

Just Supporting Male Survivors of Sexual Assault.mp3

Introduction [00:00:05] Now, this is recording, RTI International Center for Forensic Science presents Just Science.

Voiceover [00:00:20] Welcome to Just Science, a podcast for justice professionals and anyone interested in learning more about forensic science, innovative technology, current research, and actionable strategies to improve the criminal justice system. In episode six of our Research and Considerations for Sexual Assault Cases season, Just Science sat down with Patricia Powers, an attorney advisor with AEquitas, to discuss supporting male victims of sexual assault through the criminal legal system. Research suggests that sexual assault is an often underreported crime. Biases, myths and societal expectations can further discourage male survivors from stepping forward and disclosing their assault. Pattie Powers works with survivors and sees the impact that these misconceptions have on the investigation and prosecution of sexual assault crimes. Listen along as she discusses the myths surrounding sexual assault, the role of education and overcoming biases, and best practices for supporting male survivors and effectively prosecuting their cases in this episode of Just Science. This season is funded by the National Institute of Justice's Forensic Technology Center of Excellence. Some content in this podcast may be considered sensitive and may evoke emotional responses or may not be appropriate for younger audiences. Here's your host, Tyler Raible.

Tyler Raible [00:01:33] Hello and welcome to Just Science. I'm your host, Tyler Raible with the Forensic Technology Center of Excellence, a program of the National Institute of Justice. Today, we'll be diving into a conversation surrounding the topic of male victims of sexual assault. To help guide us in the conversation, I'm joined by our guest, Pattie Powers, an attorney advisor with AEquitas. Pattie, it's great to see you. Welcome to the show.

Patricia Powers [00:01:53] Thank you so much, Tyler. I'm very excited to be here.

Tyler Raible [00:01:57] Pattie, you've had just an outstanding career. Can you tell us a little bit about your experience with national training?

Patricia Powers [00:02:02] National training has been a wonderful opportunity, especially to meet other allied professionals who are doing such amazing work throughout the country. I was initially invited to serve on several national committees trying to develop multidisciplinary approaches involving prosecution to strengthen our cases and to be able to achieve success in a trial setting. In addition to this work, I was also asked to help develop curriculum for other prosecutors and was part of an organization that provided training to prosecutors throughout the United States, understanding sexual violence. These were all fantastic opportunities to present insight that I was developing as a trial attorney and also to gain from relationships with other professionals and learn that when we put all of our insight and experience together, we can do even more to expand our efforts and improve the work that we do for victims.

Tyler Raible [00:03:08] Well, I think it's safe to say that you are an inspiration for other prosecutors, so that helps a lot. As you look out at the field now, is there one thing that stands out to you as new or cutting edge?

Patricia Powers [00:03:17] Well, you know, Tyler, that's a really great question, because there really isn't enough that we can do to enhance and broaden our efforts to serve

victims of sexual assault. But I think in particular, during recent years, developing a trauma-informed approach to investigation and prosecution has been an important inroad. And in particular, when we develop a trauma-informed approach, we're also broadening our perspective of available evidence. And as we all know, the scientific advancements in forensics, and in particular with DNA, are providing us with invaluable assistance in not only identifying perpetrators, but also significantly corroborating many victims' disclosures of sexual assault. So this is an exciting time for all of us. But then we go back to our theme. We can always improve. We can always do more and can always do better. And I think that really is the spirit of our work as prosecutors and allied professionals.

Tyler Raible [00:04:22] So along that theme of always trying to do better, always trying to be better - can you tell us a little bit about how the field has changed over the course of your career?

Patricia Powers [00:04:32] Well, I think that training has really been developed and made available to prosecutors, law enforcement professionals, medical professionals, and advocacy professionals. And I think that's important because for a victim of sexual assault, it isn't just a legal problem, a law enforcement problem, an advocacy problem, or a social services problem, but it's all of these put together and it's well beyond that. So it really does take a multidisciplinary response. And I think it really has enhanced investigations and prosecution to be able to better serve victims, and also, again - and I think this is really important - to identify all evidentiary resources because we want to do our best in corroborating the disclosure of sexual assault and in putting these cases together and certainly advancing them to justice in the criminal justice system.

Tyler Raible [00:05:31] So it sounds to me like we're moving in the right direction.

Patricia Powers [00:05:34] I think we are. And I think that's an excellent point. But in this process, we need to keep our eye on the goal of really enabling victims to step forward, supporting them, and making these disclosures, and letting them know that there are professionals around our country who are very much committed to justice in their behalf.

Tyler Raible [00:05:55] I love that. And that's a very good transition into the topic for today. It's a topic that isn't discussed very often so I think it's important that we really get to the meat of this. But to preface, I know that I'm guilty of this and I am trying to be better about it, but when we think about sexual assault cases and sexual assault survivors, we think about male perpetrators and female victims. But males can be victims of sexual assault as well. So, Pattie, do you have any insight as to why we typically don't think about males as victims?

Patricia Powers [00:06:24] Well, I think, first of all, we need to look at the incidence of reporting of sexual assault. And we know that the great majority of reported cases involve women who are victims and male perpetrators. These really are the statistics and certainly to an extent, that's one of the reasons why we think of female victims and male perpetrators. But at the same time, there are also reported cases of male sexual assault involving involving boys, adolescents, and men. And the perpetrators, for the most part, are other men. Studies have indicated that heterosexual men comprise a statistically important feature of perpetration. But in broadening our perspective, we also need to be aware that this is a crime, crime of male sexual assault, that's also underreported. And so we need to look to the reasons for that and try to develop an enhanced understanding so that we can support all victims, including male victims, in stepping forward to make that disclosure.

