

# COVERING SEXUAL ASSAULT: A PRIMER FOR JOURNALISTS

By Stephenie Hoelscher, Consultant for the Kentucky  
Association of Sexual Assault Programs



# WHO ARE WE?

**Stephenie Hoelscher** is a public policy and PR consultant to KASAP, assisting with the drafting and implementation of the SAFE Act and the effort to clear Kentucky's backlog.

She was policy & communications director for former State Auditor Adam Edelen and has 13 years of experience as a newspaper reporter.

She was statehouse reporter for The Courier-Journal between 2007 and 2011.



# WHO ARE WE?

**Eileen Reckenwald** has been the executive director KASAP since 2001.

She was the first director and provided direct advocacy services at a domestic violence shelter in the Appalachian region of Kentucky for 5 years.

She also directed and provided advocacy services to child sexual assault victims at a rape crisis center for 11 years.



# WHO ARE WE?

**Michelle Kuiper** is a survivor/advocate who helped former State Auditor Adam Edelen on the audit of SAFE kits to give the survivor's perspective on sexual assault.

She went on to advocate for change for victims of sexual assault in the Legislature.

Michelle continues to advocate for change, is helping with the backlog effort and is an intern for KASAP. She is working on her GWS and political science degrees at the University of Kentucky.



# WHO ARE WE?

**Kentucky Association of Sexual Assault Programs (KASAP)** is the coalition of the state's 13 regional rape crisis centers.

KASAP provides technical assistance to member programs and other professionals; advocates for improvements in public policy; fosters coalition-building among members and those with common concerns, and promotes prevention and public awareness regarding sexual violence and related issues.



# WHY ARE WE HERE?

To open **dialogue** between advocates and journalists;

To help journalists better understand and report on issues of sexual violence during a critical time of increased awareness to sexual assault at a state and national level.



# WHY DOES THIS MATTER?

The media **shapes public opinion and policy**, knowingly or not.

This, in turn, serves as a catalyst for changing culture, the prevalence of reporting and the way institutions such as the justice and health care systems respond.

Flawed reporting can inflict further harm to victims, both individually and collectively. It shames and discourages reporting.

*Source: "A Media Toolkit for Local and National Journalists to Better Media Coverage," Chicago Task Force for Violence Against Girls and Young Women*



# IS THERE ROOM FOR IMPROVEMENT?

Yes. Research tells us so – an analysis of news coverage of sexual violence between 2011 and 2013 by the Berkeley Media Studies Group found:

- $\frac{1}{2}$  the articles mention consequences of sexual violence for the accused – arrest, loss of employment, status at university – while only 6 percent reference treatment for those who had experienced violence.
- Rape myths are still present in news coverage – 15% of articles used language that minimize the act of violence or implied consent





# WHAT ARE RAPE MYTHS?

**Myth: It's about sex**

**Truth:** It's about power. Pop culture has us believe rape is triggered by sexual arousal – that the men and women who have fallen victim somehow triggered or ignited passion within their rapist by their looks, flirtation, seduction or something else.

**Rape is NOT about sex, it is about hearing “no” and being angered, or feeling entitled to take something without consent.**



# WHAT ARE RAPE MYTHS?

**Myth: Assaults are spur of the moment**

**Truth: Date or acquaintance rape is pre-planned.**

When a man or woman puts drugs in a drink, the assault is obviously pre-planned. Less obvious is when someone pours a heavy hand of alcohol to get a person intoxicated, or keeps pressuring you because you will cave.

Rape and sexual assault appear animalistic but are usually premeditated.



# WHAT ARE RAPE MYTHS?

**Myth: It's only rape if the victim physically fights back**

**Truth:** The body goes into shock and one of the most insulting things you can say to a survivor is “Why didn't you fight back?”

We are familiar with “fight or flight” but there is a third route: freeze. In the moment, a survivor may think, “It will be over soon. And if I fight back, he will hurt or kill me.” A victim who lacks obvious physical trauma or who didn't fight back is **STILL** a victim.



# WHAT ARE RAPE MYTHS?

## **Myth: Consent is murky**

**Truth:** People who don't rape don't have a problem understanding consent. If someone changes their mind about sexual activity, non-rapists get that they should stop. And non-rapists get that someone who is unconscious or heavily intoxicated can't give consent.

This myth is rooted in the first myth, that rape is about sex. It isn't – again, it is about power and feeling entitled to take something from someone else.

*Source: "Cultural Myths and Misconceptions" presentation, Kentucky DOCJT instructor Jim Root*



# REPORTING & WRITING ABOUT SEXUAL VIOLENCE

## Language Matters

Certain words or phrases commonly found in news stories about sexual assault may perpetuate some of these rape myths and minimize or hide the intrinsic violence of assault.



