or improperly stored while waiting for testing, the DNA evidence could deteriorate and be deemed unreliable to be run through national DNA databases. Currently, there are no federal mandates that regulates rape kit testing. Rape kits have been stored in police stations, courts, and evidence lockers. There is no current federal mandated tracking or counting

rape kits. Most jurisdictions and states fail to self-implement these policies. The backlog of tests waiting to be completed means possible delays in the legal prosecution process leading to a guilty verdict. DNA is one of the crucial factors in prosecuting a sexual assault, but the national backlog threatens the viability of the DNA evidence that may potentially have been collected. Each state has a requirement for the number of DNA markers that would be considered a viable and accurate match. The rape kit is a crucial piece of evidence in a sexual assault case; the longer the kit sits waiting to be tested, the probability of the offender getting away with the crime increases, as well as the rate of reoffending.

Non-profit organizations and states have taken independent action to address the ongoing rape kit backlog crisis. The Joyful Heart Foundation was created in 2014 by Mariska Hargitay, a famous Hollywood actress known for her twenty year role as Captain Olivia Benson. Hargitay was moved by fan accounts of their personal stories, as well as the material produced by the show. The Joyful Heart Foundation focuses their efforts on rehabilitation of both survivors and trauma professionals. One of the primary concerns to the Joyful Heart Foundation is the rape kit crisis in the United States. The foundation was a part of President Obama's campaign in 2014 to end the backlog crisis, known as the Sexual Assault Kit Initiative (SAKI). This program was funding through a grant to provide communities across the country resources that they needed and were asking for to develop and implement a comprehensive, multi-disciplinary rape kit reform (End the Backlog, 2019).

The Joyful Heart Foundation indicated in 2016 there were 225,000 untested rape kits (Joyful Heart Foundation, 2019). Not all states reported their untested rape kits, thus leaving the Foundation to theorize that they are potentially a hundred thousand more. The Joyful Heart Foundation has also helped states to create methods to resolve individual state issues with rape

kit testing. A majority of states have counted their inventory of untested rape kits. “More than half of the states in the nation have committed to testing their backlogged kits. As of 2021, Colorado, Connecticut, Florida, Kansas, Kentucky, Nevada, Oregon, Utah, Virginia and Washington D.C. have cleared their backlogs” (End the Backlog.org, 2021). States have also adapted mandatory testing for police officers to ensure rape test kits are submitted within a set time frame. Another positive change is that states have implemented rape kit tracking services and laws. In 2014, Michigan was the first state to implement a rape kit tracking law. In 2016, both Washington state and Idaho also adapted similar tracking laws, and since then over twenty-five states and Washington D.C. have either implemented or in the process of implementing a rape kit tracking system (End the Backlog.org, 2021). States have also indoctrinated survivors right-to-notice policies as well as state funding in hopes to end the state’s rape kit backlog.

Violence Against Women Act: Analysis

To address the concerns of sex crimes and other intimate partner violence related crimes, the United States Congress enacted the Violence Against Women Act (VAWA) in 1994. “The original act was intended to change attitudes toward domestic violence, foster awareness of domestic violence, improve services and provisions for victims, and revise the manner in which the criminal justice system responds to domestic violence and sex crimes” (Saco, 2015). When VAWA was created, VAWA created new programs under the Department of Justice (DOJ) and Health and Human Services (HHS). The programs were focused on reducing domestic violence as well as improving the response and recovery from domestic violence incidents. “VAWA primarily addresses certain types of violent crime through grant programs to state, tribal, and local governments; nonprofit organizations; and universities. VAWA programs target the crimes of intimate partner violence, dating violence, sexual assault, and stalking” (Saco, 2015).

The initial passage of VAWA was ultimately created in recognition of the rising rates of violence crimes, in which women were primary targets. The 1960s, the United States saw the rates of violent crime rise. In the 1970s, organizations began to vocalize needed changes in regard to violence against women. During the 1980s, research was conducted in terms of family violence. Publication of the research findings has changed society's perception of domestic violence as a crime and public health concern, instead of a "private family matter." In 1984, "Congress enacted the Family Violence Prevention and Services Act (FVPSA, P.L. 98- 457) to assist states in preventing incidents of family violence and to provide shelter and related assistance to victims of family violence and their dependents" (Saco, 2015).

