

VICTIM SURVIVORS' PROGRAM

KOSCIUSKO LEADERSHIP ACADEMY

"WHITE PAPER"

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The purpose of this project is to create a Victim Survivors' Program by offering strength through others' experiences and by referring victims to appropriate community and/or private resources as needed. The concentration of support is on the victim, but certainly extends to those close to the victim as family members and friends are also abused by the violators.

Medieval rape codes, written in an age when women had few legal rights, continue to confuse our more modern perspective of sexual abuse. The truth is, any person may become a victim of sexual abuse.

Exploring a subject long cloaked in myth, misunderstanding and misinformation, we have committed ourselves to assisting victims of sexual offenses. In doing so, our research has included interviews with sexually abused victims (including rape), potential victims, social workers, medical providers, crisis counselors, lawyers, prosecutors and others within the "system".

Although sexual violence has received considerable attention over the last couple of decades, there are many instances, when dealing with sexual violence, the right hand doesn't know what the left is doing. And,

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exhausting efforts to change attitudes on sexual abuse due to accusations of women "advertising for sex" can be controversial.

Women define "rape" fairly simply. A sexual invasion of the body by force, an incursion into the private, personal inner space without consent--in short, an internal assault from one of several avenues and by one of several methods--constitutes a deliberate violation of physical, emotional, and rational integrity and is a hostile, degrading act of violence that deserves the name of rape. From the book, Within A Dark Wood, the writer expressing her feelings from her own personal experience states, "They [violators] have no right to intrude on others' lives and toss their very existence upside down." (p.40)

The Indiana Coalition Against Sexual Assault (INCASA) believes that "sexual assault is a violent crime of power and domination that can be perpetrated against all persons and that the healing of victims cannot be separated from the healing of society." Indiana State Board of Health. (Brochure)

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Fear of false accusation is not entirely without merit in any criminal case, i.e., misidentification (an honest mistake) but the reality of rape or other sexual abuse is that victimized women have always been reluctant to report the crime and seek legal justice because of the shame of public exposure, because of that complex double standard that makes a female feel culpable--even responsible--for any act of sexual aggression committed against her, because of possible retribution from the assailant, and because women have been presented with sufficient evidence to come to the realistic conclusion that their accounts are received with a harsh cynicism that forms the first line of male defense. In the words of the FBI from FBI's Uniform Crime Report, "rape is the most under-reported crime."

WARSAW CITY

	<u>1989</u>	<u>1990</u>
Murder	1	0
Rape	2	4
Sexual Offense	1	1
Battery	119	127
Child Molesting/Attempted		
Child Molesting	7	5
Harassment	23	24

KOSC. CO. SHERIFFS' DEPT.

	<u>1989</u>	<u>1990</u>
Murder	2	0
Rape	5	3
Sexual Offense	22	33
Aggravated Assault	8	9
Non-Aggravated Assault	87	101
Robbery	3	3

Kosciusko Community Hospital reported 16 sexual assaults in 1990, and 4 sexual assaults in 1991.

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Victims struggle with whether to fight back or not and for obvious life threatening reasons. But, is violence the answer to violence? It is difficult to prepare for the unpredictable.

Victims fear telling people about what happened, often due to the feeling people won't believe them. When an insidious crime of sexual abuse occurs, it's a crime "against the State" and the victims are the "State's witness". It is their testimony for the State that is judged in a court of law. (Our society hands down justice in this manner.) It seems like your testimony should be given for yourself. And, victims don't even have a choice of an attorney. Mr. Rapist can hire the best lawyer in the country and when a lawyer is being paid, there's a comfort and certainty he/she's working on your case. As a witness for the State, victims sometimes feel they have no rights and aren't always listened to. Some victims feel they're treated like trash and they just want to be treated like people. Often, victims feel they're being raped the second time by the system.

