

STRATEGIES

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Educating Juries in Sexual Assault Cases

Part I: Using Voir Dire to Eliminate Jury Bias

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Crimes of sexual violence continue to be misunderstood even though there has been significant research surrounding the dynamics of sexual assault and its impact on victims during the last three decades.² We now understand much more about these crimes, the people who commit them, and the way victims respond to trauma. Unfortunately, we cannot assume that the results of this research have infiltrated the minds of the average layperson, juror, or judge.

Too many people still believe the outdated and disproved mythology that surrounds sexual violence.³ Rape myths shift the blame for the crime from the rapist to the victim.⁴ When a fact-finder in a sexual assault case accepts a rape myth as true, the prosecutor faces tremendous barriers to achieving justice for victims and holding offenders accountable for their crimes.

This article is the first in a series that will explain strategies to educate juries about sexual violence facts and overcome common misconceptions. In addition to providing data-driven information about sexual assault

based on research, journal articles, and authoritative publications, this article will suggest ideas to improve jury selection techniques. Future articles in this series will provide additional material to provide prosecutors with information and strategies to educate, dispel common misconceptions, and convey the truth to fact finders through other aspects of trial practice, including opening statements, direct examination, calling expert witnesses, and closing arguments.⁵

To be effective in prosecuting crimes of sexual violence, prosecutors must understand the research and statistics about sexual assault in order to educate judges and juries about sexual assault dynamics and common victim responses. Although much of the data in this area is not generally admissible in a criminal case, prosecutors can benefit from a thorough understanding of the dynamics of sexual assault because it will aid them when devising trial strategies, anticipating defenses, preparing victims, and developing effective cross-examinations and arguments.

Further, prosecutors who truly understand sexual violence can better identify jurors who might harbor mistaken beliefs and accept false mythology about sexual assault and poison the rest of the jury with misinformation. When the prosecution selects jurors who have a more realistic understanding of the dynamics of sexual assault, they are more likely to be fair and perhaps even help educate other jurors during deliberation.

VOIR DIRE PRACTICE AND LEGAL AUTHORITY

Voir dire practice can differ depending on what state, county, and judge has jurisdiction over the case. Most jurisdictions have appellate case law addressing the defendant's right to conduct voir dire of jurors regarding their ability to be fair and follow the law. Appellate courts, however, have few opportunities to address the prosecutor's right to question jurors about the mistaken beliefs about rape they possess that would interfere with their ability to follow the law.⁶ Prosecutors can make a persuasive argument that jurors with firmly held but mistaken beliefs about rape are unlikely to be able to follow the court's instructions in the law⁷ and that specific questioning in this area is the only way to determine the prevalence of rape myths in the jury panel.⁸ "Despite considerable research and publications in professional and popular journals concerning rape, [rape] myths continue to persist in common law reasoning."⁹

Traditional voir dire questions regarding jurors' abilities to follow the law, assess witness credibility, understand the burden of proof, and other common areas of inquiry might not sufficiently address potential jurors' emotional reactions to sexual assault cases. An increasing number of jurisdictions are curtailing the ability of prosecutors and defense attorneys to conduct meaningful voir dire of jurors in the name of "judicial economy." The prevalence of rape myths, however, weighs in favor of judges creating exceptions to the general rule of strictly limiting juror voir dire in sexual assault cases.¹⁰

GOALS OF VOIR DIRE IN SEXUAL ASSAULT CASES

In the general sense, the goal of voir dire is to select a jury that can be fair to both sides and render a verdict based on an application of the facts as the jury finds them and the law as the judge instructs them. Through a process where

each side questions potential jurors and strikes jurors that appear to be biased against them, a fair jury emerges. In sexual assault cases, however, there are additional goals. For example, jurors do not harbor "robbery myths" that stand in the way of justice for robbery victims. In a sexual assault case, another goal of jury selection is to delve into juror rape myth acceptance and begin to redefine these problematic beliefs into juror competence. Jury selection should also begin to prepare the jury for the evidence, touch on difficult facts, and prepare the jury for the use of graphic terminology and evidence. Another goal, when possible, is to use a jurors' life experiences to educate the other jurors about friends or family members who have been victims of sexual assault and discuss their reactions to being victimized. This can set the stage for later evidence and arguments about victim behavior.

