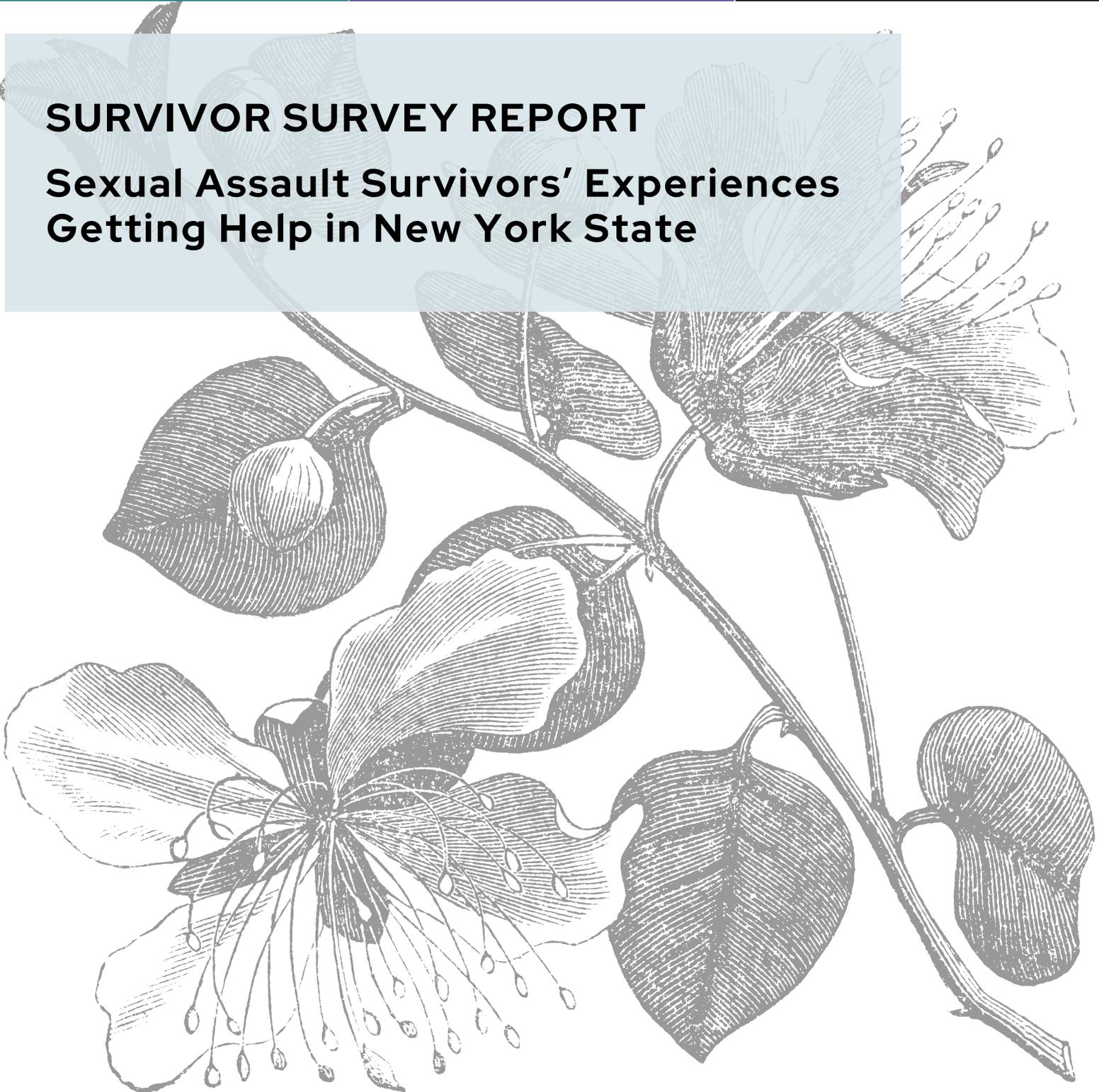




**New York State Coalition
Against Sexual Assault**
Believing. Healing. Preventing.

SURVIVOR SURVEY REPORT

Sexual Assault Survivors' Experiences Getting Help in New York State



Contents

About the New York State Coalition Against Sexual Assault	3
About the Survivor Survey and Report	4
Introduction.....	5
Scope and Prevalence of Sexual Violence in New York State.....	5
Demographics of Survey Participants.....	6
Reporting Patterns Among Sexual Assault Survivors.....	8
Survivors' Experiences with Local Rape Crisis Programs.....	8
Barriers to Seeking Services from Local Rape Crisis Programs	9
Survivors' Experiences with Seeking Support from Local Rape Crisis Programs.....	10
Survivors' Experiences with Law Enforcement	13
Barriers to Reporting to Law Enforcement.....	14
Survivors' Experiences Reporting to Law Enforcement.....	20
Survivors' Experiences in Criminal Legal Proceedings	24
Conclusion	27
Summary	27
Recommendations.....	28
Rape Crisis Programs.....	29
Hospital Emergency Departments	30
Law Enforcement Agencies	31
Funders	34

About the New York State Coalition Against Sexual Assault

The New York State Coalition Against Sexual Assault (NYSCASA) is a private, non-profit coalition of community-based rape crisis programs, survivors, and survivor-supporting professionals located throughout New York State. Our mission is to end all forms of sexual violence and exploitation and address the impacts of sexual assault through an anti-oppression framework.

NYSCASA strengthens responsive services for all sexual violence survivors and works to increase effective sexual violence prevention efforts by engaging in policy analysis and legislative advocacy; providing training, consultation, and resources; supporting rape crisis programs with some pass-through funding; and collaborating with a variety of advocates, activists, survivor-supporting professionals, and other stakeholders to promote victim services and prevention efforts that are high quality, comprehensive, culturally appropriate, and widely accessible.

NYSCASA's work is supported by: The New York State (NYS) Department of Health; NYS Division of Criminal Justice Services; NYS Office of Mental Health; NYS Office for the Prevention of Domestic Violence; NYS Office of Victim Services; US Department of Justice Office on Violence Against Women, members, and donors. The opinions, findings, conclusions, and recommendations expressed are those of the author(s) and do not necessarily reflect the views of any funder.

About the Survivor Survey and Report

NYSCASA launched our Survivor Survey in 2017 to create space for survivors in New York State to share their perspectives and experiences with accessing and seeking services from various social and legal systems after their victimization. The survey asks participants to share where they have been assaulted and their experience seeking services in New York State. The responses were collected using an online survey platform. The data was collected from July 2017 through January 2022. A total of 226 survivors responded to NYSCASA's Survivor Survey. This report demonstrates the experiences of survivors who have been assaulted outside of systems, including colleges, the military, and prisons. Therefore, a total of 165 survey respondents are represented in this report. Identifying information has been removed from survivors' statements for inclusion in this report.

A companion report was created to represent the experiences of survivors of college sexual assault. You can access this report at www.nyscasa.org/student-survivor-survey.

NYSCASA expresses deep gratitude to the survivors who shared their stories with us. We recognize that it takes courage to name the harm you have experienced, even in an anonymous format. You have been brave in ways you should have never had to be. We thank you for the gift of your truth, which will inform our prevention, advocacy, and policy efforts.

This report was authored by Sana Abdelkarim, with editorial and design assistance from Chel Miller.

Introduction

Scope and Prevalence of Sexual Violence in New York State

Sexual violence is simultaneously pervasive and difficult to quantify in New York State. Sexual violence includes forms of violence where there is sexual activity without consent. This may include rape, sexual assault, or sexual abuse, including vaginal or anal penetration, oral sexual activity, and/or genital touching. Sexual violence is a human rights violation.