When VAWA was first established in 1994, it was initially a part of the Violent Crime Control and Law Enforcement Act of 1994. VAWA impacted both federal investigations and prosecutions of crimes involving violence against women. Some of the provisions in VAWA established new offenses and penalties for violations of stalking protections orders "It added new provisions to require states and territories to enforce protection orders issued by other states, tribes, and territories. VAWA also allowed for enhanced sentencing of repeat federal sex offenders" (Saco, 2015). VAWA also established a new requirement: pretrial detention in federal sex offenses and child pornography cases. Under VAWA, federal rules of evidence were changed to exclude the victim's past sexual history, restricting it from being admissible in federal criminal or civil cases of sexual misconduct. Other factors addressed are confidentiality between victims and their counselors, victim restitution of specific federal sex offenses, civil remedies that allow victims to seek civil penalties, and allowing victim's to demand their assailants to be tested for HIV (Saco, 2015).

Since the initial enactment of VAWA in 1994, VAWA has been reauthorized three times, with up-to-date revisions made, as needed. One important outcome of each VAWA revision has been grant funding. VAWA created numerous grant programs that provide a range of services which included the following programs: preventing of domestic violence and related crimes; encouraging collaboration among law enforcement, the judicial system, and public and private sectors for domestic violence; investigating and prosecuting domestic violence and crimes related; and addressing the needs of individuals in special population groups (the elderly, children, disabled individuals, individuals of both ethnic and racial populations, and nonimmigrant women (Saco, 2015). The grants created and provided through VAWA offer local, state, federal, and tribal entities the necessary funding to prosecute crimes against women.

In 2013, Congress reauthorized VAWA through the Violence Against Women Reauthorization Act of 2013. Through the 2013 reauthorization of VAWA, most VAWA programs were given grants, and appropriations were made to lower programs. This reauthorization resulted in combining several grant programs, which led to authorizing new grant programs. In this, the Safe Havens for Children and court training and improvement programs were consolidated to form a new program. This program receives grants in support of families in the criminal justice system. With this consolidation, the purpose of this program is to improve both the civil and criminal justice system's response to families with crimes that are highlighted under VAWA (Saco, 2015). Other grant programs were consolidated: Youth services and Supporting Teens through Education and Protection (STEP) were merged into Creating Hope Through Outreach, Options, Services, and Education for Children and Youth (CHOOSE Children and Youth). The creation of this program "is to enhance the safety of youth and

children who are victims of or exposed to domestic violence, dating violence, sexual assault, stalking, or sex trafficking. This program also aims to prevent future violence” (Saco, 2015).

Engaging Men and Youth in Prevention and Grants to Assist Children and Youth exposed to violence programs were consolidated into Saving Money and Reducing Tragedies Through Prevention (SMART Prevention). SMART Prevention program aims to “to prevent domestic violence, sexual assault, dating violence, and stalking through awareness and education programs and also through assisting children who have been exposed to violence and abuse. In addition, this program aims to prevent violence by engaging men as leaders and role models” (Saco, 2015). With the new consolidations of grant based programs, in 2013, three programs that were previously underfunded: Interdisciplinary Training and Education on Domestic Violence and Other Types of Violence and Abuse; Research on Effective Interventions in the Health Care Setting; and Grants to Foster Public Health Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking, were terminated as their purpose was included in the authorization of a new program: Grants to Strengthen the Healthcare System’s Response to Domestic Violence, Dating Violence, Sexual Assault, and Stalking. The purpose of the program is “to improve training and education for health professionals in their prevention of and response to domestic violence, dating violence, sexual assault, and stalking” (Saco, 2015). The 2013 VAWA reauthorization also created audit requirements for grantees under VAWA.