In her book, Against Our Will: Men, Women and Rape, Susan Brownmiller states: "According to the task force of the National Commission on the Causes and Prevention

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of Violence, half of all rape victims (53%) were total strangers to their attackers; another 30 per cent were slightly acquainted....and Seven percent had a family relationship to their rapists." The remainder of the cases implies "other" or "unknown". (p.351)

Brownmiller also states: "Despite their knowledge of the law they are supposed to enforce, the male police mentality is often identical to the stereotypic views of rape that are shared by the rest of the male culture. The tragedy for the rape victim is that the police officer is the person who validates her victimization. A police officer who does not believe there is such a crime as rape can arrive at only one determination"suggesting the victim is lying for numerous reasons." (p.366)

The Justice Department confirmed "three out of four women can expect to be victims of at least one violent attack. FBI statistics show rape increasing at four times the rate of other crimes....the alarming fact is that one half of all sex crimes still go unreported and sexual assaults remain the most under-reported cases within the criminal justice system." The report further states:

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1. " Every hour 16 women confront rapists; a woman is raped every six minutes.
2. 3 to 4 million women are battered every year; every 18 seconds a woman is beaten.
3. 3 out of 4 women will be victims of at least one violent crime during their lifetime.
4. The United States has a rape rate 13 times higher than Britain's, nearly 4 times higher than Germany's and more than 20 times higher than Japan's." ("Newsweek", Livingston, N.Y. Vol CXVI, No. 3, 7/16/90,p23.)

A large support group of men in California have researched sexual abuse cases and a pamphlet, published by the "Santa Cruz Men's Alternatives To Violence", lists facts on the rapists, fears, survivors and facts about rape. Some of the facts are:

1. "The majority of rapes happen indoors...and occur at all hours of the day.
2. All women are vulnerable to rape, regardless of age, physical appearance, race, or economic background.
3. Women use hitchhiking only as a means of transportation. They are not interested in being harassed.
4. First of all, no woman is willing to be raped. Most women have never been encouraged to use their mental and physical strengths to defend themselves. Since a man may threaten a woman with beating or possible death if she struggles, it is absurd to equate her lack of resistance because of fear of more violence, with consent or willingness to be attacked.
5. No one enjoys being physically abused. It is painful and humiliating.

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6. Rape laws are based on the idea that a woman is the property of her husband and therefore has no right to control her own body. The fact is that any form of sexual behavior to which a woman does not consent is rape, regardless of her relationship to the man." (p.4)

During a personal interview with Kosciusko County Prosecuting Attorney, Randy Girod, he described the current Victim Assistance Program as one which helps the victim obtain state funds for compensation of medical and mental health reimbursement. In order for a victim to claim these funds typically an arrest of the perpetrator must be made. The Prosecuting Attorney can only assist victims who have been made known to him. This occurs when charges are filed. Police agencies do not usually notify the Prosecuting Attorney unless the case results in an apprehension of a suspect.

This is a weak link in the chain. The Prosecutor notes that most cases remain unsolved; therefore the victim is not made aware of the State Compensatory Fund. The fund allows for payments even if there is no arrest, but victims must request a claim form. Help cannot be made available if he is unaware of who the victims are.

From a January 16th interview with Amy Hess, Director of the Victim's Assistance Program, we found in Elkhart County where a formal Victim Assistance

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Program has been established, all victims are contacted immediately by a staff person and their rights are made known to them. They are referred to appropriate agencies for help due to physical or psychological trauma. An assigned volunteer caseworker will attend court hearings with the victim and will be there to assist the victim in any way possible. Support groups have been established and are well attended. Follow up is done by volunteer victim assistance personnel. This program, part of Elkhart County Prosecuting Attorney's office, is funded primarily through grants from the Indiana Criminal Justice Institute.