According to the New York State Division of Criminal Justice Services (DCJS), law enforcement across NYS received **5,610 reports of rape** in 2020, a decrease of 15.5% from the previous year.¹ DCJS uses the Federal Bureau of Investigation's definition of rape: "penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim." Attempts or assaults to commit rape are included in this definition, but statutory rape and incest are excluded.

According to DCJS, **2,532 sexual offense evidence kits (commonly referred to as "rape kits") were submitted to law enforcement agencies during 2020.**² These kits are prepared by medical professionals in New York State hospitals to collect DNA and other evidence during a physical exam of a survivor of sexual assault, and submitted to local law enforcement only with the survivor's consent to use the evidence contained in the kit to investigate the sexual assault.

Sexual violence is under-reported across the state and the nation; a national study indicates that 60% of sexual assault incidents are not reported to law enforcement.³ As a result, data that relies solely on reports to law enforcement is necessarily incomplete.

¹ New York State Division of Criminal Justice Services (2021). Crime in New York State: 2020 Final Data. <https://www.criminaljustice.ny.gov/crimnet/ojsa/Crime-in-NYS-2020.pdf>

² New York State Division of Criminal Justice Services (2021). Sexual Offense Evidence Kit Inventory Report 2020. <https://www.criminaljustice.ny.gov/crimnet/ojsa/2020%20Sexual%20Offense%20Evidence%20Kit%20Report.pdf>

³ L. Langton, M. Berzofsky, C. Krebs, and H. Smiley-McDonald (2012). National Crime Victimization Survey: Victimizations Not Reported to the Police, 2016-2010. U.S.

According to the New York State Department of Health, rape crisis programs across NYS assisted almost **7,000** survivors from July 2012 to June 2013. According to the New York State Office for the Prevention of Domestic Violence, the New York State Hotline for Domestic Violence and Sexual Assault reported a total call volume of about **9,221** calls in 2019, with an average of 25 calls per day.⁴ During the first 11 months of the COVID-19 pandemic in 2020, **calls to the hotline rose 34% over the year before to more than 12,350 calls, with an average of 33 calls per day.**⁵

Demographics of Survey Participants

A total of 165 survey respondents are represented in this report. The majority of respondents (84.3%) identified as female, 6.6% identified as male, 6.6% identified as non-binary, and 2.4% identified as transgender.

Furthermore, 81.8% of respondents identified as white, 4.8% identified as having multiple racial and ethnic backgrounds, 4.8% identified as Hispanic or Latinx, 3% identified as Asian or Pacific Islanders, 4.2% identified as Black or African American, and 1.2% identified as Native American or Alaska Natives.

Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. <https://bjs.ojp.gov/content/pub/pdf/vnrp0610.pdf>

⁴ New York State Office for the Prevention of Domestic Violence (2020). NYS Domestic & Sexual Violence Hotline 2021-2024 Request for Proposals Questions and Answers. https://www.nyscasa.org/wp-content/uploads/2021/06/2021-24-Hotline-QA-Document_Final.pdf

⁵ Governor Kathy Hochul (2022). State of The State 2022: A New Era for New York, p. 41. <https://www.governor.ny.gov/sites/default/files/2022-01/2022StateoftheStateBook.pdf>

Survivor Survey Report

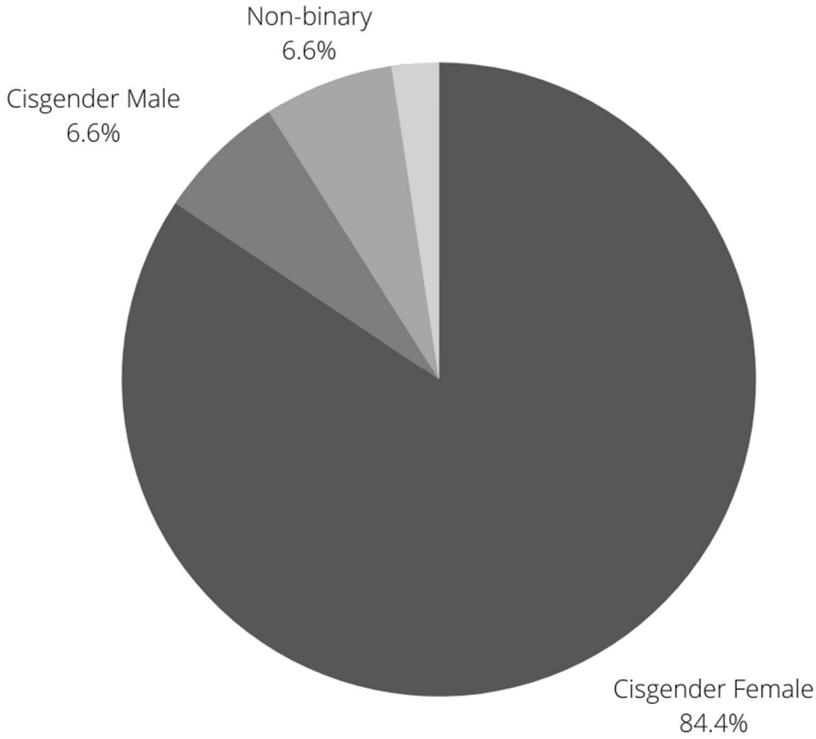


Fig. 1: Gender demographics as reported by survey participants

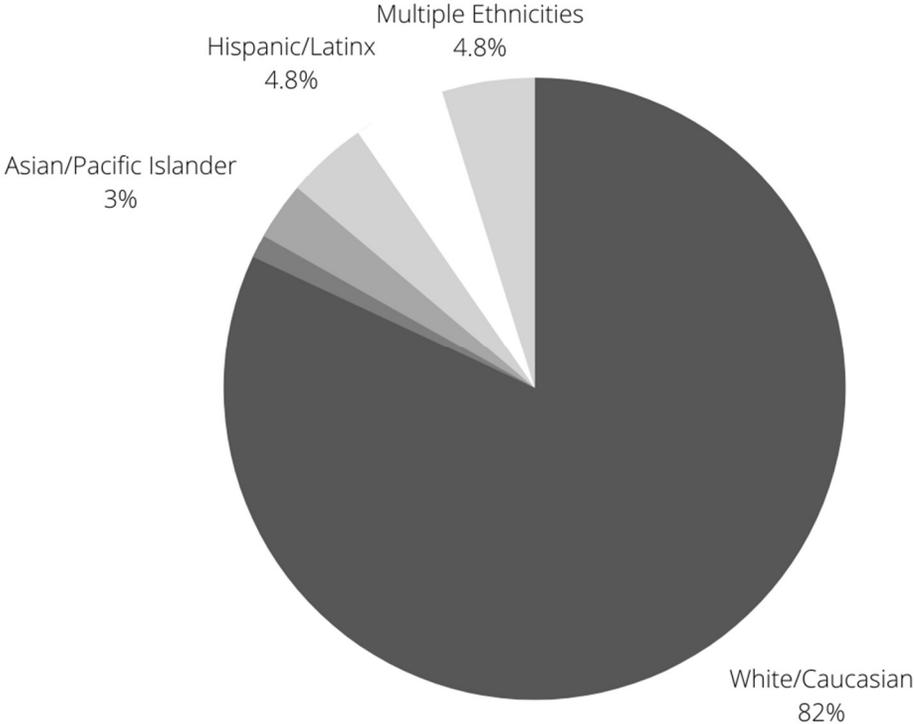


Fig. 2: Racial demographics as reported by survey participants

Reporting Patterns Among Sexual Assault Survivors

The Survivor Survey asked participants to share their experiences reporting the assault and seeking and acquiring social and legal services in New York State. For those who did not seek services, we asked participants to share any barriers that prevented them from accessing services. Specifically, we asked about the respondents' experience with the following systems:

- Seeking care from a local rape crisis program;
- Seeking care from a hospital or a medical facility;
- Reporting the incident to law enforcement.