SUGGESTIONS FOR VOIR DIRE IN SEXUAL ASSAULT CASES

A victim is more likely to be sexually assaulted by someone s/he knows – friend, date, intimate partner, classmate, neighbor, or relative – than by a stranger.¹¹

Sexual violence can occur at any time and there is no way to adequately predict who might be a perpetrator. Unfortunately, non-strangers and familiar places are often the most dangerous to victims. According to a large study of women who were raped or sexually assaulted during 2002, sixty-seven percent identified the perpetrator as a non-stranger.¹² Another study found that 8 out of 10 victims know the people who raped them.¹³ Another study found that nearly 6 out of 10 sexual assault incidents occurred in the victim's home or at the home of a friend, relative, or neighbor.¹⁴ These studies, which are all based on statistics compiled by the U.S. Department of Justice, conclusively support the fact that most rapists are non-strangers.

There is no racial, socio-economic, professional, or other demographic profile that typifies a rapist. This type of criminal is not physically identifiable and often appears friendly and non-threatening.¹⁵ Researchers and sexual violence experts spend considerable time attempting to educate the public about the danger of stereotyping rapists, but their messages are often undermined by the images perpetuated by popular media coverage of sexual assault cases. It is understandable, therefore, that jurors are commonly reluctant to convict attractive and sociable sexual assault defendants who are known to their victims.

Sexual assault defendants commonly appear in court well groomed and well dressed. They might also be married and have children. Jurors confronted with this image may be reluctant to convict without a constant reminder that the defendant is purposeful and dangerous. When the defendant is also a friend or family member of the victim and uses that relationship to gain, and then betray the victim's trust, jurors may need to be informed in order to recognize and understand the defendant's predatory behavior.¹⁶

In jurisdictions where prosecutors are permitted to ask questions of potential jurors during voir dire, it might be appropriate to ask whether a potential juror would be less likely to convict a defendant of rape if that defendant were a partner, friend, or acquaintance of the victim. The answer to this question provides insight into whether the juror knows that the majority of rapists are non-strangers and whether they view non-stranger rapes as seriously as those committed by strangers. A juror who understands the prevalence of non-stranger sexual assaults can also educate ill-informed jurors on the panel.

Another question to pose to jurors deals with their abilities to follow the judge's instructions regarding the definition of rape regardless of their personal beliefs. If the victim and defendant were in a relationship prior to or during the rape, tell prospective jurors that they will hear evidence about that relationship and ask whether the existence of a prior relationship would concern them when deciding the case. As always, follow-up questions regarding whether the juror expects rapists to be strangers and whether they can follow the law in this area would be useful to probe the beliefs behind the jurors' answers.

Sexual violence is never the victim's fault. No other crime victim is looked upon with the degree of blameworthiness, suspicion, and doubt as a rape victim. Victim blaming is unfortunately common and is one of the most significant barriers to justice and offender accountability.

Victim blaming can be expressed in several themes: victim masochism (e.g., she enjoyed it or wanted it), victim precipitation (e.g., she asked for it or brought it on herself), or victim fabrication (e.g., she lied or exaggerated).¹⁷ In a criminal trial, the defense might appeal to some or all of these common victim-blaming biases to help the defendant avoid accountability. Further, it can translate into jurors blaming victims for their choices in an attempt to distance

themselves from the victim and the crime thereby preserving the perception that they are safe if they do not make the same choices as the victim.

When allowed, prosecutors may consider asking questions to determine whether potential jurors understand the importance of holding the offender and not the victim accountable for crimes of sexual violence. For example, prosecutors could ask jurors whether they believe that a victim can be raped even if that victim consented to some other measure of intimate contact before the rape occurred.