VAWA’s 2013 reauthorization had established new provisions for all grant programs under VAWA. This has created a nondiscrimination provision to ensure that victims are not denied services and “are not subjected to discrimination based on actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability” (Saco, 2015). It also increased protection of personal identifiable information of victims, as well as specified the

type of “information that may be shared by grantees and subgrantees. It also required that any grantee or subgrantee that provides legal assistance must comply with certification required under the Legal Assistance for Victims Grant Program” (Saco, 2015). VAWA’s 2013 reauthorization also modified, expanded and included new definitions of terms in VAWA. Some of the revised definitions included the definition of domestic violence, removed the term “linguistically” from the Culturally Specific Services Grant and amended the definition of the term “culturally specific services.” With the idea to provide VAWA services, VAWA added the terms “population specific services” and “population specific organizations,” which focus on “members of a specific underserved population” (Saco, 2015). VAWA also redefined the term “underserved populations” to include those who may be “discriminated against based on religion, sexual orientation, or gender identity” (Saco, 2015). Some other definitions that have been modified and redefined were: cyberstalking, rape crisis center, an individual later in life, and youth.

The 2013 VAWA revision also included several topics that have been brought to attention by anti-violence movements. VAWA 2013 amended the DNA Analysis Backlog Elimination Act of 2000 to:

strengthen audit requirements for sexual assault evidence backlogs and require that for each fiscal year through 2018, not less than 75% of the total Debbie Smith grant, amounts be awarded to carry out DNA analyses of samples from crime scenes for inclusion in the Combined DNA Index System, and to increase the capacity of state or local government laboratories to carry out DNA analyses. (Saco, 2015)

Additionally, VAWA expanded the purpose areas of several grants under VAWA to address needs of sexual assault victims to include “strengthening law enforcement and forensic response

and urging jurisdictions to evaluate and reduce rape kit backlogs. It also established a new requirement that at least 20% of funds within the STOP (Services, Training, Officers, Prosecutors) program and 25% of funds within the Grants to Encourage Arrest Policies and Enforce Protection Orders program be directed to programs that meaningfully address sexual assault” (Saco, 2015).

VAWA 2013 had included provisions for Native American Tribes. VAWA had granted authority to tribes to exercise special domestic violence criminal jurisdiction as well as civil jurisdiction for the ability to enforce protection orders over any person. VAWA created a new grant program to “assist Indian tribes in exercising special criminal jurisdiction over cases involving domestic violence. It created a voluntary two-year pilot program for Indian tribes that make a request to the Attorney General to be designated as a participating tribe to have special domestic violence criminal jurisdiction over such cases” (Saco, 2015). VAWA 2013 had also expanded the areas of purpose of grants to Native American tribal governments and coalitions to also include sex trafficking. Additionally, this expanded the purpose of grants for Native American tribal governments and coalitions to develop and promote legislation and policies of their own that reflect the best practices in responding to violent crimes against tribal women. The establishment of grants for Native American tribes and coalitions, to help raise awareness and response efforts to domestic violence to “identifying and providing technical assistance to enhance access to services for Indian women victims of domestic and sexual violence, including sex trafficking” (Saco, 2015).

VAWA 2013 also included restructuring of several other aspects of VAWA: sex trafficking, battered nonimmigrants, underserved populations, and housing. The amendments made to battered non-immigrants through VAWA 2013, include a new purpose areas of the

Grants to Encourage Arrest Policies and Enforcement of Protection Orders (Arrest Program), which is to “improve the criminal justice system response to immigrant victims of domestic violence, sexual assault, dating violence, and stalking” (Saco, 2015). In addition to amendments made to underserved populations under the VAWA 2013 reauthorization, it “required STOP implementation plans to include demographic data on the distribution of underserved populations within states and how states will meet the needs of their underserved populations. It also expanded the purpose areas of the Grants to Combat Violent Crimes on Campuses program to address the needs of underserved populations on college campuses” (Saco, 2015). The housing rights that were addressed in VAWA are that a VAWA applicant could not be denied housing if they were a victim that is highlighted under VAWA. “Under the Transitional Housing Assistance Grant program, it ensured that victims receiving transitional housing assistance are not subject to prohibited activities, including background checks or clinical evaluations, to determine eligibility for services” (Saco, 2015). The requirement for the victim to be “fleeing” was removed to receive transitional housing assistance, as well as there were model agency programs that were installed in these transitional housing assistance programs. If victims were in the transitional housing program and are victims of domestic abuse, they have the option of being able to move into a safer unit.