Survivors' Experiences with Local Rape Crisis Programs

New York State's rape crisis programs provide free and confidential services for sexual assault victims, survivors, and their close family and friends. Services include crisis intervention and ongoing therapeutic support, medical and legal advocacy and accompaniment, and referrals to other community service providers as needed.

New York State's hospital emergency departments are equipped to provide care to sexual assault victims and survivors, including a sexual assault forensic exam (SAFE). The SAFE includes medical care related to the assault and preparing a sexual offense evidence kit that could later be provided to law enforcement with the survivors' consent.

Despite the availability of free services for survivors, survey data indicate that survivors of sexual assault in New York State are not likely to seek services from local rape crisis programs or hospitals. The survey indicates that only 13.3% of survivors sought support from their local rape crisis program, and only about 12% sought medical care at the hospital.

Survivor Survey Report

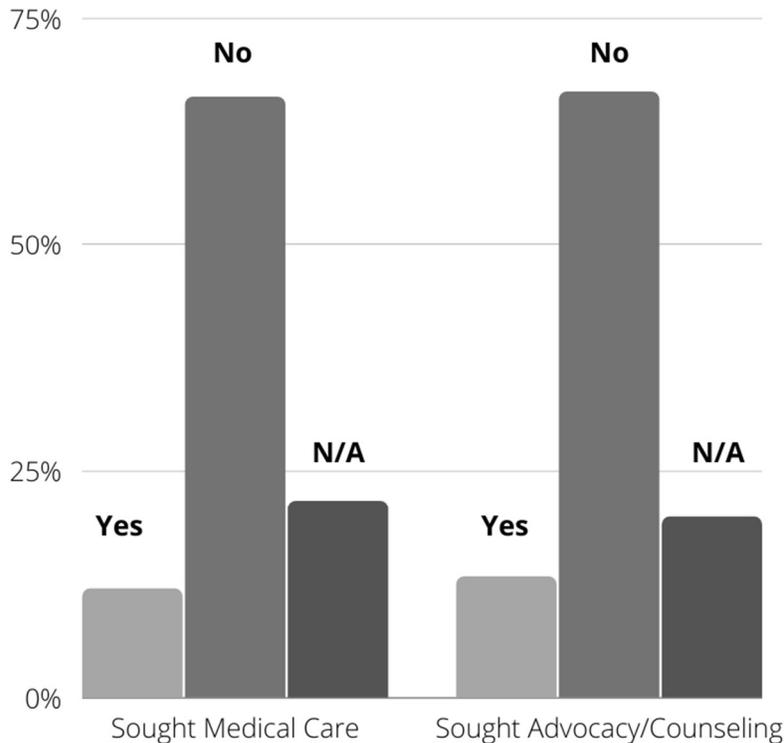


Fig. 3: Trends in survey respondents seeking medical care from a hospital or medical facility or advocacy/counseling from a local rape crisis program. "N/A" indicates that no answer was provided.

Barriers to Seeking Services from Local Rape Crisis Programs

Most of the survivors who did not seek services shared that they did not know that they could or did not know that these services were available. For example, a survivor explained, "I didn't think there was any point in seeking help as there was no evidence or corroborating witnesses." Several survivors were also not aware that they could access services at their local rape crisis program without reporting their victimization to law enforcement.

On the other hand, 12% of survivors who did not seek services said they had a **poor impression of rape crisis programs** or were **unaware that they were eligible for services**. Survivors' testimonies indicate that **many do not know that they can access support for childhood sexual abuse**. One survivor shares: "I am not a rape victim, but childhood sexual assault remains a sexual assault crime, and one poorly recognized and understood." Survivors also question their ability to **access services for sexual assault if they do not experience rape in**

its 'complete' legally defined form. For example, a survivor questions, "If you were assaulted and not raped, can you still receive services?"

These experiences speak to the **lack of awareness and understanding of services available to victims of sexual assault in the community through the local rape crisis program.** This lack of awareness in the broader community imposes a burden on survivors to find support on their own and prevents them from accessing the services they need to mitigate the consequences of their victimization. Rape crisis centers should work with their local community to improve their outreach practices to ensure that the community is aware of their services and that these services are free and are not contingent upon reporting victimization to the police.

Other survivors shared that they needed more than what the local rape crisis program could provide them. Rape crisis programs primarily provide short-term advocacy and counseling services. Sometimes, these services are not enough, and survivors expressed a need for long-term counseling that rape crisis programs do not provide.

As explained by one survivor, "the rape crisis program doesn't have the resources to cover long-term care. There are no established systems for restorative justice either, which is a barrier to healing for many of us." Another survivor shared, "I didn't find they had anything to offer me other than support at the emergency room."

This speaks to a systemic issue that **many rape crisis programs lack funding and resources to provide long-term therapeutic services and other services that survivors need to heal and find justice.** Nevertheless, the services provided by rape crisis programs are immensely important for survivors. Advocates and providers at local rape crisis centers are equipped to refer survivors to any services they cannot provide. Government agencies that regulate rape crisis programs must dedicate more funding to rape crisis programs so that they can more effectively provide comprehensive, trauma-informed, and culturally appropriate support for survivors.

Survivors' Experiences with Seeking Support from Local Rape Crisis Programs

13% of survey respondents obtained support from their local rape crisis program, but their experiences varied. 45.5% of those who sought

services from a rape crisis program shared that they had an **excellent experience** where they were given access to therapy that supported their healing. Furthermore, 63.6% shared that they were **given services that affirmed their various identities**, including their racial, ethnic, gender, and sexual identities.

Many survivors shared that their call to their local rape crisis program was a **start to their healing journey**. One survivor shared, "Years after I was raped I reached out to my county's rape crisis program for therapy. It opened a door for me that I thought had been forever locked. They taught me how to trust myself again."

Another survivor explained,

After my first assault, it was a year before I learned of any resources for assault survivors. I am alive today because of the support I got through a rape crisis center. When I was raped for a second time, I was attending weekly support groups. They truly got me through it. I tell everyone I can about my amazing experience with a rape crisis center.

Survivors also shared that reaching out to seek support from their local rape crisis program made them **feel validated and cared for** through their connection with their counselors. Below are some testimonies collected through the survey:

- "My call to the rape crisis center was a lifesaver for me. It was the first time that I felt validated and cared for."
- "I am an adult male survivor of childhood rape who called the rape crisis center to see if they could advise me on whom I could call for help. I never imagined that they would be the first to actually validate and help me through short-term counseling and referral to longer-term counseling. They were lifesavers."
- "I believe my therapist saved my life and allowed me to start a journey of healing."

For these survivors, sexual violence had a detrimental impact on their lives. Making a connection with a local rape crisis program was essential to starting their healing journeys. Many survivors described their interaction with the rape crisis program as an intervention that saved their lives. This speaks to the power of accessing services through the

rape crisis program and its importance in healing survivors' trauma and mitigating the consequences of experiencing sexual violence.

However, other survivors had discouraging experiences seeking support from their local rape crisis program. These experiences were especially pronounced for survivors who are transgender or gender non-conforming, who shared that **they did not receive services that affirmed their gender identity.**

A survivor explained,

It is well-known that transgender women and transfeminine non-binary people (assigned male at birth) experience sexual assault at a disproportionately high rate. Centers really need to stop assuming that anyone with a non-feminine-sounding voice or name must be a cisgender man without ever asking about gender identity or pronouns. Please ask about preferred pronouns and gender identity. Otherwise, you won't be able to engage effectively with the LGBTQIA+ community.