In some cases it may be important to gauge whether jurors will still follow the law when the facts do not present the most sympathetic victim. Prosecutors may need to ask questions to determine whether jurors believe that a defendant can commit the crime of rape even if the victim was drinking, using drugs, dressed in a way that the jurors perceive as provocative, being prostituted, or engaged in any other behavior that may inappropriately cause victim blaming. Prosecutors should directly address victim behavior that jurors might consider problematic by preparing them for such behavior during the voir dire process. Through certain voir dire questions, prosecutors can also inform jurors that they will hear evidence regarding the victim's behavior before or after the assault that might cause jurors concern. For example, prosecutors may consider asking whether certain behaviors would cause the jurors unease and interfere with their ability to follow the court's instructions and render a fair verdict.

Prosecutors can counter victim-blaming myths throughout the trial by stressing that without consent, "No" means "No," no matter what the situation or circumstances. It doesn't matter if the victim was drinking or using drugs, out at night alone, gay or lesbian, sexually exploited, on a date with the perpetrator, or if the jurors believe the victim was dressed seductively. No one asks to be raped. The responsibility and blame lie with the perpetrator who took advantage of a vulnerable victim or violated the victim's trust to commit a crime of sexual violence.

Rape is an act of violence and aggression in which the perpetrator uses sex as a weapon to gain power and control over the victim. It is a common defense tactic in rape trials to redefine the rape as sex and try to capitalize on the mistaken belief that rape is an act of passion that is primarily sexually motivated. It is important to draw the

legal and common sense distinction between rape and sex.

There is no situation in which an individual cannot control his sexual urges.¹⁸ Sexual excitement does not justify forced sex and a victim who engages in kissing, hugging, or other sexual touching maintains the right to refuse sexual intercourse. Rapists do not rape because they want to have sex and many rapists also may have partners with whom they engage in consensual sex. Sexual deviance and character traits form the motives for rapists' behaviors.¹⁹ Their sexual deviance may cause them to be aroused by exploiting the physical and/or psychological vulnerabilities in their victims, whether they result from intoxication or physical or mental disabilities. Rapists are also motivated by character traits common to many criminals.

When an offender has a criminal, narcissistic, or otherwise interpersonally and socially compromised personality, he can be motivated to offend for a variety of reasons. He may lack the internal barriers that prevent offending, like guilt, remorse, empathy, or compassion. He may maintain a belief system, which devalues the rights of others and over-values his rights. He may be indifferent to, or aroused by, the pain, suffering, injury, or humiliation of others. The offender also may feel that the rules of society do not apply to him.²⁰

When conducting voir dire, prosecutors should look out for any answers that indicate that a potential juror might confuse sex with sexual violence and aggression. If a juror harbors attitudes that excuse sexual violence as something that men "simply can't control", they will not be able to deliberate fairly.

There is no "typical" sexual assault victim. Sexual violence can happen to anyone, regardless of sex, race, age, sexual orientation, socio-economic status, ability, or religion. Prosecutors might come across jurors who think that "real" sexual assault victims are attractive, young or sexually inexperienced. This particular stereotype of sexual assault victims is often related to the mistaken belief that rape is about sex, rather than violence, and that the attractiveness of the victim is one of the "causes" of the assault.

Although there is no typical sexual assault victim, studies indicate that certain groups are victimized at higher rates than others. One study found that people with disabilities have an age-adjusted rate of rape or sexual assault that was more than twice the rate for people without disabilities.²¹ For individuals with psychiatric disabilities, the rate of violent criminal victimization including sexual assault was two times greater than in the general population.²² American Indian and Alaska Native women and girls are victims of rape or sexual assault at a rate that is double that of other racial groups.²³

The elderly, boys and men, sexually exploited women, or persons with disabilities challenge many jurors' beliefs about rape. Questioning potential jurors about their expectations of rape victims and whether they would be able follow the law and render a verdict of guilty, even if the victim does not fit their idea of what a "typical" rape victim should be, will help identify misinformed jurors who may need to be eliminated or educated.

Most victims do not incur physical injuries from sexual assaults. Many of the unwanted and forced acts that take place during a sexual assault do not result in visible non-genital injuries. Most adult rape victims do not have any non-genital injuries from sexual assaults. According to a study examining the prevalence of injuries from rape, only 5 percent of forcible rape victims had serious physical injuries and only 33 percent had minor injuries.²⁴ This study also showed that most victims of rape, attempted rape, and sexual assault do not receive medical treatment for their injuries. Furthermore, the presence or absence of genital injuries following a rape is not necessarily significant when evaluating a case. Early studies of rape examinations found that most rape victims did not have any genital injuries.²⁵ Those initial studies, which relied on direct visualization without any magnification or staining techniques, found genital injury rates between 5 and 40 percent.²⁶ In jurisdictions where forensic sexual assault examiners use only direct visualization techniques without magnification or staining, injury rates would be expected to fall within the range of those studies.

