



Meeting Summary

ILLINOIS FAMILY VIOLENCE COORDINATING COUNCILS

Semi-Annual State Council Meeting

July 15, 2003

Northfield Inn

Springfield, Illinois

Understanding Intimate Partner Sexual Abuse Advocacy, Systems Response & Resources

There were approximately 230 people in attendance from local and state committees and councils.

Welcome

The day began with a welcoming address by Judge Thomas G. Russell and Janice DiGirolamo, Co-chairs of the Illinois Family Violence Coordinating Councils. Judge Russell thanked everyone for coming to share their knowledge and to learn more about intimate partner sexual abuse. The number of registrants for this meeting speak to the importance of this topic. Our dialogue is meant to be organic, holistic and provocative. When we come together it is special. We bring our compassion, open hearts, respect for one another and enthusiasm, making our collaborations more creative, systematic and effective. Uniting to end family violence helps to create a more peaceful world. We are all connected to one another in profound ways. Our consciousness must express our vision for a better world.

Janice thanked everyone for being present. Our hope is that you leave today with new ideas, new hopes and new questions to inform the work that you do.

Janice introduced Polly Poskin, Executive Director of Illinois Coalition Against Sexual Assault to talk about the history and prevalence of intimate partner sexual abuse in Illinois.

Polly Poskin, Executive Director, Illinois Coalition Against Sexual Assault History and Prevalence

Ms. Poskin provided a brief overview on the history and prevalence of marital rape.

History - Think about how long we have had the sacrament and institution of marriage, yet as early as twenty years ago female spouses were not protected by Illinois law if they were raped by their husbands. In the early 1980's the National Organization for Women and the Cook County State's Attorney's Office joined together to write the first draft of House Bill 606. Although later adjusted, in the Bill as it was originally written, penetration crimes and sexual touching or fondling, could be charged as a crime. The debates over marital rape were very emotional. Opponents argued that if the bill was enacted into law, women would flood the court system with false allegation. A vengeful wife could use a false allegation of rape to ruin her husbands reputation or to booster her side in a divorce.

The Bill was passed by a 50:1 vote, with an effective date of July 1, 1983. It was a monumental change in Illinois sex crime statutes to add marital rape. The provisions for reporting marital rape required that:

- the spouse report the rape within 30 days
- the rape caused great bodily harm to the victim
- the victim and spouse were living in separate residences, and or
- the victim had or was seeking a dissolution of marriage

Opposition to marital rape today is not very different from 1983 or 1984. It is challenging to get juries to convict, and there are those who still believe that the court system should not be bothered with marital rape cases because "a wife consents to sex, regardless, when she marries."

Prevalence - Typically, sexual assault is male perpetrated upon female and adult perpetrated upon children. The abuser rapes his spouse in marriage for the same reasons an abuser rapes his partner - whom he is not married to, to control and abuse her body and because he believes that he will "get away with it."

25% of all rape is rape that occurs in marriage. In 1/3 of reported domestic violence cases, the victim reported being raped. In some cases the children witnessed and or were forced to participate in the rape. Relationships in which the spouse is physically and emotionally abusive, are relationships in which the victim is often most vulnerable to rape.

More is needed - Unfortunately prevention is the least funded work. More work needs to be done in the area of prevention sooner than later. We need to talk more about the power and control wheel in schools starting as early as kindergarten and first grade. Our girls need to learn that no one can control them in a relationship. Our boys need to learn that they can not control their partners in a relationship. We must educate on equality in relationships.

Lyn Schollett, General Counsel, Illinois Coalition Against Sexual Assault

Legal Aspects

History - During the 1700's, the most common definition of rape in the United States was sexual intercourse with a female not his wife and without her consent. In 1736 Sir Matthew Hale, Chief Justice in England contended that a husband could not be found guilty of raping his wife because

with marriage a wife entered into a matrimonial contract in which she gave irrevocable consent to sexual relations.

Also, at that time a wife was considered legally to be her husband's property. Rape was considered a crime against another man's property, therefore, a man could not hurt or rape his own property. In 1889, The Married Women's Property Act allowed women to work outside of their homes, earn and keep their own wages and to own property. This raised the question of women as property because, if a woman could own property, then she probably was not property.