Recently, in 2021, VAWA was on the front pages of the news. VAWA was on the verge of not being reauthorized. Upon the most recent reauthorization of VAWA there has been debate on whether or not VAWA itself is an effective piece of legislation in regard to addressing crimes against women. Similar debates were made in 2019. Members of Congress on both sides of the political parties offered insight into both pros and cons of reauthorizing VAWA. Arguments made in favor of reauthorizing VAWA highlight several areas that have yet to be addressed in

the current policies under VAWA. Although VAWA has helped victims under the crimes that VAWA covers, it is estimated that there is approximately 2 million women and 5 million children who are exposed to domestic violence (The Pros and Cons of Reauthorizing the Violence Against Women Act, 2019). Social movements and media movements like #MeToo, address women of color's disparities in support and services when they are sexual assault survivors, shows the demand for Congress to address the holes left in VAWA.

During the reauthorization of VAWA, the Republican party had attempted to add a short term extension of VAWA to the “funding bill in February when Congresswoman Debbie Lesko offered it as a previous question. Democrats blocked this attempt and refused to include a short-term extension to allow time for meaningful negotiations to take place” (The Pros and Cons of Reauthorizing the Violence Against Women Act, 2019). Republican Congressman Collins of Georgia stated that his Republican colleagues wanted to “find a solution that helps victims, prevents domestic violence, and strengthens programs that serve vulnerable populations” (The Pros and Cons of Reauthorizing the Violence Against Women Act, 2019). But, there were concerns from the Republican party of “undermining and jeopardizing due process, that curtails prosecutorial discretion, that makes it more difficult for victims in rural areas to find housing, that could weaken programs for female victims, that could re-victimize abused women, and that undercuts the Second Amendment rights” (The Pros and Cons of Reauthorizing the Violence Against Women Act, 2019). Congressman Collins also discussed the new unemployment insurance benefits, as well as lack of inclusion of faith-based exemptions for grant participants in regard to VAWA's reauthorization.

When the reauthorization of VAWA in 2021 finally passed into law, several revisions were made from VAWA 2013. Some of the notable changes in VAWA 2021 were amendments

to definitions under VAWA. Both definitions and grant conditions were addressed in the second section of the act. Some definitions that were modified were: economic and internet abuse, female genital mutilation, and use of technology. Section one of the reauthorization of VAWA focused on enhancing the legal tools to combat crimes under VAWA. Under this section, STOP grants were highlighted with amendments to the section's literature. The section also depicts retrieving dangerous weapons from perpetrators who were convicted of domestic violence, sexual assault, stalking, and intimate partner violence. Under the guidelines of this section, local, state, federal, or tribal governments can seize the weapon when deemed appropriate. This can only happen if there is an "issued protective or other restraining orders against such a perpetrator; or found such a perpetrator to be guilty of misdemeanor or felony crimes of domestic violence, dating violence, sexual assault or stalking; and ordered the perpetrator to relinquish dangerous weapons that the perpetrator possesses or has used in the commission of at least one of the aforementioned crimes" (Congress, 2021).

VAWA 2021 amendments also encourage improvements within the criminal justice system and alternatives for violence against women. Section 102 is "to assist States, Indian Tribal governments, State and local courts (including juvenile courts), Tribal courts, and units of local government to improve the criminal justice response to domestic violence, dating violence, sexual assault, and stalking, and to seek safety and autonomy for victims" (Congress, 2021). In this section, Congress made amendments to the language surrounding the policy, by also including focus on homicide reduction, community-based program creations, and policies and training for law enforcement. Section 28 of this section states to:

develop or strengthen policies and training for law enforcement officers, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic

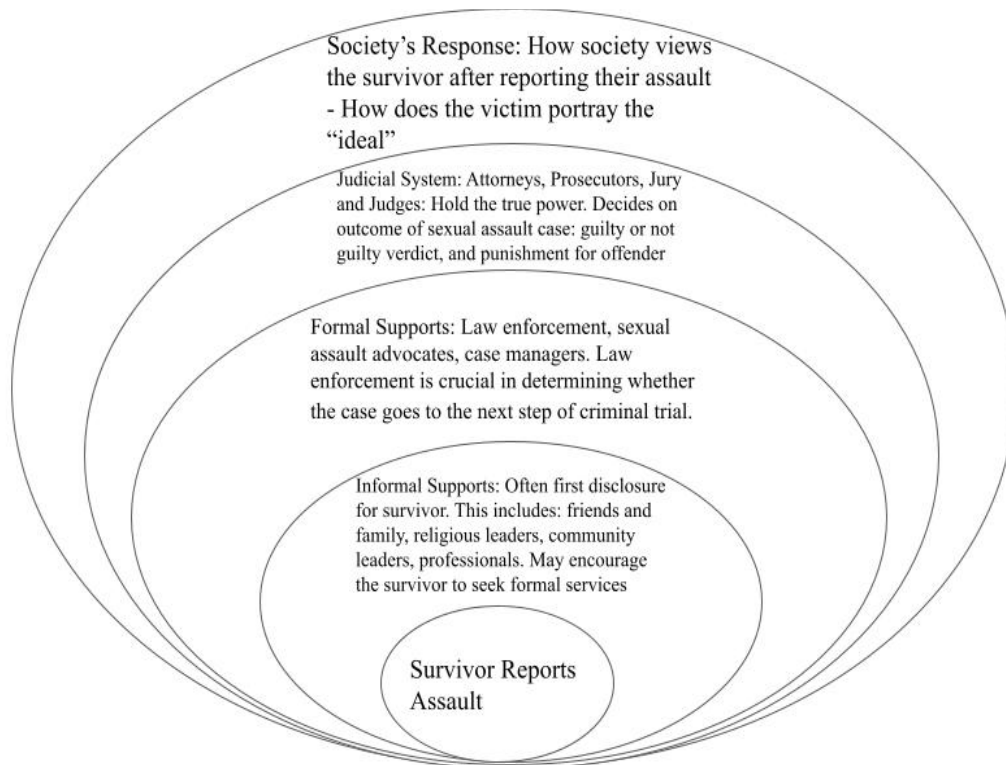
violence, dating violence, sexual assault, and stalking against individuals who have been arrested or otherwise have contact with the juvenile or adult criminal justice system, and to develop or strengthen diversion programs for such individuals and for such individuals to receive comprehensive victim services (Congress, 2021).

VAWA's recent amendments made general changes to the language of the policy to include inclusionary provisions in the Act. Many amendments that were made were to correct grammar and spelling, as well as to ensure each crime was covered under VAWA's provisions for its survivors and other participants. Overall, VAWA has created a fundamental structure of rights for victims of Interpersonal Violence (IPV) crimes across the country. However, VAWA proves that the provisions made have done little to help survivors of sexual assault, particularly for People of Color. Even though the policy has inclusive language and covers any natural citizen born in the United States, the promising changes have not yet made a proven impact of sexual assault reform within People of Color's community. The policy's lack of understanding in intersectionality is reflected in the societal responses to sexual assault and the treatment of its survivors.

Data Memo

Figure One

Ecological Model of Survivors Reporting their Assaults



When a survivor has been sexually assaulted, there is often a gap from the initial assault to disclosing. More often than not, survivors often disclose to informal supporters. Informal support often includes family members, friends, romantic partners, community leaders, and religious leaders. Survivors may feel hesitancy in disclosing at first, and often find comfort and support in turning towards loved ones, or those that they are close to and respect within their communities. Survivor's informal support may encourage and support the survivor in reporting to formal support. Formal supports are considered to be: law enforcement, sexual assault advocates, therapists, and case managers. Law enforcement is the first step that survivors interact with the criminal justice system. Law enforcement holds the power and authority over survivors in terms of whether or not their case is taken by the prosecutor. Wentz (2020) describes the bias that police officers may have when taking the initial statement from the survivor, such as if the survivor is having trouble recalling details of the assault. Oftentimes, police officers assume the

victim is “creating a cover story”, instead of taking into consideration the potential trauma the survivor is experiencing.

The judicial system is the key component in whether or not any justice is served to the survivor after reporting their assault. After law enforcement, the prosecution holds the next step for survivors in their journey to receive justice, or for their case to be heard in the court of law. Prosecutors often decide whether or not to proceed with the survivors' case with similar bias that law enforcement often use. In Wentz' (2020) study, she examined and concluded that prosecutors would use various reasons to deny the case any entry into the criminal court. Reasons range from survivors being late to pre-trial interviews to the survivor's character. Both the judge and the jury are the last remaining factor in deciding whether or not the perpetrator is found guilty or not guilty. Defense attorneys may use tactics to undermine the survivor's credibility by highlighting their past sexual experiences or appearance. Judges and juries may experience their own bias in regard to sexual assault survivors, such as the survivor's relationship to the offender, or the survivor's appearance within itself.