Using the latest examination techniques, including direct visualization, colposcopy, staining techniques, and digital imaging, studies indicate the occurrence of genital injury after rape to be between 50 and 90 percent.²⁷ These newer examination techniques allow examiners to document

many more minor injuries; however, more research is necessary to determine the prevalence of genital injuries after consensual sexual activity and the relevance, if any, of injury patterns in sexual assault examinations.

Jurors must understand that rape is a life-threatening event and victims make split-second decisions about how to react to sexual violence in order to survive. Some victims respond to the severe trauma of sexual violence through the psychological phenomenon of dissociation, which is sometimes described as “leaving one’s body,” while some others describe a state of “frozen fright,” in which they become powerless and completely passive. Physical resistance is unlikely in victims who experience dissociation or frozen fright or among victims who were drinking or using drugs before being assaulted.²⁸ To a rape victim, a threat of violence or death is immediate regardless of whether the rapist uses a deadly weapon. The absence of injuries might suggest to some jurors that the victim failed to resist and, therefore, must have consented. The fact that a victim ceased resistance to the assault for fear of greater harm or chose not to resist at all does not mean that the victim gave consent. Each rape victim does whatever is necessary to do at the time in order to survive. The victim’s decisions about whether to resist during a sexual assault can lead to jurors victim-blaming or perceiving the victim as less credible and must therefore be directly addressed by prosecutors.

In conducting voir dire, prosecutors may be able to ask questions to probe potential jurors’ expectations that sexual assault victims must have suffered serious injuries. In cases involving a victim who has minor or no injuries, prosecutors may consider asking potential jurors whether they would not believe that a victim had been raped if the rapist did not use a deadly weapon or inflict serious injuries. To gain additional insights into the beliefs of potential jurors in this area, prosecutors may even consider asking whether jurors believe that a certain level of resistance is necessary for the crime of rape to occur. Furthermore, if the prosecution intends to call an expert to explain the lack of injuries, it may be important to ask whether potential jurors might be inherently distrustful of expert testimony.

A related issue pertains to jurors’ unrealistic expectations and demands for other types of forensic evidence such as fingerprints and scientific testing such as criminalistics and DNA tests. Many prosecutors believe based on first-hand

experience that the “CSI Effect” is one of the most significant barriers to justice in sexual assault cases.²⁹ In cases in which jurors might have heightened expectations regarding the availability of scientific evidence, it might be appropriate during voir dire to inquire into those expectations and begin to educate the jurors about why such evidence might not be available or probative based on the facts of the case.

Most rape victims delay reporting their victimization to law enforcement or never report at all. Victims of sexual assaults respond in various ways, including the manner in which they report incidents, if at all. Many victims choose not to report their victimization because they believe that it is a private or personal matter, fear the defendant, or believe the police are biased against them.³⁰ Some victims may be embarrassed or distrust law enforcement or the court process. The same reasons cause many victims who do file police reports to do so after some time has passed.

Studies show that sexual assault is one of the most underreported crimes, with 60 percent still being unreported.³¹ The closer the relationship between the victim and the perpetrator, the less likely the victim was to report the crime to the police.³² When the perpetrator is a current or former husband or boyfriend, that rate of reporting drops to approximately 25 percent.³³ Males are the least likely to report a sexual assault, though males make up approximately 10 percent of all victims.³⁴

Victims may exhibit a range of emotional responses to assault: calm, hysteria, laughter, anger, apathy, or shock. Each victim copes with the trauma of the assault in a different way. Victims of sexual assault are three times more likely than the rest of the population to suffer from depression, six times more likely to suffer from post-traumatic stress disorder, thirteen times more likely to abuse alcohol, twenty-six times more likely to abuse drugs, and four times more likely to contemplate suicide.³⁵

Depending on the facts of the case and how the victim acted after the assault, prosecutors may need to question jurors to ascertain whether specific victim behaviors would concern them and cause them to make adverse prejudgments about victim credibility. Additional questions about whether jurors could fairly consider expert testimony regarding victim behavior might be appropriate in cases in which the prosecution will introduce expert testimony.