Rape was a crime, however, a crime for which a "spousal exemption" was provided. It was legal in every state for a man to rape his wife. The "spousal exemption" for rape went primarily unchallenged until the 1970's.

With regard to case law, in 1976 the trial of a Michigan woman for murdering her husband gained public attention when the presiding judge said that the defendant had a right to defend herself even with the spousal exemption. In 1978, in Oregon the first criminal prosecution of a man for raping his wife took place. Although the husband was acquitted, the case brought an increased awareness to the issue of marital rape.

In 1986 the Federal Sexual Abuse Act was passed criminalizing marital rape on all federal lands. In July 1993, North Carolina became the last city to criminalize marital rape. That same year marital rape became a crime in the sexual offense codes in all 50 states. Some states do, however, still require that: the wife be physically or mentally capable to decline, refuse sexual relations; both parties (husband and wife) live separately; the wife suffer severe bodily injury in addition to the rape; and that the wife report the rape within 30 days.

More is needed - The spousal relationship can no longer be used as a defense for rape, but more is needed. I hope that our talk today is used as a spring-board for determining how we can move forward in Illinois.

Ms. Schollett offered the following suggestions for moving forward in our work:

- The 30 day reporting restriction is only applicable to cases of martial rape. This reporting restriction is not applicable to stranger to stranger or any other type of rape case and should be removed. The relationship of the rapist and the victim should be not a determining factor for the length of time a victim is given to report being raped.
- It is critical to name the crime for what it is, "marital rape," and let victims know they have the right to seek prosecution. We must also make sure that victims know about the 30 day reporting restriction.
- We need prosecutors to educate jurors on what martial rape is.

Ms. Schollett closed with the presentation of scenes from the *Video Defending Our Lives*. The video includes interviews from prison with women who were convicted of killing their abusers. In one scene Lisa Crimshaw, described prior to killing her husband, the abuse she suffered at his hand. When she was 6 months pregnant he beat her and threatened to cut the baby out of her stomach. He tore her uniform off and violently raped, beat and sodomized her.

Cheryl Howard, Executive Director, Illinois Coalition Against Domestic Violence

Lethality Considerations

Victims report that they have been sexually abused in almost every domestic violence situation. There are many reasons why a victim might not report sexual abuse by a partner. Some victims do not want to experience the shame that they believe will accompany the reporting of the assault. And some victims simply do not identify the sexual assault as a crime if they are married or have given prior consent to sex. Additionally, some victims think that with that prior consent it also means that the abuser can have sex with them in any way that the abuser wants.

Sexual assault becomes lethal when a victim has left or is attempting to leave her abuser. Some women get an Order of Protection as a “time out” to think through the relationship; to see if the perpetrator of the abuse will seek treatment - get help; and to decide if she wants to continue the relationship.

Clients have reported that sex with their abuser during the “honeymoon period” was great and later became violent when the abuser attempted to reinstate his control. In one case, a husband broke into his wife’s home and raped her after she got an Order of Protection and asked him for a divorce. He told the police he broke into the home in an attempt to scare her. He said that he didn’t want her to think that he was out of her life forever, that none of this would have happened if she had just moved with him out of the state, and that she kept changing her mind, confusing him. The husband was charged with a Class 1 Felony for criminal assault and home invasion. The husband tried to coerce his wife into dropping the Order of Protection thinking that the absence of the Order of Protection would make the charges go away. In terms of lethality:

- ▶ The wife was leaving the relationship and told the husband.
- ▶ The husband was clear in his intent. He had all of the tools necessary to commit the crime, bringing a razor blade and a large black cloth. He covered his face to conceal his identity and wore gloves to conceal his finger prints.
- ▶ The crime could have been murder instead of sexual assault had the wife not cooperated.

The husband’s behavior is not the wife’s fault. It could have helped if the wife had, had an opportunity to talk with an advocate and developed a safety plan for leaving her husband.