LGBTQ+ survivors face many barriers to seeking services. Many survivors believe that affirming gender identities by asking about someone's preferred name and pronouns could signal that the rape crisis program is equipped to provide them with the services they need without further harming them.

When a survivor is misgendered—when the service provider makes an assumption about their gender identity based on their appearance, voice, or other attributes—this may leave the survivor feeling disrespected, invalidated, and even dismissed. When those survivors are already in a vulnerable state, misgendering could create an additional barrier to seeking services and threaten a person's mental health in a state where they need to be in control and feel centered in the approach of healing.

Transgender survivors also felt that they were not believed when they disclosed their victimization. One survivor explains, "The local rape crisis center clearly did not believe I experienced rape because I was not a cisgender woman. I was genuinely surprised since I thought, of all places, that this would be the place I would feel respected the most."

Survivors who participated in the survey also shared that **their local rape crisis program was too closely connected to the local District Attorney's Office, which made them uncomfortable**. In some cases, the connection with the District Attorney's office made survivors feel that the rape crisis center was siding with the Attorney's office against them. One survivor explained that they "felt the crisis center was more for the District Attorney's office than the victim support." Another respondent explained, "The rape crisis program sided with the local DA office and took an unjust plea deal."

Although many rape crisis programs value their connection with the District Attorney's office and other law enforcement agencies, **many survivors view this as a barrier to accessing support**. For example, this connection could be a substantial barrier for survivors who do not trust the criminal legal system, including those from historically marginalized communities, like Black, Latinx, immigrant, and refugee survivors, and survivors who are undocumented immigrants.

In addition, **survivors who live in small towns could fear the consequences of connections** that their environment might have, including its **impact on confidentiality**, and **fear of repercussion or retaliation** because of the possible connection that the person who harmed them might have in the community. Even when rape crisis programs can ensure confidentiality, survivors will assume that the center will not maintain confidentiality and decide not to risk seeking services.

Survivors' Experiences with Law Enforcement

The majority of survivors who participated in the survey did not report their victimization to law enforcement. Only 18% of respondents reported their assault to law enforcement, while 59% chose not to report the assault to police. This aligns with national statistics; nationally, about 25% of sexual assault incidents are reported to law enforcement.⁶

⁶ R.E. Morgan and B.A. Oudekerk (2019). Criminal Victimization, 2018. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. <https://www.nsvrc.org/sites/default/files/2021-04/cv18.pdf>.

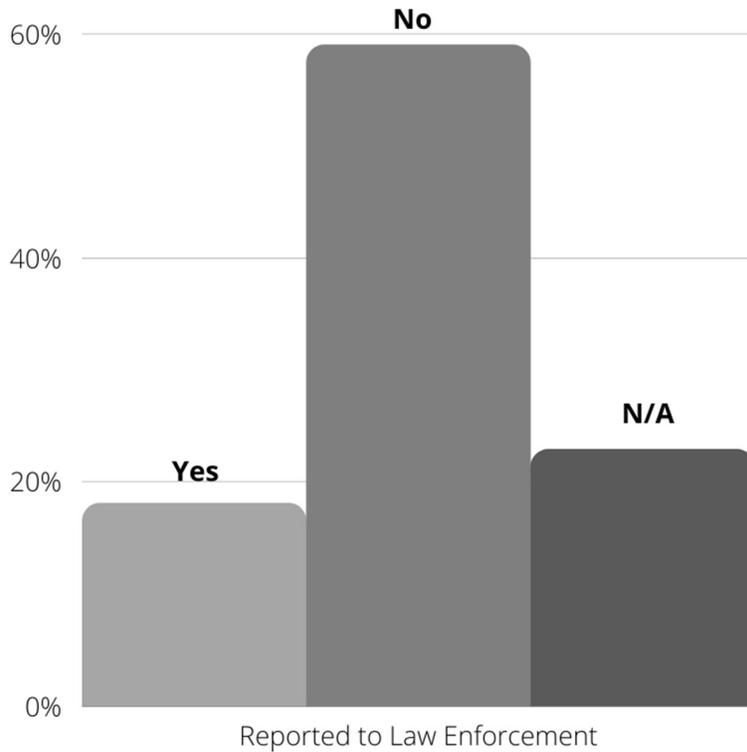


Fig. 4: Trends of survey respondents reporting their victimization to police.

Barriers to Reporting to Law Enforcement

Many factors contributed to survivors' hesitation to report sexual violence to the police. Many survey respondents felt that they could not report their assault. Many were afraid of retaliation.

- 13.1% of survey respondents indicated that they did not trust the police to help them due to their racial, ethnic, or gender identity.
- 24.6% of survey respondents indicated that they did not trust the police to properly investigate their report.
- 49.2% of survey respondents did not feel comfortable telling their story to the police.
- 13.1% of survey respondents reported having one or more previous experiences with police that were negative.

Feeling hesitant to report to law enforcement was a common sentiment shared by survivors who experienced their victimization within a domestic or romantic relationship.

For example, a survivor shared, "I was assaulted by an abusive partner, and because of that, I did not think that the police would even open an investigation." **Some of those survivors also did not recognize that their experience was sexual assault.** One survivor shared, "My sexual violence came as part of a relationship full of domestic abuse. I didn't even realize that the repeated sexual assaults were part of that." Another survivor said, "I did not know what I experienced was sexual violence because I was in a relationship with the person at the time."

Many survivors of intimate partner sexual violence (IPSV) have difficulty defining the acts as sexual assault. This idea stems from how people may be socialized to see rape and sexual violence as non-consensual acts between strangers. The difficulty in defining the experience may increase the severity of the impact of intimate partner sexual assault on survivors. Research shows that the trauma from IPSV can be as severe as trauma from sexual violence by a stranger, especially because survivors have difficulty defining and naming the act as sexual violence. For those survivors, whether they experienced domestic violence or sexual violence, reporting the assault to police could be very challenging.⁷

Another commonly shared sentiment among survey respondents is that **many survivors were afraid of their attacker's retaliation** if they reported to the police. One survivor explained, "I was afraid my abuser would find out." When asked why they hesitated to report to the police, another survivor shared, "For my own safety, I chose not to contact law enforcement for fear of being killed, risk of not being believed, and proving rape by a former intimate partner." Fear of retaliation is prevalent among survivors who choose not to report to the police, especially victims of IPSV.⁸ This is a well-justified fear, especially given the rarity of prosecution or accountability for people who have engaged in sexual assault. Retaliation could include many forms of

⁷ Bagwell-Gray, M. E., Messing, J. T., & Baldwin-White, A. (2015). Intimate partner sexual violence: A review of terms, definitions, and prevalence. *Trauma, Violence, & Abuse, 16*(3), 316-335.

⁸ Felson, R., & Paré, P. P. Document Title: The Reporting of Domestic Violence and Sexual Assault by Nonstrangers to the Police.

harm that push survivors not to report the assault to authorities or to seek help from the broader community.

Survivors also expressed concern about being blamed for their victimization. A survivor explained, "I felt I would be judged and blamed because I had not acted how a victim was supposed to behave. I was afraid I wouldn't be taken seriously because I froze during the rape, and I wasn't able to tell anyone right away."

The idea of the "perfect victim" is an enormously damaging belief. The dominant culture in the U.S. emphasizes that victims of sexual violence should look or act a certain way to be deemed credible. Those beliefs are strongly entrenched in the systems supposed to respond to sexual violence, our society as a whole, and victims and survivors themselves. One of the reasons that survivors do not report sexual assault is because they believe that they will be viewed as less trustworthy when reporting to authority if they did not fight or escape the attack. This is one of the most common myths about rape, and it is a common line of questioning during law enforcement investigations and court cases of sexual violence that prevents many survivors from coming forward to report their victimization.⁹

Another common sentiment that survivors shared was their concern about the social consequences of reporting to law enforcement, and how being a victim of sexual assault might be perceived. One survivor shared, "I also was very scared of my attacker and afraid to be blamed for being raped and made out to look that I'm an unfit parent."