# REPORTING & WRITING ABOUT SEXUAL VIOLENCE

**Avoid consensual sex language to describe violent crime**

Rape or assault is **NOT** sex or intercourse. Rape or sexual assault is in no way associated with normal sexual activity.

Other words & phrases to avoid:

Perform, engaged in, oral sex, kiss, fondle, caress, panties, etc.

Use instead: Groped, forced his penis into her mouth, forcibly touched, forcibly penetrated her vagina with his penis, etc.



# REPORTING & WRITING ABOUT SEXUAL VIOLENCE

“I have two small children, and one of them is a special-needs child, and the thought of being away from them for any amount of time is terrifying.”

That is what former [Carlisle County substitute teacher](#) Kasey Warren told the court Tuesday during a hearing to determine whether her request to withdraw her guilty plea would be granted.

McCracken Circuit Judge Craig Clymer denied the motion, upholding Warren’s guilty plea on the basis that Warren’s change of heart was not a legal reason to vacate her agreement with the commonwealth.

Warren, 28, of Bardwell, was charged Aug. 15 with three counts of third-degree rape and three counts of third-degree sodomy, after the Kentucky State Police were tipped to allegations that Warren had had sex with two 16-year-old male students.



# REPORTING & WRITING ABOUT SEXUAL VIOLENCE

## Avoid past tense and passive language

A Lexington woman was raped; the rape occurred ...

Past tense makes the rapist invisible and fails to make explicit there was a person responsible for assaulting the victim.

**Alternative:** “Lexington woman reports a man raped her.”





# REPORTING & WRITING ABOUT SEXUAL VIOLENCE

## Use of the words alleged & accused

The best alternative would be to scrap the words and instead say, “police said” or “prosecutors said.” Source the claim directly.

When legal charges have been filed, it is appropriate to say “accused rapist.” This still implies innocent until proven guilty while avoiding use of the more loaded “alleged.”

**BUT**, try to avoid accuser. Recasts victim as the perpetrator of an accusation, positions readers to identify sympathetically with perpetrator

*Source: A Media Toolkit for Local and National Journalists to Better Media Coverage, Chicago Task Force for Violence Against Girls and Young Women; Katz, 2011; “Reporting on Sexual Violence: A Guide for Journalists,” Minnesota Coalition Against Sexual Assault*



# REPORTING & WRITING ABOUT SEXUAL VIOLENCE

## Inconsistencies in the use of victim vs. alleged victim

Former University of Kentucky football player Lloyd Tubman was kicked off the team and expelled from campus in 2014 as three UK tribunals found him responsible for sexual misconduct in an alleged rape case. But this weekend, he'll be back at Commonwealth Stadium, playing for Austin Peay University.

The alleged victim's lawyer is outraged.



# REPORTING & WRITING ABOUT SEXUAL VIOLENCE

## Inconsistencies in the use of victim vs. alleged victim

The most recent rape occurred Sunday, involved a victim who was 78, Lexington police said. A citation says that Cummins used a crowbar to enter the residence before raping and sodomizing her.

When Lexington police received the DNA match Friday, they began looking for Cummins, police spokeswoman Brenna Angel said. Police could have arrested Cummins on probable cause.

“The timeline of events is awful,” Angel said. “We were looking for him this weekend and determined he was out-of-county.”

Officers applied for an arrest warrant, and state police arrested him Monday in Frankfort.

In the first case, the victim was watching television on April 11, 2015, when she heard a creak behind her, according to court records. She saw Cummins standing in the basement doorway, police said. He asked her twice if she was alone and she replied yes.



# REPORTING & WRITING ABOUT SEXUAL VIOLENCE

## Inconsistencies in the use of victim vs. alleged victim

### Victims attend convicted arsonist's hearing in new string of burglary-arsons

#### HIGHLIGHTS

More charges to be filed against John C. Roth, county attorney says

Fayette County victim hopes other victims will use her horse therapy program to cope

Lexington police arrested two men and obtained an arrest warrant for a third after a series of robberies in early Thursday.

The first robbery occurred about 1:30 a.m. on Arlington Avenue, according to police. Two victims told officers they were walking home from a grocery store when a dark SUV approached them and two men jumped out.

One of the two men pointed a gun at the victims and demanded their belongings, according to police. The men took the victims' cellphones, keys, groceries and a wallet.

A Lexington woman has been arrested and charged with second-degree assault after allegedly cutting a victim across the face with a butcher knife Saturday night.

According to an arrest citation by Lexington police, 60-year-old Linda Clay Davis was arguing with the victim, a man. Davis got a butcher knife and cut the man across the face, causing a small laceration under his right eye and a large laceration across his nose.