Victim credibility is often the primary issue in sexual assault prosecutions and this is especially so in non-stranger cases. Some people are so skeptical of sexual assault allegations that they assume that most victims are lying when they report their victimization to law enforcement. The mistaken belief that most sexual assault allegations are false is unfortunately common. Significantly, methodologically reliable research indicates that only 2 to 8 percent of sexual assault cases involve false reporting.³⁶ This research conclusively disproves a common myth that most rape victims lie about being raped; nevertheless, defense attorneys may design a defense strategy to appeal to jurors who believe the oft-repeated myth that most rape victims lie. Expert testimony about the credibility of a witness is inadmissible and prosecutors will unlikely be allowed to ask potential jurors about their pre-conceived ideas about the credibility of a witness. Nevertheless, to the extent that the court will permit the prosecution to explore whether potential jurors harbor a general belief that most rape allegations are false, some questioning in this area could reveal anti-victim biases that could interfere with the juror's ability to be fair. Questions about whether a juror will wait until hearing all of the evidence – including expert testimony regarding common victim reactions to sexual assault – to decide the credibility of a witness can help reveal biased potential jurors and identify those who may be able to educate other members of the jury.

CONCLUSION

The jury selection process is the first opportunity for a prosecutor to begin educating jurors in a sexual violence case and allows prosecutors to identify and strike jurors whose biases will interfere with their ability to follow the law and render a fair verdict. Using deliberate and thoughtful language when explaining the facts of the case, providing context for victim behavior, and inquiring about jurors' life experiences can help prosecutors dispel myths and counter the defense strategies that seek to exploit them.

Successful juror education begins with voir dire, continues throughout the entire trial, and culminates with a strong closing argument. An appreciation of the facts about sexual violence is key to that success. A skillful jury selection is only the initial step in an effective prosecution strategy that will yield the best possible result in prosecuting these difficult cases. An effective strategy in these cases must continue with the collection and presentation of all corroborating

evidence, application of solid trial advocacy skills, and the use of expert witnesses, when appropriate, to maximize offender accountability, and achieve justice.

Forthcoming articles in this series will further discuss the topic of juror education. In the meantime, please visit www.aequitasresource.org for additional information and resources related to the prosecution of sexual assault and other violence against women related cases.⁴⁵

UPCOMING TRAINING EVENTS

National Institute on the
Prosecution of Sexual Violence II
November 16-19, 2010
in Washington, DC

This Institute is presented in partnership with the Pennsylvania Coalition Against Rape and the U.S. Department of Justice, Office on Violence Against Women. Seating is limited, so please apply early. This course is open to all prosecutors and attendance is free of charge; however, priority will be given to OVW grantees who have previously attended NIPSVI. There is no limit to the number of attendees from any jurisdiction.

National Institute on the
Prosecution of Sexual Violence I
January 11-14, 2011
in Washington, DC

This Institute is presented in partnership with the Pennsylvania Coalition Against Rape and the U.S. Department of Justice, Office on Violence Against Women. Seating is limited, so please apply early. This course is open to all prosecutors and attendance is free of charge; however, priority will be given to OVW grantees. There is no limit to the number of attendees from any jurisdiction.