Survivors also expressed concerns about their privacy. Survey respondents shared that they thought if they reported to the police, the case could not be confidential, which might affect how they would be perceived. One survivor shared,

I'm too scared to tell law enforcement because I don't want drama or other people knowing about it. And I know if I were to tell them, the person that did it to me would tell people and make everything worse for me." Another said, "The first time I was a child and didn't tell my mom about it until I was almost 18 years

⁹ Selby, J., 2022. "Why Didn't She Fight Back?" *The Myth That's Used to Justify Sexual Violence. Refinery 29.* <https://www.refinery29.com/en-gb/2020/03/9547973/freezing-up-response-rape>.

old. Afterward, when I was 18, and it happened again, I didn't want my story to be publicized.

Concerns about privacy and the involvement of Child Protective Services or impacting custody issues are other reasons survivors do not report the assault.

Privacy and confidentiality are basic principles in responding to sexual violence, and both are crucial to survivors' safety. **Although there are several federal and state laws prohibiting the disclosure of information about victims/survivors, survivors may not be aware of their rights and protections.**

The federal Crime Victims' Rights Act, enacted in 2004, establishes that crime victims have the right to be treated with fairness and with respect for their dignity and privacy. While New York State does not expressly guarantee victims/survivors a broad right to privacy in victims' rights laws, it protects survivors' privacy through other statutory provisions, including: Fair Treatment Standards for Crime Victims (ensuring that survivors have access to a separate, secure waiting area while awaiting court appearances)¹⁰; and a state law requiring police departments, district attorneys' offices, and prosecutors' offices to provide a private setting for interviewing sexual violence survivors¹¹. New York State has also added privacy protections for sexual violence victims/survivors, including¹² the "rape shield" law, under which a sexual violence survivor's sexual history cannot be admitted into evidence, except under limited circumstances. New York State also protects victim confidentiality in the context of public records requests through several laws which prohibit the disclosure of victim-related records or information.¹³

Another commonly shared reason for deciding not to report to law enforcement was **having a previous negative encounter with law enforcement**. These interactions made it hard for survivors to trust that law enforcement could help them. Below are testimonies collected through the survey:

¹⁰ New York Executive Law § 642(2) and 647(2).

¹¹ New York Executive Law § 642(2-a)(a).

¹² New York Criminal Procedure Law § 60.42.

¹³ New York Public Officers Law § 87(2)(a); New York Executive Law § 633; New York Public Officers Law § 87(2)(b); and New York Public Officers Law § 87(2)(f).

- "I was brutalized by a police officer at the age of 13, so that played a factor in not reporting."
- "I do not have a good history with law enforcement and with my family."
- "After I went to court when I was [young], I'd rather not tell authority even when it's happened again."
- "I went to [police department] once for one of my encounters, and they did nothing for me, so the second time it happened, I just felt like it was pointless and that it wouldn't change anything if I did go."

Some survivors shared that they did not report to law enforcement because they were either harmed by law enforcement officers or because they thought that their attacker had a relationship with law enforcement. One survivor explains: "At the time of my first rape, I was barely verbal. Reporting was literally not an option. My second rapist was a cop." Another survivor shared, "My first rapist later became a cop. Unbelievably, he was in a position to prevent the reporting of my second rape by another officer."

Survivors also shared that their **previous knowledge and negative experience with attempting to report past victimization** influenced their decision not to report. One survivor explained:

I am well versed in police and their antics with sexual assault victims. I had previously had an altercation, and when filing a report, a police officer asked me what I was wearing. I was [teenager]. Since then, I have been the survivor of 2 other assaults and chose not to report due to this. It is not without guilt and remorse, though, and I would like to make it very clear that I WANTED to report that there was just such a bad experience that I could not go through it again.

Negative personal, family, and community experiences with law enforcement make survivors feel that reporting sexual violence to police is not an option. For example, some of the reasons that Black survivors cite for not reporting to law enforcement include fear of

physical violence or being wrongly accused of committing a crime, and feeling that even when reporting they might not get justice.¹⁴

Some survivors were aware of how police would interact with them and **did not believe law enforcement would help them because of the bias and prejudice police officers might have against their identity.** One survivor explained, "I previously worked in a professional setting with a variety of law enforcement officers (who did not realize I was transgender), and I know from experience the prejudicial views that are common about transgender women and non-binary people."

Survivors of childhood sexual abuse have a unique set of barriers involving law enforcement and seeking services in general. In many cases, **those who experienced victimization as children did not disclose their victimization for years or even decades after.** One reason could be that children sometimes do not know what to do when they experience such victimization. One survivor shared, "I was young and didn't think there was anything I could do about it." Another survivor mentioned, "I was a child, and I didn't have a choice." Another respondent shared, "I was sexually abused as a child and did not tell my family." Another reason that some survivors shared is that they were **afraid to disclose it to their family members.** One explained, "I was confused about what had just happened, and I did not want my mom to find out because I was [teenager] and a virgin."

For some survivors who were youth at the time of their victimization, **their families chose not to report the assault.** One survivor explained, "I was too young to take action. My parents chose not to report." Another said, "I was [less than 10], and I told my mother, who didn't report to the police." For those who did not have the ability to report because they were young, some felt that **their experience had not been validated;** one survivor explained, "Adults in my life didn't believe me and invalidated my experience so I thought there was no reason to go to the police."

Survivors of incest were particularly hesitant to report to the police. Many shared that they did not want to tell their family about it for many reasons, including to avoid drawing negative attention to the family. Below are some testimonies collected through the survey:

¹⁴ Jacobs, M. S. (2017). The violent state: Black women's invisible struggle against police violence. *Wm. & Mary J. Women & L.*, 24, 39.

- "The individual was a member of the family, and I didn't want the negative attention from family members and didn't want to upset the family dynamic."
- "It was my [relative] who had raped me over the course of a few years when I was [young]. I didn't have the knowledge or ability to do so. After years of suppressing what had happened, it forced me to continue to not disclose what had happened."
- "We did not press charges due to the fact it was my [close relative], and I felt so much guilt. I also didn't tell anyone till years later."

Others did not conceptualize their victimization as victimization at the time that it occurred. This is a common experience; the trauma that accompanies the sexual assault experience can leave survivors in a state of mind of not knowing what to do next or not recognizing that they have experienced violence or abuse. Survivors shared the following:

- "I didn't identify as a victim during the window of time I could have talked with law enforcement. I considered it years later, but the statute of limitation had expired."
- Another explained, "I didn't think they could do anything about it and had been gaslit about the experience. It took a while to grow up, and a trigger of a friend being assaulted around the same time for me to reconsider those events 20+ years later. Sadly, it's now outside the statute of limitations."
- Another stated, "I completely dissociated and didn't discover what had really happened to me until about 13 months afterward. Legally, I don't know my standing. I don't want to file any charges; I just want this all to go away."