Regardless of the verdict of a criminal sexual assault trial, society often views the survivor in a negative light. Even when the offender is found guilty, many people may defend the offender's character, or attempt to poke holes in the survivor's story. The offender's status can determine the treatment of the survivor afterwards, if the offender is considered to be a valued member of society, then the survivor had alternative motives in filing charges. The survivor may also experience distrust in the legal system and may hesitate to report through any form of formal reporting. In turn, by reading or watching the news and the narrative it creates around sexual assault cases may deter survivors from reporting altogether.

Figure Two*Responses to Disclosure*

Regardless of the avenue of disclosing a survivor chooses (informal or formal services), oftentimes the survivor is met with similar narratives. If a survivor knows the crime, often when disclosing, others question the survivor about their actions that lead up to the assault. Sexual assault survivors are often asked about what they were wearing, if what they were wearing was revealing or suggestive in anyway. Survivors are also asked if they have been drinking or using any sorts of drugs the night of the assault, which may explain the survivor's guilt in their participation in their crime. If the survivor knows the perpetrator of the crime, often when disclosing, others around them may defend the behavior of the perpetrator by highlighting his character traits, accomplishments, and community involvement, which is proof enough to

discredit the survivor's story. Oftentimes when this language is used, it creates a hostile environment for future survivors to come forward in an attempt to seek any form of support.

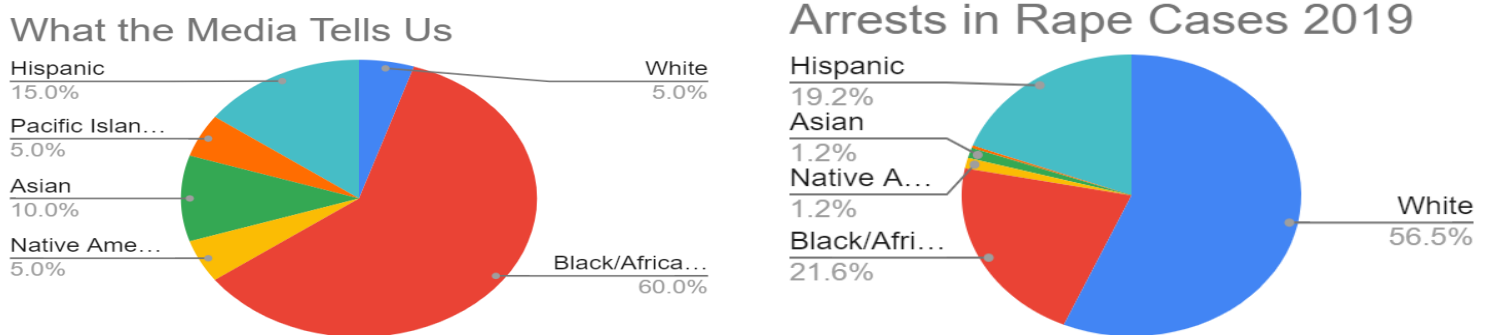
Figure Three*Similarities Between Guilty and Not Guilty Verdicts*

When deciding if an offender is guilty or not guilty in the court of criminal law, or public opinion, there are several shared factors that contribute to both outcomes. The offender's relationship status with the survivor plays a vital role in these decisions. Most perpetrators who commit sexual assault is an acquaintance, a former partner, or a family member. If there is a prior relationship between the survivor and the offender, it may be hard for juries to separate the prior relationship from the case before them. Statistically, a jury is likely to convict guilty with a stranger-survivor case as opposed to survivor-acquaintance cases. Another major deciding factor for a guilty or a not guilty verdict is the survivor themselves. Sexual assault is the one felony that puts blame on the survivor, and not solely on the perpetrator. Rape Myth Acceptance (RMAs) as

described by Maxwell (2021), regardless of how serious the belief of the RMA is, could result in negative impact on the survivor. Believing sexual assault cases only happen to a specific population and under a ridged criteria ignores the large majority of sexual assault victims. Believing in RMAs and actively participating in their beliefs from a societal and legal standpoint can also create a hostile environment for survivors when they formally report their assaults. They may see resistance from law enforcement and other judicial officials in taking their cases seriously, even if the case meets the legal criteria needed for a trial. Survivors feel as though if their experience does not fit into an ideal description of a sexual assault, then no one would believe or pursue the case through a criminal trial. The prosecution’s confidence in prosecuting the case relates to the survivor’s credibility. They would use their bias in whether or not the judge and jury would believe the story of the survivor. Another factor that the prosecution considers is the status of the offender. Prosecution offices may be hesitant in pursuing a case if the suspected offender is what is to be considered a valuable member of the community or has a form of status within society, such as a celebrity.