Advocates, law enforcement officers and prosecutors need to work closer together. Victims tell advocates things that they won’t tell law enforcement or prosecutors. Advocates can encourage victims to share information with law enforcement officers and prosecutors and that doesn’t violate confidentiality. Advocates can also share information and questions from law enforcement officers and prosecutors with the victim

Abusive behavior does not occur in isolation. There are patterns to abusive behavior. It begins, continues and escalates. We can not view an incident or a case as a snapshot of behavior because it is more of a movie, a video.

Panel Presentation: Center for Prevention of Abuse, Peoria **Martha Herm, Executive Director**

Thirty years later, it is wonderful to be together in coordinating councils with law enforcement, clergy, educators, advocates, social service workers and judicial involvement at the table working together toward the same goals. We want support and safety for victims, perpetrator accountability and community awareness.

The model that Center for Prevention of Abuse utilizes offers one agency that people can come to for all services. The Center is comprised of many departments and programs that offer services to address issues of: intimate violence; intimate partner abuse intervention; elder abuse; sexual assault; and violence prevention through education and awareness.

In our panel presentation, we will discuss how we integrate our work and the benefits and barriers in working with our clients, each other and community partners.

Julie Boland, Director, InnerStrength Sexual Assault Program

One of the many benefits of our programs being housed together is that we have a close relationship with our domestic violence program. Each month our department does presentations on sexual violence and sexual assault for victims in the domestic violence shelter. InnerStrength materials describing the services that we provide are included in the domestic violence welcome packets that are given to clients entering the shelter. InnerStrength provides counseling, long term support, therapy and advocacy services to survivors of intimate partner assault. Our InnerStrength program had 406 sexual assault cases last year. Of those cases, 291 were assaults that were committed by family members or acquaintances, and 47 cases were assaults committed by spouses.

Types of abuse, causes and effects - The ultimate effort by the abuser is to control the victim. Sexual abuse usually follows other acts of domestic violence. Some tactics utilized to control the victim can include: verbal abuse; criticism of sexual performance; forced viewing and or forced acting out of pornography; forced sex with him and others; forced to perform sexual acts; kidnaping and holding child(ren) until sex is given: and in extreme cases, forced prostitution.

Additional types of rape include: battering rape in which the victim is raped while being beaten; and obsessive rape in which the perpetrator of the violence needs to inflict that violence in order to have sex..

Causes for intimate partner sexual assault can vary but typically are a result of: the perpetrators feeling of entitlement; punishment, making her “pay” for her actions or the actions of others that she has no control over; and to impregnate the victim as a means of ensuring continued control over her. Frequently, some resulting injuries are lacerations, torn muscles, sexually transmitted diseases and pregnancy miscarriage

Why stay? - There are many reasons why a victim may choose to stay after an incident of intimate partner sexual assault. Reasons vary and may include:

- confusing social role regarding the duty of a wife
- long term history of abuse from childhood
- financial and economic factors
- perceived lack of family support
- lack of knowledge regarding resources in the community
- fear of retaliation from abuser or family members

The betrayal that is different from rape by a stranger is the violation of the victim's right to choose to engage in sexual relations by someone who is known to and often trusted by her. And the entrapment in the abuse - most victims are raped more than 20 times over the course of the relationship. After being raped by a stranger the victim must live with the incident. After being raped by an intimate partner or spouse, the victim must live with the rapist.

Nancee Brown, Legal/Medical Advocate, InnerStrength Sexual Assault Program

Education is an integral part of our program. Our advocates inform clients that present with sexual assault issues that their medical bills can be paid by a sexual assault survivors emergency treatment fund. The monies go directly to the hospital and other appropriate bills not the victim. Because there is sometimes a misconception about what our agency looks like, after speaking with victims and securing a "safe telephone number" to contact them at, we invite them to come out and see the center. We want them to know and see where they will be staying if they choose to use our services.

We encourage our clients to talk to the police. We also provide trainings for police departments to help officers be more victim sensitive.

Ms. Brown referred participants to an article in the Journal Star, Peoria newspaper in which a spouse was sentenced to 30 years for aggravated criminal sexual assault. Ms. Brown added that the victim in this case submitted an impact statement that detailed her experience on the night of the rape. She said that during the assault she did not scream and prayed that he would not kill her because of her children. She waited until he was asleep and left to seek help from the authorities. She spoke of the effect that night had on her and how she was forever changed by it. She had always thought of home as a safe place. She wondered did she cause this: the beating, the rape and being urinated on. And finally, requested that the judge impose the maximum sentence required by law.