# REPORTING & WRITING ABOUT SEXUAL VIOLENCE

## Victim Blaming Language & Approaches

Describing – or allowing neighbors and other sources to describe - victims' attire, past behavior

Describing the perpetrator's positive attributes and focusing on the negative effects on the perpetrators – or allowing other sources to focus on - the their-lives-are-destroyed narrative

Would we do these things in other crime stories?

*Source: "A Media Toolkit for Local and National Journalists to Better Media Coverage," Chicago Task Force for Violence Against Girls and Young Women*



# REPORTING & WRITING ABOUT SEXUAL VIOLENCE

## Victim Blaming Language & Approaches

Tubman's attorney, Jim Lowry, declined to comment, but his mother, Warnetta Cooper, said Wednesday's news was a major relief for the family.

### UK suspends Seneca grad Tubman post-charges

"It's breathtaking because of course it was traumatizing and a journey so difficult," she said in a phone interview. "At least we can breathe again as family, and I just give God all the glory and praises. It's one of things where you cry a tear of joy."

One of Larson's assistants presented the evidence in the grand jury proceedings. Asked whether he was surprised that the grand jury didn't return an indictment, Larson said, "We don't try to influence the grand jury. We just put on the evidence and get out of the way, and they have all the evidence that we have, and it's up to them to make that decision. If they choose to indict a case, we go ahead and try it or deal with it somehow."

Tubman, a former four-star recruit, was suspended indefinitely by the UK football team following his arrest. Cooper had not spoken to coach Mark Stoops Wednesday evening to discuss her son, but she hopes he'll be able to play football at UK again.

### Grand jury to hear rape charge against Tubman

After Tubman left UK mid-semester, Cooper said the family's entire focus has been on the legal proceedings, and she said she's not exactly sure what his academic standing is at the university, and in the coming days she'll seek to find out more.



# REPORTING & WRITING ABOUT SEXUAL VIOLENCE

## Victim Blaming Language & Approaches

O'Connell declined to respond to questions about how Jones' accusers are doing.

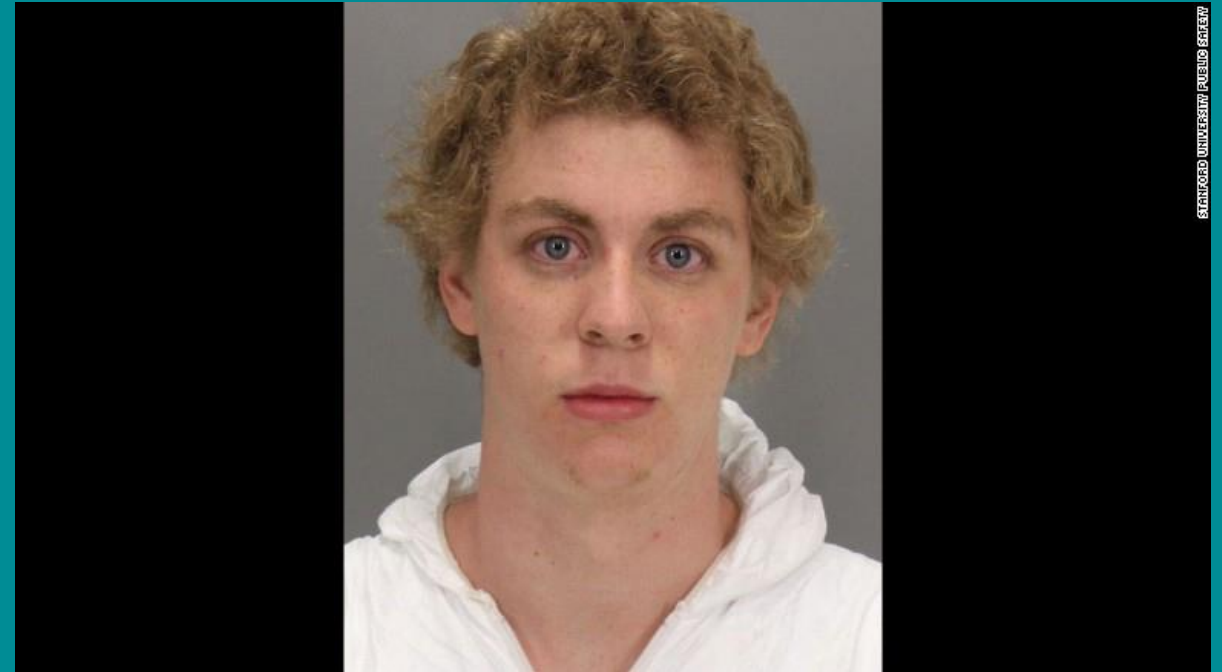
Asked by reporters how Jones is doing, Cox said he is an "emotionally strong person" and is "hanging in there."