As of this writing, the Kosciusko County Prosecuting Attorney is investigating the possibility of such a program within the county. Mr. Girod expressed sincere concerns for the victims and states:

"In response to the overwhelming public outcry due to the tragic, brutal murder of Lisa Bionco by her ex-husband, an inmate on an eight hour furlough from the Indiana Department of Corrections, the Indiana Legislature in 1990 ratified numerous measures in order to assist victims of criminal offenses, particularly violent criminal offenses. Police agencies and prosecutors throughout the State of Indiana have endeavored to assist victims through the criminal process through the availability of compensation, Victims Assistance Programs, and an increased awareness and appreciation for the special needs of victims. While certainly there is a continuing need for increased funding and sensitivity toward the concerns of victims, substantial inroads have been achieved toward meeting and fulfilling the unique concerns and needs

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of a victim of a crime. Much remains to be done, however. Victim assistance groups consisting of volunteers, many of whom have personally suffered at the hands of a criminal, need to organize and try to assist and resolve the myriad needs of a victim which police officers, prosecutors, judges, and probation/parole officers cannot fulfill."

Our program may interface nicely by providing the Prosecutor's office with a volunteer core, an informed referral base and the feeling by everyone that this program is needed and worthwhile.

Chief Craig J. Allebach of the Warsaw City Police Department assisted us in our research by sending us a copy of an article, "Victim Impact: How Much Consideration Is It Really Given?" This article explains the use of the Victim Impact Statement [VIS] used as a strengthening tool in the administration of justice. The Federal Victim and Witness Protection Act of 1982 established the VIS as a formal part of the pre-sentence report. VIS is a written statement describing the medical, financial and emotional injuries caused by the offender about to be sentenced. Our concern extends to those victims whose offenders are never caught.

When the VIS forms were reviewed, they "were directed primarily toward meeting the needs of the system rather than the needs of victims to express to court officials how they were affected by the crime." (p 16.)

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In conclusion the article encouraged law officers to do all they could to ensure the real impact of the crime inflicted on the victims as well as document the important information necessary to better serve both the victim and the criminal justice system. (p.47)

Upon Randy Girod's recommendation, we visited Jeannie Porter (a contact person for rape cases in Kosciusko County) who is from the Ft. Wayne Women's Center, Ft. Wayne, IN. The Ft. Wayne Women's Center is funded by the United Way, the Indiana Criminal Justice Institute, grants and fund raising events by the Center. She stressed the vital necessity of establishing a strong volunteer base. While Kosciusko County is not in her district, she has made trips to Warsaw to counsel rape cases and with her case overload, was very quick to share her knowledge and experience and offered to serve as an advisor to assist us in developing the needed systems in our community.

On March 4th, we met with Jeanie Campbell, Director of The Beaman Home, a Spouse Abuse Shelter and Outreach for Kosciusko County. It is the only shelter in a 50 mile radius that offers shelter to a maximum of 12-15 victims at any given time. She reported an excess of "230 unreported cases" of violence last year. Their funding is via United Way, fund raisers, grants and local

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donations. She stressed the importance and perpetual need for volunteers for the organization. Funding is always a major concern and the administrative staff endures increased paper load each year. Ms. Campbell spends much of her time writing grant proposals for funds and has limited office staff. Her office networks with police agencies, schools and Prosecuting Attorneys.

We discussed our goals in establishing a Victim Survivors' Program and she was excited in our exchange of information and encouraged us to work with the Prosecuting Attorney, police and other referral sources to implement this program for surviving victims. Our focus is on all victims of abuse [not limited to domestic violence].

It is important the readers of this paper clearly understand it is not our intent to duplicate any current available services nor start a new service to compete with any other local agency. Our goal is to network services already being offered and interface with the judicial systems to encourage healing and compensation for victims.

On Sunday, 3/24/91, The Palm Beach Post in Florida printed a Washington Post News Service, reporting "More than 100,000 women reported being raped last year, a nationwide record, and the rate of sexual assaults is

increasing four times faster than the overall crime rate, a Senate Judiciary Committee study last week said. These numbers show that rape has reached epidemic proportions in our country, said committee Chairman Joseph Biden, Jr....less than ten per cent of women who are assaulted report it to the police." Also, in contacting rape crisis centers it was found they were reporting even more drastic increases. "This data...silences the skeptics who believe that the rising rape rates are nothing more than a function of more women reporting their rapes to police." Chairman Biden cited the report to bolster the case for his recently introduced legislation, the "Violence Against Women Act."