**Joyce DeRenzy, Director, SeniorStrength
*Sexual Abuse of the Elderly***

Sexual abuse does not have an age specification. Many of our seniors are vulnerable making them susceptible to abuse. Elder abuse is crime that often goes unreported. It is "society's secret" and often a family affair with 80% of reported cases involving family members as the perpetrators of the abuse. Sexual abuse is the least reported type of elder abuse.

We have a generation, many of whom do not understand what sexual abuse is. We have a generation of victims who have had limited experience with social service resources and often: feel embarrassed by the abuse; blame themselves for the abuse; feel that their privacy will be invaded by reporting the abuse; and lack trust in what an individual or social services agency can do to help them. The biggest fear we have noted by victims of elder abuse is nursing home placement. Some victims of elder abuse will tolerate a great deal in order to avoid losing their independence and being placed in a nursing home.

A 65 year old woman being screened for abuse stated that her husband never hit or hurt her then later disclosed that he sometimes forced her to have sexual intercourse that was painful.

Abuse meets the needs of the perpetrator not the victim, and it is the vulnerability that attracts the sexual offender. Some barriers that impact vulnerability are the victim's:

- ▶ sensory capacity changes
- ▶ hearing deterioration
- ▶ bone and tendons changes
- ▶ speech problems
- ▶ cognitive impairment and or dementia
- ▶ lack of agility and strength to fight the perpetrator off and
- ▶ with stranger assault, the perpetrator is often aware of the victims daily pattern or routine

Collaboration is essential to our work. Collaboration makes our efforts more meaningful for victims in looking at what their needs are and then meeting those needs.

Ruthanne Fought, Director, FamilyStrength

In the beginning, as a female therapist it was difficult to sit in a room full of guys with power and control issues. Guys like to make jokes and it was a challenge to stop this.

We run a 26 week program for court mandated perpetrators utilizing the Duluth model. All groups are facilitated by a male and female team. Initially we address the issue of sexual assault, beginning with belief systems, denial and blame. Honesty and accountability is the underlying theme. It is hard for some of the men in the group to understand that even after giving consent to sex, anytime a women says "no" and he continues with his advances it is rape. Some of the men in the groups have admitted to acts that are consistent with marital rape, but said it was not marital rape but rather their right by marriage. Our program also runs a high lethality group that is part of our domestic violence offender group. Members of that group have also admitted to raping their partners. It is an attempt to have the ultimate control over their spouse or partner. However, after acceptance and accountability for their behavior, many of the men have a hard time dealing with the reality and shame of what they have done. Many of the men have said that they did not know that they could be convicted for marital rape.

During the second half of the program we address sexual respect. The men in the program are required to keep control logs on situations in which they have been sexually disrespectful.

A requirement of acceptance into the program is that the offender sign an agreement acknowledging that he is aware that the victim will be contacted. A caseworker speaks with the victims of the men in the groups so that the victims will be aware of services available to them and to make appropriate referrals for them to other programs in the Center.

Panel Presentation:

Arden Lang, Assistant Appellate Defender, Office of the State Appellate Defender

When a case reaches my level, lethality is involved. Usually a victim of domestic violence or sexual assault has killed the perpetrator of that abuse. We are faced with the questions of : how to access blame?; and can a victim be held blameless? The role of the defense attorney who is representing the victim is to educate the judge and jury on the mitigating circumstances which include the history of abuse.

Ms. Lang referred to two cases in which the victims killed their abusers. In case one, a victim was physically and sexually abused almost everyday. Threats were made by the perpetrator of the abuse to kill the victim and the children. The children were regularly witnessing that abuse. In case two, a victim with a history of abuse fled from her husband, the perpetrator of that violence and hid in

the woods outside of their home. Her 9 year old daughter found her in the woods and gave her the perpetrator's gun so that she could protect herself. Fearing that her husband would discover that the gun was missing, the victim returned to the home. In her attempt to return the gun she was confronted by her husband and the confrontation resulted in his death. She was sentenced to 9 years in prison.