For additional information please visit:
<http://www.aequitasresource.org/training.cfm>

(Endnotes)

- 1 Christopher Mallios and Toolsi Meisner are Attorney Advisors at AEquitas: The Prosecutors' Resource on Violence Against Women.
- 2 See e.g. William L. *Assessment, Treatment, and Theorizing about Sex Offenders: Developments during the Last Twenty Years and Future Directions*, 23 CRIM. JUST. & BEHAV. 162 (1999); EDNA B. FOA & BARBARA OLASOV ROTHBAUM, *TREATING THE TRAUMA OF RAPE: COGNITIVE BEHAVIORAL THERAPY* (The Guilford Press 1998); SUSAN ESTRICH, *REAL RAPE* (Harvard University Press 1987).
- 3 See generally, Sarah Ben-David & Ofra Schneider, *Rape Perceptions, Gender Role Attitudes, and Victim-Perpetrator Acquaintance*, 53 SEX ROLES 385, (2005).
- 4 See generally Kimberly A. Lonsway & Louise F. Fitzgerald, *Rape Myths in Review* 18 PSYCHOL. OF WOMEN Q. 133 (1994).
- 5 More information and resources are available at www.AEquitasResource.org, and at http://www.pcar.org/about_sa/faq_sa.html (Pennsylvania Coalition Against Rape).
- 6 Following a conviction, the defendant in a criminal case can raise numerous claims, including legal challenges to the manner in which the trial court conducted jury selection; however, the Double Jeopardy Clause of the United States Constitution prevents the prosecution from filing an appeal after an acquittal in a case in which the trial court permitted biased jurors to be seated.
- 7 "Many jurors bring to the courtroom the myths about rape which had long influenced [the] courts as they applied 'special' rules of evidence only to rape cases." *Commonwealth v. Gallagher*, 547 A.2d 355, 360 (Pa. 1988) (Larsen, J., dissenting).
- 8 "[R]ape mythology persists, and recent studies reveal that rape myths insidiously infect the minds of jurors, judges, and others who deal with rape and its victims." *State v. Robinson*, 431 N.W.2d 165, 173 (Wis. 1988) (quoting Toni M. Massaro, *Experts, Psychology, Credibility, and Rape: The Rape Trauma Syndrome Issue and Its Implications for Expert Psychological Testimony*, 69 MINN. L. REV. 395, 402-10 (1985)).
- 9 Sarah Ben-David & Ofra Schneider, *Rape Perceptions, Gender Role Attitudes, and Victim-Perpetrator Acquaintance*, 53 SEX ROLES 385 (2005).
- 10 More information and resources are available at <http://www.pcar.org> (Pennsylvania Coalition Against Rape), <http://www.nsvrc.org> (National Sexual Violence Resource Center).
- 11 See generally Kimberly A. Lonsway & Louise F. Fitzgerald, *Rape Myths in Review* 18 PSYCHOL. OF WOMEN Q. 133 (1994).
- 12 Callie Rennison, *National Crime Victimization Survey: Criminal Victimization 2000, Changes 1999-2000 with Trends 1993-2000*, BUREAU OF JUST. STAT., U.S. DEPT. OF JUST.
- 13 Patricia Tjaden & Nancy Thoennes, *Full Report of the Prevalence, Incidence, and Consequences of Intimate Partner Violence Against Women: Findings from the National Violence Against Women Survey*, NAT'L INST. OF JUST., U.S. DEPT. OF JUST. (2000), available at <http://www.ncjrs.gov/pdffiles1/nij/183781.pdf> (last visited June 28, 2010).
- 14 Lawrence Greenfeld, *Sex Offenses and Offenders*, BUREAU OF JUST. STAT., U.S. DEPT. OF JUST. (1997).
- 15 See Veronique N. Valliere, *Understanding the Non-Stranger Rapist*, 1 THE VOICE, NAT'L DISTRICT ATTORNEYS ASS'N NEWSLETTER, 4 (2007), available at http://www.ndaa.org/publications/newsletters/the_voice_vol_1_no_11_2007.pdf (last visited June 28, 2010) ("Another powerful tool [sex] offenders use to groom and manipulate their audience is to be nice. A 'nice' offender does not fit society's image of a rapist...Most non-stranger rapists use their social skills to gain control of and cooperation from the victim with little effort.").
- 16 *Id.* ("Nice comes through to juries and judges, as well as to the victim. Offenders often produce character witnesses to testify that they are good citizens/fathers/workers/church members. The defendant is counting on society

to perpetrate the belief that niceness cannot coexist with violence, evil or deviance; consequently, the 'nice' guy must not be guilty of the alleged offense.").