Survivors' Experiences Reporting to Law Enforcement

In the cases where survivors sought help from law enforcement, **their interactions were negative overall.** Some of the negative experiences that survivors brought up in sharing their experience reporting their victimization to the police included **victim-blaming.** Many survivors shared the sentiment that their interaction with police during questioning felt to them that they were being blamed for what happened to them. Survivors shared the following:

- "When I reported my first assault, it was a year after it happened. I did not have a good experience. The detective told me it was a 'life lesson' I 'learned the hard way' and that I shouldn't have met him over the internet. He expressed maybe it was just 'bad sex' and miscommunication on my end. I had to ask him to edit my statement 3 times because it felt like victim-blaming. I went to internal affairs on him. But it didn't make a difference when I got a new detective. He never told me he called my rapist to question him, I had to call for updates and never felt welcome to do so. The only picture the police had printed of him was a blurry Facebook mirror selfie that the flash was covering his face. In my second assault, I was treated even worse. I had to report to the same person and I was treated poorly because I was drunk. I was called a party girl and it was insinuated that I was 'crying rape' because I cheated and wanted an excuse. they bullied me and my parents into not needing a rape kit..."
- "The detective was sympathetic, but still expressed many sentiments that deflected the blame towards me, and made it clear that only the bare minimum would be done, and prosecution was not an option because I asked my attacker to use a condom."
- Another survivor shared that during the investigation, "the investigator asked me, 'but did you like how it felt? did you like it?' I always think of that first before any flashback."

Victim-blaming is a common experience among survivors of sexual assault when interacting with the police. Victim-blaming tactics could be used or experienced in the questioning of survivors when they attempt to report the victimization. This can have a damaging impact on survivors of sexual assault, resulting in survivors' hesitancy to report subsequent victimization or seek help from the police in the future. Outside of its impact on criminal proceedings, **victim-blaming carries the message that survivors are responsible for what had happened to them**, which can amplify trauma for survivors and impact their ability to heal.

In many cases, victim-blaming was followed by inaction from law enforcement. Survivors described the barriers they faced when they tried to file a report at the police station that made the process far from accessible or easy. One survivor reported, "They told me I should have reacted differently, and they called the person and asked him if he did

what I said (he denied it). They told me there was nothing they could do because it was my word against his."

Another survivor shared their experience and how long it took them to report their assault to the police:

I tried to complete a police report but was met with resistance. After having called the ... non-emergency number 3 times and waiting in the police station lobby for nearly 6 hours, I was able to talk with two officers. I did not feel they were interested in helping me or completing a report. They took notes on a notepad, but I was unable to get a case/incident number. I have contacted SVU, and to date, no report has been filed under my name. I am still pursuing filing a report." Another survivor shared, "I identified the rapist from mug shots, but he was never arrested. The police called me a few weeks later to say they found out too late that he had been arrested in another city and then mistakenly let go. He was never arrested or charged for raping me.

Another survivor shared,

At first, I told state troopers the entire ordeal. I did not want to press charges for sodomy, rape, and 2 counts of sexual assault. When the investigator arrived, he told me that my assailant would only get 7 years for assault, kidnapping, robbery, and criminal possession of a weapon; and asked if could I live with that. I said, "No, take me to [hospital] for rape kit/forensic evaluation."

The **lack of follow-up communications** from law enforcement, coupled with victim-blaming sentiments, could signal to survivors that their story does not matter to law enforcement. This influences survivors' negative perception of police and criminal proceedings, preventing survivors from reporting the police and deepening the mistrust between victims of crimes and law enforcement.

Another commonly shared experience among survivors who sought help from law enforcement was the feeling of **not being believed**. Survivors illustrated in their statements that in their interaction with police during the investigation or the questioning process, police officers did not believe their statements or did not believe that they

were actually victims of sexual assault; in some cases, this caused survivors to drop the complaint.

A survivor explained, "The officer implied I wasn't telling the truth because he kept asking if I was sure, and I felt like I was under interrogation as it was just after it happened, and I then began to question if I was raped or not. So I dropped my complaint a few days later."

Another survivor shared, "In all honesty, I feel that they were trying to talk me out of filing a report. They told me the report would not matter and that I had no evidence. I insisted that I wanted a report... They did challenge my comments and asked me "are you sure" many times... As a victim, I was confused and unable to communicate at my best and did not think to insist on an incident number or to even get the names of the officers. I felt like more of a victim and hopeless after my interaction with law enforcement."

Survivors of sexual assault in the context of intimate partner violence also expressed that law enforcement did not believe their statements. In some instances, it was hard for survivors to connect with a special unit or proceed with the case. According to one survivor,

The situation was an intimate partner sexual assault so the police officers who were untrained in sexual assault did not believe I had been assaulted... I attempted to report to my local precinct twice in the weeks after the sexual assault. They refused to call the Special Victims Unit, which meant I was denied the ability to report. They told me the guy was 'a creep I should break up with as opposed to someone who had sexually assaulted me. ...Months later, after running into the individual somewhere, I worked with [another organization] in order to get an appointment to report to the SVU. They finally took a report, though I don't know how seriously they took me. Ultimately the District Attorney declined to speak with me.

The **feeling of not being believed** by police officers is a common experience among survivors of sexual violence. This experience has consequences both in the criminal legal process and on survivors' perceptions of law enforcement. Dismissing sexual assault cases is a common practice among police: one in five cases reported to police are deemed baseless (by police) and therefore dismissed as

“unfounded.”¹⁵ The impact of such decisions on sexual assault survivors is detrimental for those who want to report their assault and pursue criminal proceedings. Difficulty interacting with police and reporting cases can re-victimize sexual assault survivors, as indicated above by one of the survivors who responded to the survey.

Survivors' Experiences in Criminal Legal Proceedings

Other survivors reported that filing a police report was not the hardest part of the process of engaging with the criminal legal system. These survivors explained that even when they found police officers who were responsive to them and helpful, **the criminal legal process after reporting seemed unfair to them and did not get them what they wanted.** A survivor shared, "I believe law enforcement 100% believed me and did all they could to have this case prosecuted. Where I felt let down and left alone was when it was handled by the District Attorney's office, who I feel did not take into consideration what I had gone through and did not give the abuser the help and psychological examination he should have had, as well as sexual and anger management counseling."

In many cases, **the criminal legal proceeding was hostile enough for survivors to think that reporting and going through the criminal legal process hurt them more than helped them.** According to one survivor,

My case in my opinion, was brutal and hurt me more than helped me. I lost a lot more of myself than I feel I would have if I decided to hold it in. I didn't necessarily just decide to go and report. My story is a bit longer. Today, [less than 2 years], I no longer have an order of protection and was told I couldn't receive one any longer. I was harassed by the two District Attorneys on the case and belittled. I was eventually told I was too emotionally unstable to handle court and that my case would be dropped.

Criminal legal proceedings can be traumatizing for survivors, especially when **survivors go through proceedings without advocate**

¹⁵ Murphy-Oikonen, J., McQueen, K., Miller, A., Chambers, L., & Hiebert, A. (2020). Unfounded Sexual Assault: Women's Experiences of Not Being Believed by the Police. *Journal of Interpersonal Violence*. <https://doi.org/10.1177/0886260520978190>

accompaniment from their local rape crisis program. One survivor shared,

I was told I didn't get someone from [a rape crisis program] on the night I was raped because there were so many assaults that night that there were not enough volunteers to cover them all. However, it would have been very helpful to have someone with me while I was going through the court proceedings, especially the day I gave testimony to the grand jury and in preparing and delivering my victim impact statement.

In other cases, **the outcome of the criminal legal process was not satisfactory to survivors and did not center their views of justice.** One survivor explained, "The District Attorney did not take into consideration my feelings of justice when they accepted a plea deal. I was adamant about wanting a retrial."

The criminal legal system is challenging for survivors to navigate, from filing a police report to the trial and criminal proceeding to the seemingly lenient outcomes from court proceedings. Many survivors are re-traumatized by the process because of tactics involved in the cross-examination of victims and defense teams' attempts to undermine their statements, accusing them of lies, and reinforcing rape myths. Survivors have to deal with this in addition to the physiological impact of sexual violence and post-traumatic stress symptoms. The way the criminal legal system is designed is not helpful for survivors, nor does it encourage survivors to report assaults in order for the criminal legal system to respond better to sexual violence.