Although victims can appeal sentencing and go before the Prisoner Review Board or the Clemency Review Board, it is best to persuade the judge and or jury during the trial.

Steve Brockway, Lieutenant, Moline Police Department

When a police officer responds to a domestic violence scene our responsibility is to protect the victim while knowing that we are also held legally accountable to the suspect.

Collaboration is the biggest key to this. There is a need for more collaboration between police departments and victim advocates. In our area we encourage advocates to do "ride alongs" with our officers. In addition to the benefit of having an advocate at the scene, the advocates and the officers have an opportunity to understand one another better as people. Advocates get a better understanding of what it is like for an officer at the scene of an incident. Police officers see the advocate as a person not very different from them with a like vision, safety for the victim and accountability for the offender. Riding together for 8 hours provides an opportunity to talk at length about many things.

We need to look at how we can collaborate on cases. When met with question of corroboration, the constitution requires proof beyond a reasonable doubt. As Cheryl mentioned earlier, confidentiality can work in the reverse. I can call an advocate and say that I need certain information and ask that advocate to talk to the victim or encourage the victim to speak with me.

Carrie Petry, Advocacy Coordinator, Center Against Sexual Assault, Kankakee

Our advocates respond to calls 24 hours a day, 7 days a week. The length of a call can vary, lasting for 30 minutes or up to 10 hours. The advocate is there to support the victim and is usually the only person in the room who doesn't want something from the victim. Their role is not to ask questions but rather to explain the process, what examinations will take place, what evidence will be collected and what are the victim's rights. They want to ensure that the victim has all of the information so that the victim can make her own decision, an informed decision. The advocate will continue that support throughout the investigation and the trial by tracking the court case; accompanying the victim to court or appearing in court on the victim's behalf. The attorney prosecuting the case will prep the victim for questioning. The advocate will help the victim prepare for the trial by explaining the rules of the court, court procedure and court style and how to dress in court.

We need to network and collaborate more. We need to know other professions in our community and develop personal relationships with them so that we will know to whom we are referring victims. We need to work with institutions to help make changes to improve our system.

Patti Sudendorf, Supervisor, Domestic Violence Division, Cook County State's Attorney's Office

The major themes of today's meeting have already come out. We all are exposed to and hear the same type of cases. As prosecutors we have a responsibility to talk to victims and let them know honestly what to expect; explain why we have to ask certain questions and delve into their personal

and private relationships; and ask for the victim's assistance in making the case. We explain that we need the victim to report incidences of other crimes committed by the perpetrator; whether an Order of Protection is in place, violations of that order; and prior incidences of abuse that the victim experienced at the hands of the perpetrator. We let victims know that with the prosecution of their case a variety of different outcomes might occur. Most of all, be honest. Don't promise the earth and the sky or things that can not be provided - that is what the abuser did.

Panel response to audience questions:

There is a concern in the field that a case going to felony review will lesson the possibility of it going forward.

- ▶ To successfully prosecute a case, corroboration is needed. With cases of stranger to stranger assault, DNA evidence is usually sufficient corroboration. When the victim knows the perpetrator, we must overcome the consent issue; unfortunately the victim's testimony usually is not enough.

What can be done to ensure that victim testimony is sufficient?

- ▶ Support the victim and encourage the victim to go forward with the case. Credibility is critical. Corroboration is still needed through witnesses. Utilize 911 reports, document excited utterances made at the scene, and information provided by victim's doctor. Educate law enforcement officers on collecting evidence.
- ▶ We need the victim to document the history of the abuse. I recommend that officers block off 4-5 hours when speaking with the victim to conduct an in-depth interview. The education of law enforcement officers should begin in the training academy with first line supervisors teaching officers that a sexual assault case involving parties who know one another should be treated with the same magnitude as a stranger to stranger sexual assault. Also officers should take photographs and interview witnesses at the scene.
- ▶ Documentation is important. We need to encourage victims to write down somewhere what has occurred, including the time and date of the event as well as people who witnessed the event; to keep a journal; to make a written history of events or write down a few words that can trigger her memory of the occurrences.