- 17 See Sarah Ben-David & Ofra Schneider, *Rape Perceptions, Gender Role Attitudes, and Victim-Perpetrator Acquaintance*, 53 SEX ROLES 385, 386 (2005).
- 18 See Barbara E. Johnson, Douglas L. Kuch & Patricia R. Schander, *Rape Myth Acceptance and Sociodemographic Characteristics: A Multidimensional Analysis*, 36 SEX ROLES 693, 696 (1997).
- 19 Veronique N. Valliere, *Understanding the Non-Stranger Rapist*, 1 THE VOICE, NAT'L DISTRICT ATTORNEYS ASS'N NEWSLETTER, 2 (2007), available at http://www.ndaa.org/publications/newsletters/the_voice_vol_1_no_11_2007.pdf (last visited June 28, 2010).
- 20 *Id.*
- 21 Michael Rand and Erika Harrell, *National Crime Victimization Survey, Crime Against People with Disabilities*, BUREAU OF JUSTICE STATISTICS, U.S. DEPT. OF JUSTICE (2007), available at <http://www.nsvrc.org/sites/default/files/Crimes-against-people-with-disabilities-2007.txt>
- 22 Virginia Aldigé Hiday, et al., *Criminal Victimization of Persons with Severe Mental Illness*, 50 PSYCHIATRIC SERVICES 62 (1999).
- 23 Steven W. Perry, *American Indians and Crime: A BJS Statistical Profile, 1992-2000*, BUREAU OF JUST. STAT., U.S. DEPT. OF JUST. (2004), available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/aic02.pdf> (last visited June 28, 2010).
- 24 Callie Rennison, *Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992-2000*, BUREAU OF JUST. STAT., U.S. DEPT. OF JUST. (2002) (assuming that every rape victim suffers injury from the commission of the rape and referring to victims who suffered additional injuries in addition to the rape itself).
- 25 Marilyn Sawyer Sommers, *Defining Patterns of Genital Injury from Sexual Assault: A Review*, 8 TRAUMA, VIOLENCE & ABUSE 270, 271 (2007).
- 26 *Id.*
- 27 *Id.*
- 28 Kimberly Lonsway, Joanne Archbault & David Lisak, *False Reports: Moving Beyond the Issue to Successfully Investigate and Prosecute Non-Stranger Sexual Assault*, 3 THE VOICE, NAT'L DISTRICT ATTORNEYS ASS'N NEWSLETTER, 8 (2009) available at http://www.ndaa.org/publications/newsletters/the_voice_vol_3_no_1_2009.pdf (last visited June 28, 2010).
- 29 See generally, Donald Shelton, *The "CSI Effect": Does it really exist?*, 259 NAT'L INST. OF JUST. 1, (2008), available at <http://www.ncjrs.gov/pdffiles1/nij/221500.pdf> (last visited June 28, 2010).
- 30 Callie Rennison, *Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992-2000*, BUREAU OF JUST. STAT., U.S. DEPT. OF JUST. (2002).
- 31 Michael Rand & Shannan Catalano, *Criminal Victimization, 2006*, BUREAU OF JUSTICE STATISTICS, U.S. DEPT. OF JUSTICE (2007), available at <http://www.rainn.org/pdf-files-and-other-documents/News-Room/press-releases/2006-ncvs-results/NCVS%202006-1.pdf> (last visited June 28, 2010).
- 32 Callie Rennison, *Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992-2000*, BUREAU OF JUST. STAT., U.S. DEPT. OF JUST. (2002).
- 33 *Id.*
- 34 *Id.*
- 35 *Rape-Related Posttraumatic Stress Disorder*, National Center for Victims of Crime (2009), available at www.ncvc.org/ncvc/main.aspx?dbN=DocumentViewer&DocumentID=32366 (last visited June 28, 2010).
- 36 Kimberly Lonsway, Joanne Archbault & David Lisak, *False Reports: Moving Beyond the Issue to Successfully Investigate and Prosecute Non-Stranger Sexual Assault*, 3 THE VOICE, NAT'L DISTRICT ATTORNEYS ASS'N NEWSLETTER, 2 (2009) available at http://www.ndaa.org/publications/newsletters/the_voice_vol_3_no_1_2009.pdf (last visited June 28, 2010).

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