# REPORTING & WRITING ABOUT SEXUAL VIOLENCE



VS.





# REPORTING & WRITING ABOUT SEXUAL VIOLENCE

## Other Problematic Language

**Date Rape** – Downgrades rape from “real” (stranger) rape. Just say rape.

**Domestic dispute** – When a mugger assaults a cab driver for fare, it isn’t described as a ‘fare dispute.’ Avoid if physical violence is involved.

**Abusive relationship** – Relationship isn’t abusive; a person is

**Child pornography or worse, kiddie porn** – Experts advise “child sexual abuse images”

*Source: “Raped or ‘Seduced?’ How Language Helps Shape our Response to Sexual Violence,” National Judicial Education Program*



# REPORTING & WRITING ABOUT SEXUAL VIOLENCE

## Data Sources

We recognize one of the challenges of accurately reporting on sexual violence is the difficulty in finding good data. There are limitations with some of the best sources of crime statistics, like the National Crime Victimization Survey and Uniform Crime report. This means we can only make informed estimates on the prevalence of sexual assault.



# REPORTING & WRITING ABOUT SEXUAL VIOLENCE

## Data Sources – Kentucky Sexual Assaults – 2014

- **3,791** were estimated to have occurred in 2014, according to techniques found in Rennison (2002)
- **1,403** forcible rapes submitted to KY Incident-Based Reporting System
- Of the reported rapes, **419**, or **29%**, were cleared, typically at arrest. This means an arrest was made in about **11%** of cases
- **773** cases with rape-related UOR codes were filed. This equates to about **55%** of reported rapes and **20%** of the estimated rapes that occurred that year
- **149**, or **19%** of cases filed resulted in a guilty verdict. **This represents 3% of all rapes.**



# COVERING PROSECUTIONS & TRIALS: DON'T BE A TOOL

## BEWARE:

**Defense attorney strategies such as document dumping, whereby they enter records into the court file that contain evidence that won't be admissible in court - such as sexual history of a victim – but was done to taint public opinion and, possibly, the jury pool**

**Just because it is in the documents, doesn't mean it is relevant!**

**Insist on context.**

*Source: "Covering Sexual Assault" webinar, Poynter & National Sexual Violence Resource Center*



# COVERING PROSECUTIONS & TRIALS: DON'T BE A TOOL

- **Remember also that defense attorneys are free to talk to the press, while prosecutors are limited**
- **Beware of inflammatory statements made just as trial or hearing is ending**
- **Avoid hyperbolic headlines and leads**

*Source: "Covering Sexual Assault" webinar, Poynter & National Sexual Violence Resource Center*



# COVERING PROSECUTIONS & TRIALS: DON'T BE A TOOL

"The sex was 100% consensual and at no time did I think she was too drunk to know what she was doing," Tilford said.

Tilford told police in the April statement that both women said goodbye and appeared calm when they left.

However, he said he noticed blood on a portion of Jones' shirt as he was trying to tuck it in.

## **Timeline of Chris Jones dismissal, rape charges**

Tilford said that "when the blond girl was angry and cussing in the hallway I thought it was either because Chris had been rude to her or or she was just drunk. Sometimes Chris can be big headed and rude to women. I do not believe however that he did anything forceful or against any girls' will sexually. "

His remarks, released by his attorney, represent the first comments by any of the defendants since they were charged in the explosive case in February.

Tilford testified Wednesday morning before a Jefferson County grand jury that is expected to announce at 1 p.m. Wednesday whether it returned an indictment against



# STORY IDEAS

- **Marital rape in Kentucky – Became a crime in 1997. Does it ever get prosecuted?**
- **Jury selection - prosecutors know women are harsher judges of victims than men. If they are doing jury selection, talk about strategies.**
- **Trend stories on convictions vs. reports. Look at the gap, look at cases that plead down.**
- **Green Dot/prevention in your community**



# RESOURCES IN KENTUCKY

**KASAP – Eileen Recktenwald, executive director,  
[erecktenwald@kasap.org](mailto:erecktenwald@kasap.org), 502-226-2704**

**Rape crisis center in your region – visit [kasap.org](http://kasap.org) to find center  
by county or zip code**

**Criminal Justice Statistical Analysis Center, Kentucky Justice  
Cabinet – Marjorie Stanek, 502-564-8295,  
[Marjorie.stanek@ky.gov](mailto:Marjorie.stanek@ky.gov)**

**Attorney General's Office of Victims Advocacy**





# REFERENCES

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