Survivors also thought that beyond law enforcement practices, **the law in New York State was not supportive of their cases and that loopholes in the law created barriers for them to be able to file reports.** One survivor explained,

The sexual assault/consent laws do not take into account forced or penetration without a condom when a condom is a condition of consent. Additionally, saying no to something in a prior encounter means it is not considered assault in the not encounter if an individual attempts the same penetrative act without asking. If that happens in a single encounter, it is assault. However, why would this be the case. This loophole in the law should be closed. There are many things that are sexual assault that are utterly unaddressed by the NYS law. Additionally, in my

case in was repeatedly told by my local precinct that I could not use the word rape because the forced penetration in my case was anal. That was totally offensive and ridiculous. I walked away, viewing the police in my local precincts as enemies and utterly uninformed about intimate partner sexual violence as opposed to advocates. I also felt completely traumatized by my experience with them.

These experiences influence how survivors think they are viewed by law enforcement and the criminal legal system. The feeling of being judged or blamed for being a victim of assault seems to be one of the primary reasons many survivors hesitate to report their victimization. In addition, the lack of action or follow-up from law enforcement on cases and reports that include sexual assault sent a message to many survivors that law enforcement cannot provide them with justice or healing.

Conclusion

Summary

The survey data indicates that sexual assault survivors in New York State are not likely to seek support from systems, including advocacy and therapeutic support from local rape crisis programs, medical care at local hospitals, and reporting to law enforcement.

The most common barriers to seeking support from rape crisis programs include a lack of knowledge that survivors do not have to file a police report to access services at their local rape crisis program. Furthermore, many survivors do not know that they can seek services for any form of sexual assault, including childhood victimization. In many cases, survivors need more comprehensive services than what rape crisis programs offer, including long-term therapy and opportunities to repair harm with restorative justice practices.

When seeking help from local rape crisis programs, many survivors shared that they had excellent experiences; they felt validated, believed, and cared for. Their interaction with their rape crisis program was an important start to their healing journey for many survivors. Many shared that the support of local rape crisis program saved their lives.

However, some survivors—specifically transgender survivors—had negative interactions with rape crisis programs, where they commonly experienced misgendering and did not have their identities affirmed or respected. Asking about survivors' gender identity and not assuming an individual's gender based on their voice and/or appearance is an essential step for survivors to feel welcomed, believed, validated, and open to asking for support from rape crisis programs. Rape crisis programs and advocates need to pay attention to the unintentional barriers that some of these practices could create.

The strong ties of rape crisis programs to local law enforcement or District Attorneys suggests that many rape crisis programs could be important for survivors who want to pursue a criminal legal case for their victimization. However, these connections also made many survivors feel like they were not supported by the rape crisis program and could not get the care they needed. Furthermore, these connections create a significant barrier for survivors who were not comfortable interacting with law enforcement, including those who

have been historically marginalized and not afforded the right to safely engage with law enforcement.

Most survivors who responded to the survey did not report their victimization to law enforcement. For survivors of sexual assault who experienced their victimization within an intimate relationship, the most commonly cited reason not to report to law enforcement was fear of retaliation from the abuser. Other survivors feared they would be blamed for their victimization or would not be believed. Many survivors also shared that they were worried about their privacy and how the social consequences of reporting and participating in criminal legal proceedings would affect their life. Survivors of childhood sexual abuse frequently did not report their victimization, often because they did not conceptualize their experiences as sexual abuse until many years later. Survivors of incest were hesitant to report to law enforcement out of concerns that it would bring negative attention to themselves and their family.

Survivors who had previous negative encounters with law enforcement did not want to report their victimization, including survivors who have been harmed by police and those who had a negative experience when they attempted to report past victimization.

The majority of survivors who attempted to file a police report indicated that they had a hostile experience. Victim-blaming was one of the main experiences of survivors who reported. Others felt that the police did not believe them or tried to advise them against reporting. Other survivors thought that the lack of action or follow-up from law enforcement on their case made them feel that their experiences were not validated. Many other survivors felt that the criminal justice process was harmful to them and thought that they were not satisfied with the outcome of the proceeding.

Recommendations

NYSCASA offers the following recommendations to improve survivors' experiences seeking support in New York State. Improving the experiences of survivors who seek support requires **acknowledging that sexual assault survivors in New York State are not always getting what they deserve**, in part because they are not aware of services offered or because the services offered do not meet their needs.

Rape Crisis Programs

NYSCASA's recommendations for rape crisis programs are rooted in lessons learned from the national Resource Sharing Project's Sexual Assault Demonstration Initiative.¹⁶

NYSCASA recommends that rape crisis programs conduct **community assessments** in order to listen to and understand the communities they serve. This process will enable rape crisis programs to find out **how the community perceives the program**, including **barriers to seeking services**. With this information, rape crisis programs can create targeted **outreach and awareness campaigns** to ensure that survivors in the community and their loved ones know what resources are available to them. Community assessments will also enable rape crisis programs to **identify underserved and historically excluded populations** in their community. Rape crisis programs can use this knowledge to **develop strategies for providing culturally and contextually relevant services**¹⁷ for survivors of various backgrounds.

Organizational assessments can also be useful for rape crisis programs. The following assessments were conducted by programs that participated in the national Sexual Assault Demonstration Initiative: survey of program staff to assess **staff perceptions of program effectiveness** and individual confidence for providing sexual assault services; social network analysis, in which staff completed a one-page survey indicating which people they would go to if they needed assistance serving a survivor of sexual violence; and review of existing documents to evaluate how programs communicate what they do, and the extent to **which policies and procedures** support service provision.

Foundational training¹⁸ for rape crisis advocates should include fundamentals of sexual assault services and advocacy, the neurobiology of trauma, trauma-informed care, and anti-racism/anti-oppression

¹⁶ Stephanie M. Townsend (2017), *Sexual Assault Demonstration Initiative: Final Report*, Resource Sharing Project and National Sexual Violence Resource Center. <https://www.nsvrc.org/sites/default/files/2017-09/sadi-finalreportfinal508.pdf>

¹⁷ Kelly Wilt (2019), *Comprehensive Services for Survivors of Sexual Violence*, Resource Sharing Project and National Sexual Violence Resource Center. <https://www.nsvrc.org/sites/default/files/publications/2019-04/1801A-07%20Comprehensive%20Services%20-%20EnglishFINAL508.pdf>

¹⁸ *Foundations of Advocacy Training Manual*, Resource Sharing Project and National Sexual Violence Resource Center. <https://www.nsvrc.org/foundations-advocacy-training-manual>

frameworks. **Additional training** may be needed to strengthen rape crisis advocates' knowledge and skills and **empower them to provide culturally and contextually relevant support to survivors from underserved and historically excluded populations**, including survivors who are transgender, have disabilities, identify as Black, Indigenous or other People of Color (BIPOC), for whom English is a second language, and all survivors who live along these and other intersecting identities.

Finally, programs must **attend to the well-being of their staff and volunteers**. Survivor advocacy is difficult work, and secondary or vicarious trauma makes the work even more difficult. Through the national Sexual Assault Demonstration Initiative, participating programs learned that the extent to which programs support their own staff directly influences the quality of services that can be provided to survivors.