Figure Four

What the Media Tells Us vs. UCR 2019 Reports



When discussing the breakdown of sexual assault, often times the media hyperfocuses on a specific community of people as being the main perpetrators of sexual assault. Foster (2011)

describes the stereotypes of African-American being hypersexual are rooted in the sexual abuse during the American slave trade. These behaviors followed suit from masters forcing female slaves into unwanted intercourse, as well as forcing male slaves to sexually assault their female counterparts. These negative stereotypes have followed both African-American men and women in terms of their sexuality to current society. Above are two pie charts representing the number of sexual assault arrests made in 2019. Based on the negative stereotypes of People of Color, a dangerous narrative has been created in the media of perpetrators who are behind committing all of these sexual assaults. The negative narrative also offers these communities as scapegoats; however, the Uniformed Crime Report (UCR) in 2019 reported that, in 56.5% of arrests made, the identified perpetrator was white, compared to 21.6% of arrests of African-American individuals.

Policy Recommendations

After reviewing VAWA and the past and current amendments that have been made, there is a call to action in strengthening the legislation of VAWA to ensure better protection for victims as well as providing funding and resources to programs under VAWA. Congress in 2021, reauthorized VAWA in its last days. Upon a closer examination, however, the new revisions fail to cover the astonishing gaps that are left without any protection. After reviewing the concerns of sexual assault through the lens of People of Color as well as society's current perceptions of sexual assault victims, the recommended changes needed are as follows: programming and training of informal services, building better relationships with non-profit organizations and sex crime police units, addressing the rape kit backlog crisis and strengthening the legal protection behind rape shield laws.

The current policy continues to primarily address sexual assault as a criminal justice issue, despite the changes in social perceptions as well as the documented issues with this

approach. Sexual assault should be treated as a public health issue; this opens up the possibility for restorative initiatives and approaches. Sexual assault has been proven to affect populations across racial and economic classes. By focusing on different populations, one can better address issues differently in regard to sexual assault. Local and state representatives are closer to resolving the outstanding concerns. Approaching sexual assault reform as a public health issue offers pathways to how local and state officials can combat sexual assault within their communities. One pathway is to approach the issue through education-age-appropriate school programs across all grade levels, and informational brochures and packets in state and local office buildings (post offices, City Hall, senior centers, community medical centers and emergency rooms). By providing easy access to information, building societal expectations and incorporating a community-based approach, one can lower the bias of the conversation of sexual assault altogether, by removing the “taboo” from the conversation overall, as well as to educate those on the truth of sexual assault. Regardless of the need to provide educational resources throughout different aspects of the community, there is a chance that parents and community members may not want their children to be “exposed” to these conversations and topics. This could result in potential division between parents and community members and workers, as well as calls to reverse the programming overall. Educating communities on statistics and signs of sexual assault can create pathways and opportunities which expose community members to the barriers that sexual assault survivors are faced with when reporting their assaults.

Rape kits are a crucial piece of evidence needed in conviction of sexual assault cases. Currently, there is no definitive number of untested sexual assault kits. There is no current tracking system on a national level that can accurately track these untested kits, although some states have implemented their own tracking system. Lions (2018) discusses the potential of collaborating with private laboratories to outsource the caseload of testing rape kits. By taking a closer look at states with limited information of the amount of rape kits that have yet to be

tested, it gives us insight into the amount of lab assistance required to eradicate the backlog in the state. Massachusetts has approximately 6,000 untested rape kits. There are approximately twenty private labs in Massachusetts, in addition to the Massachusetts State Police lab. Dividing the backlog of kits between the private and public labs could help significantly reduce the number of unprocessed rape kits which, in turn, can make additional evidence available to the prosecution in a timely manner. To track untested rape kits, a state or national tracking system should be put in place. By creating a database that can accurately track the status of each rape kit, prosecutors and survivors would have access to updates in regarding the status of the kit in question. This database could potentially alert women of potential and confirmed perpetrators, similar to that of sex offender and domestic violence databases, with public access.