(It is noted this bill would double federal penalties for rape, authorize \$300 million for local law enforcement efforts to combat sex crimes and define rape as a "hate" crime.)

Our Supreme Court has reaffirmed the rights of suspected offenders and incarcerated criminals but what about victims? The only consolation for any victim is to tell him/her, "You will not become a victim again." This is the only justice. And, justice prevails only if the abuser is found guilty and our society could guarantee they would never be victimized again. How unrealistic! "Everything else is only a band-aid on their wounds that infect every part of our country's

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economy, morality, culture, education and philosophy."
(Victims,p.xii)

The educational process the two of us have endured these past few months on issues of sexual abuse are just the tip of the proverbial iceberg. The violence of sexual abuse will not stop until sexual abuse stops. Much needs to be done and our plans for implementing a Victim Survivors' Program include:

1. Meet with multi-disciplinary support people who are trained in meeting the specific needs of the individual victim to establish a crisis response team.
2. Establish a public crisis telephone line after a system of responders is organized.
3. Draft and print brochures containing helpful information to be distributed throughout Kosciusko County.
4. Assist the local Prosecuting Attorney to further develop the Victim's Assistance Program.
5. Design and have business cards printed for referral agencies, physicians' offices, social organizations, schools and other public offices.
6. Assist in evaluating the physical and emotional trauma of the victims.
7. Assist the victims through the Criminal Justice system procedures when prosecution occurs.
8. Provide transportation when necessary.
9. Meet with the victims and their families as a support/education group.
10. Establish regular, on-going meeting times.

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11. Write and submit grant proposals for funding.

How will victims learn about the Victim Survivors' Program? Media coverage is essential for these victims who elect to not report the crime. If a victim reports the crime to local police agencies, they will inform the victim of the available service. Kosciusko Community Hospital will inform victimized patients of the program. Ministers, welfare caseworkers, physicians and counselors will provide victims with brochures and business cards which will include instructions on how to contact a volunteer for help.

Additional referral sources include the prosecuting attorney, the Beaman Home, Employee Assistance Programs, friends, family members, Kosciusko County Department of Public Welfare, schools, the Convenience Clinic, Combined Community Services, MedPark Center, Crime Stoppers and the victims.

The victims will make the initial call who will be referred to a volunteer for assistance.

The following volunteers have agreed to become part of our program and have offered their expertise, experiences and skills in implementing this support group for victims in our community, to-wit:

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Keith McWithey, MedPark Center Clinician
Shirley Carnwath, MedPark Center Counselor
Bill Hambright & Associates, Counselors
Nancy VanKovering, RN, KCH Social Services
Randy Girod, Kosciusko Co. Prosecuting Attorney
Jeanie Campbell, Beaman Home
Otis Bowen Center
Sara Lamb, Supporter
Joyce Brown, MSW-ACSW, Oaklawn
Barb Deniston, Victim Survivor and Supporter
Gwen Huffman, Supporter

Our researched conclusion reveals that the threat, use and cultural acceptance of sexual force is a pervasive process of intimidation that affects all men and women, whether or not they have been actual victims of violence. From the brutal homosexual rapes in prison to the sexual molestation of the children and the elderly to the large range of sexual offenses today, our goal is to establish and implement a support system for all those in Kosciusko County who become victims of sexual violence.

We encourage members of our legal and social systems to engage in activity of not only reducing the ideologies of sexual abuse, but to implement systems of legal assistance and provide support for the sexually abused victims.

In America, we treat crisis as abnormal, therefore when crisis strikes, the victims are treated as, and react to, being abnormal. Crises are not a requirement of life, but no one is above them.

Every human has the right to live and no one should be harmed by senseless violence. What will it take to stop romanticizing the abusers?

Everyone must address this issue for him or her self. Each of us must decide how much time and effort we are willing to contribute towards reversing the epidemic violence today. Mother Theresa said, "Man's greatest sin is not hatred, but indifference to one's brothers." We have chosen to not be indifferent. We strive to stop sexual abuse while lending support and education to the victims of Kosciusko County. Our work has just begun.

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