Hospital Emergency Departments

Many of the difficulties and barriers that survivors faced when seeking services from rape crisis programs also appear in survivors' testimony about seeking medical care from their local hospital emergency department. The recommendations above for rape crisis programs may be helpful for emergency departments. NYSCASA's further recommendations for emergency departments are rooted in survivors' experiences as reported in the Survivor Survey and research into survivors' experiences in emergency departments conducted by the New York City Alliance Against Sexual Assault ("the Alliance").¹⁹

In New York City, the Alliance found that survivors receive very different health care depending on which hospital they visit. The results of the Alliance's study demonstrate that **SAFE Centers of Excellence** provide the most comprehensive care for sexual assault survivors. However, survivors do not always know about these programs and such programs are not widely accessible. NYSCASA echoes the Alliance's recommendation to **develop a communications campaign that**

¹⁹ Deborah Fry (2007), *How SAFE Is New York City? Sexual Assault Services in Emergency Departments*, New York City Alliance Against Sexual Assault. <https://nycaasa.wp.s3.amazonaws.com/wp-content/uploads/2017/01/29171037/REPORT-How-SAFE-is-NYC.pdf>

informs the public about what SAFE centers are, what services exist, and what survivors can expect.

Hospitals that do not have SAFE-designation are required by New York State to provide medical care to sexual assault patients, but nurses and staff are not always equipped or properly trained to provide emergency sexual assault care. **Additional training** for nurses and emergency department staff may be necessary to improve skills and knowledge about providing trauma-informed care to survivors, especially **survivors from underserved and historically excluded populations**, including survivors who are transgender, have disabilities, identify as Black, Indigenous or other People of Color (BIPOC), for whom English is a second language, and all survivors who live along these and other intersecting identities.

Law Enforcement Agencies

The majority (59%) of survivors who responded to the Survivor Survey did not report their victimization to law enforcement. Survivors cited a wide range of concerns, including: lack of comfort telling their story to police; lack of trust in law enforcement to investigate properly; lack of trust that law enforcement will take the survivor seriously due to their race, gender, or other identities; and prior negative experiences with police. Survivors who attempted to file a police report indicated that they experienced victim-blaming, dismissal by law enforcement, lack of communication and follow-up, and experiences of re-traumatization. Survivors' experiences as indicated in the Survivor Survey are consistent with national studies about sexual assault survivors' experiences with the criminal legal system.²⁰

NYSCASA's recommendations for law enforcement agencies are rooted in the experiences of survivors who sought support from law

²⁰ Katherine Lorenz, Anne Kirkner, and Sarah E. Ullman (2019), "Qualitative Study of Sexual Assault Survivors' Post-Assault Legal System Experiences," *Journal of Trauma & Dissociation* 20(3): 263–287. <https://doi.org/10.1080/15299732.2019.1592643>; Katherine Lorenz and Cathrine Jacobsen (2021), "Sexual Violence Survivors' Experiences with the Police and Willingness to Report Future Victimization," *Women & Criminal Justice*. <https://doi.org/10.1080/08974454.2021.1985045>; Jodie Murphy-Oikonen, Karen McQueen, Ainsley Miller, Lori Chambers, and Alexia Hiebert (2020), "Unfounded Sexual Assault: Women's Experiences of Not Being Believed by the Police," *Journal of Interpersonal Violence* 17(11-12): 8916–8940. <https://doi.org/10.1177/0886260520978190>

enforcement in New York State, as well as recent guidance issued by the U.S. Department of Justice.²¹

Studies have demonstrated that **the experience of being believed by law enforcement is critically important to sexual assault survivors** and shapes their experience with the criminal legal system and their healing journeys.²² **Explicit and implicit biases based on gender**—including stereotypes and myths about gender roles, race, sexual assault, domestic violence, and how victims/survivors are “supposed” to respond to trauma—affect law enforcement officers’ perceptions of sexual assault survivors and prevent them from effectively handling reports and supporting survivors.

The U.S. Department of Justice has identified several principles to prevent gender bias in policing, which can improve the experiences of sexual violence survivors who seek help from law enforcement:²³

- **Recognize and address biases, assumptions, and stereotypes about victims/survivors:** Law enforcement agencies should review and revise their policies and procedures and provide training to ensure that responding officers and investigators gather all pertinent evidence in an unbiased manner.
- **Treat all victims/survivors with respect, dignity, and trauma-informed care:** Law enforcement agencies should train responding officers and investigators to use interviewing strategies that are compassionate, trauma-informed, and support survivors’ disclosure of facts about their victimization.
- **Ensure that policies, training, supervision, and resource allocation support thorough and effective investigations:** Law enforcement agencies should implement clear policies, procedures, and training on how to conduct sexual violence investigations, including: evidence collection and testing; identifying and documenting injuries, identifying and

²¹ United States Department of Justice (2022), *Improving Law Enforcement Response to Sexual Assault and Domestic Violence by Identifying and Preventing Gender Bias*. <https://www.justice.gov/ovw/page/file/1509451/download>

²² Murphy-Oikonen et al (2020); Fiona Mason and Zoe Lodrick (2013), “Psychological Consequences of Sexual Assault,” *Best Practice and Research in Clinical Obstetrics and Gynaecology* 27(1): 27–37.

²³ U.S. Department of Justice (2022).

documenting psychological and sensory evidence; and separately interviewing all possible witnesses and suspects. Further, to ensure that all parties are able to communicate the relevant facts, law enforcement agencies should develop a language access plan that officers can follow to ensure meaningful access for people who are Deaf or hard of hearing or for whom English is not their primary language.

- **Appropriately classify reports of sexual assault:** Law enforcement agencies should review and revise policies and procedures and provide training to responding officers to ensure that all sexual assault complaints are properly documented and investigated. Supervisors should provide oversight to ensure policies are being followed.
- **Refer victims/survivors to appropriate services:** Law enforcement officers should make timely and appropriate referrals to community-based service providers, such as rape crisis centers, domestic violence shelters, legal services organizations, and/or culturally specific organizations.
- **Implement policies to prevent sexual violence by law enforcement officers, and hold officers who do harm accountable:** According to a review of more than 700 cases over a ten-year period conducted by the *Buffalo News*, a law enforcement officer is caught in an act of sexual misconduct every 5 days.²⁴ The U.S. Department of justice recommends law enforcement agencies develop policies and practices aimed at preventing and addressing on-duty and off-duty misconduct, which includes sexual harassment, sexual assault and abuse, domestic violence, and related misconduct. These policies should provide that, at minimum, the agency will open separate, concurrent internal administrative and criminal investigations when a report is made that an officer has engaged in sexual misconduct. Law enforcement agencies should also have separate policies designed to prevent sexual misconduct by law enforcement, including the use of early warning systems to identify officers who are at risk of perpetuating such behavior. Agency leadership should also actively work to ensure that the culture within their agency does not promote, normalize, or

²⁴ Matthew Spina (November 22, 2015), "When a Protector Becomes a Predator," *Buffalo News*. <https://s3.amazonaws.com/bncore/projects/abusing-the-law/index.html>

minimize officer conduct that reflects gender bias or sexual violence. Officers should be encouraged to report fellow officers' misconduct and intervene when they see it happening, and agency leadership should support and protect them from retaliation when they do report misconduct.

- **Maintain, review, and act upon data regarding sexual violence:** Law enforcement agencies should assess whether they are under-investigating sexual assault reports. The U.S. Department of Justice recommends examining agency's own crime statistics, data on calls for service, and data from external sources, including victim services providers and prosecutors' offices.

Funders

Government agencies and other organizations that provide funding for sexual assault services can play a critical role in improving survivors' experiences when seeking support. Lessons learned from the national Sexual Assault Demonstration Initiative indicate that priority needs to be given to funding community and organizational assessments, time devoted to planning, training in support of carrying out plans, development of organizational infrastructure (including policies and procedures), and developing and implementing culturally and contextually relevant service offerings.²⁵ Feedback that NYSCASA has received from rape crisis programs indicates a greater need for **flexibility of funding and simplified reporting requirements** that will enable rape crisis programs to provide holistic services for survivors and implement strategies to minimize vicarious trauma, burnout, and high turnover among rape crisis program staff. **When advocates are well-supported, survivors receive the best care and support.**

²⁵ Townsend (2017).