In a criminal court, rape shield laws are the only means to protect survivors when they are on the stand. Rape shield laws are bounds that defense attorneys are confined to when they are questioning a survivor. They are not legally able to bring up the survivor's therapy notes, relationships, and medical records. However, defense attorneys often find loopholes to get around these laws, which allows sharing of this prohibited information. Defense attorneys often have freedom in how they question the survivors on the stand; they may even walk the lines of contempt of court charges with how they choose their phrasing. Survivors become hesitant to step forward in formal settings, due to the treatment of previous survivors testifying on the stand and the outcomes made by court rulings. Attorneys are expected to act under professional decorum; when defense attorneys make the analytical decision to test the boundaries of rape shield laws, it has a proven ripple effect throughout society.

A re-evaluation of rape shield laws is crucial in the legal protection for survivors. Survivors remain hesitant to press charges due to the treatment of survivors in the media as well as their fears of reliving the assault in front of a courtroom and to be ridiculed by the defense

attorney during cross examination. By updating rape shield laws to match society's perceptions and technological capabilities, it can more realistically reassure survivors that they are protected, and that the laws actually do work. Some updates that can be made to strengthen in favor of rape shield laws could include amendments to the legal definitions and imposing penalties on those who break in the law, such as defense attorneys and judges. Although the media is a crucial component in how survivors are perceived, it provides challenges in implementing punishments considering that the media can use First Amendment rights. However, a critical factor in navigating this technicality is to prove that the media is actually defaming the survivor by spreading false narratives.

Due to the treatment of sexual assault survivors, many are hesitant to report their assault to law enforcement. Many survivors often go to non-profit organizations for support. Both social workers and advocates are a recognized asset in sexual assault reform. They have the training and specialization to help the survivors overcome the emotional and psychological effects of sexual assault. Although they have limited capabilities in the criminal justice system in regard to formalized reporting, many survivors still turn to them for comfort and guidance. Currently, there is a shortage of social workers and advocates due to the high demand of case volume. Most law enforcement agencies have not received any up-to-date training in regard of handling sexual assault cases, often leaving survivors at a standstill. A recommendation to resolve this issue is to facilitate stronger relationships between nonprofit organizations and law enforcement agencies. These relationships have potential to support and train one another.

Informal support for the survivor is considered to be family members, religious leaders, hair stylists, teachers, and other community leaders that reside in their community. Survivors often report to close friends and family members before reporting to formalized services. A majority of these informal supports often do not have the proper training to effectively assist in

supporting a sexual assault survivor. By acknowledging the probability of disclosing these types of informal support, other recommendations arise. Creating training programs available for the general public would benefit all members of the community. It provides the tools needed in supporting a survivor when they disclose their assault. Creating a training program that is available for the general public to take would benefit the outcome of survivor reporting. A training program can teach these individuals steps that they can take to further help the survivor. This training program can also provide the needed tools for the individual in terms of advocacy, recognizing signs of assault and domestic violence, and providing emotional support for the survivors.

Conclusion

Despite all notable progress that has been made in regard to sexual assault, there are still barriers that have yet to be addressed. The United States history of the treatment of both sexual assault survivors and People of Color has been anything but kind. Any attempts of reform and change were made in light of the mass majority, but not the minority. Society's expectations of the "ideal" survivor for sexual assault has set standards for which cases will receive justice. If a survivor does not fit the ideal mold that society has constructed, their chances of support and justice decrease. Sexual assault rape kits hold crucial evidence that can tie perpetrators to those they assaulted. With the ongoing rape kit backlog growing within the United States, there has yet to be any national policies or statements addressing the issue overall. VAWA has made considerable improvements and revisions in regard to the policies that it covers, yet there are considerable gaps that have not been addressed. The gaps in these policies have left individuals turning to themselves and their own communities for support and answers. All efforts that have been made to even attempt any long-term progressive change has been for the mass majority: white survivors. By taking a new look at sexual assault from the lens of education and a public

health approach ensures the inclusion of all communities in receiving adequate and meaningful support.

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