Tyler Raible [00:07:34] So Pattie, you mentioned that the research and the evidence suggests that sexual assault is already underreported. Do you think that cases associated with male victims are even further underreported?

Patricia Powers [00:07:45] I would expect that that they are. And one of the reasons that I say that is for any victim of sexual assault to be able to step forward to make that disclosure, it is a very significant step. Victims have so many barriers to overcome. They have concerns about whether or not their disclosure is going to be accepted - if, in fact, people are going to believe them. They suffer from trauma due to the sexual assault. And many times due to that trauma, they are simply unable to come forward and make that disclosure. And that's the same for all victims, essentially, but for male victims, there may even be some enhanced issues due to societal and misperceptions involving victimization and also victimization by males. So it becomes a very challenging thing for victims to do, to be able to take that step out into what they perceive as the headlight, if you will, of public attention. It's a very difficult step for victims.

Tyler Raible [00:08:53] Absolutely. I mean, the level of strength and bravery that the survivors display when they come forward is staggering. And when it comes to reporting, have there been any trends or changes, and feel free to speculate, but is there anything that might be driving any of these new trends?

Patricia Powers [00:09:09] You know, I think there has been enhanced reporting in behalf of children, of male children, and adolescent children. We've seen this particularly with perpetrators who occupied a position of trust in the lives of those children. And I think one of the features of increased reporting is that we're developing our education as a community and as a society to really make it clear that anyone can be a victim of sexual assault regardless of age, regardless of gender, regardless of gender identification. And I think in this national conversation that we're having, we really are enabling victims to begin viewing what happened to them as sexual assault victimization and learning that there are resources and that there is support for them if they make that step to come forward and disclose this crime in the criminal justice system. So I think, as you mentioned, education certainly is a component. The other thing that I think we need to focus on is every time, as prosecutors, when we take these cases and support victims who are making the disclosure and sometimes take these cases in the trial, we're also doing the work of education in that regard because we're speaking with members of the community who comprise our juries, and they are learning more about the reality of this crime for male victims. So I think it really is an amalgam, if you will, of all of the efforts that we're making in so many different areas. And positively, I think we're making a difference. But as we discussed at the very beginning of our conversation, I think there's always more that we can do and do better.

Tyler Raible [00:11:00] Absolutely. And I think that's one of the key themes that you've identified in multiple conversations that you and I have had. I want to talk a little bit about the role that education plays in this situation. So you mentioned that increasing education is beneficial to the situation. Can you elaborate a little bit about education's role in all of this?

Patricia Powers [00:11:19] Sure. I think it begins with helping children. I think it starts there - develop an understanding of good touches and bad touches and know what the resources are if there's a concern for any kind of a touch. And I know that's developed throughout our educational system, but also putting this in the greater social context, I

think there is a lot of discussion in all corners of our community about the high potential of sexual assault victimization. And I think we're learning that with an understanding of what perpetrators are and who perpetrators may be and what the danger is in many situations, I think that adults are also empowered to share additional information with children. And as children advance into adolescence and adulthood, they're carrying that information further. But again, we come back to the greater context, and it's the conversations that you and I have, and it's the conversations that members of our community have with us. We want to create an environment where victims can rely on the reality that they will be believed, that their disclosure will be accepted, that there is help, that there are resources, and that there is support that we can offer them. And I think you mentioned earlier in our conversation, I thought it was such a great point, Tyler. You talked about the tremendous courage that it takes for victims to step forward. I've had the privilege of working with victims of sexual assault throughout my career of twenty seven years as a prosecutor, which I truly loved. And I'm very passionate about prosecution. And I really was able to see the courage that every survivor demonstrated in coming forward. I worked with boys, I worked with adolescents, I worked with men. And I learned of their sensitivity to how they would be perceived and how their case would be perceived. But witnessed firsthand the incredible courage and strength that they showed. And I think part of education that you and I are exploring, we want to bring this information forward because I think it really could be supportive of other boys or other men who may be involved in trying to reach a decision about presenting this information to us as prosecutors, as communities, and even greater in the social context.

Tyler Raible [00:13:58] Pattie, correct me if I'm wrong, but it sounds like this greater visibility of survivors coming forward is having a positive impact. So do you think that men seeing other men and more women coming forward might be encouraging? Is this going to kind of create a positive snowball effect?

Patricia Powers [00:14:15] Our hope is that it will. And the bottom line, the reality is sexual assault can happen to anyone. And it's also very important to say it is never the victim's fault. And we look at the perpetration of sexual assault, and Tyler, we know by and large this is a crime that requires premeditation. It may be not for a very long time, but certainly there's some kind of cognitive engagement that an offender gives to how to commit this crime and how to succeed with this crime. And if we take a look at all of the cases that have been brought to our attention, we see, first of all, that the victim is accessible. Now, that accessibility can be in just about any kind of a setting. It could be within a family, it could be a relationship. It could be an organization or another kind of activity. But there needs to be some accessibility that the offender has with the victim. The next component that we need to look at is vulnerability. And this may be a vulnerability that the offender already perceives. And to use an example, it could be a child of a very young age, and maybe the offender is considering that maybe that child's disclosure would not be accepted. Sometimes, also, offenders will create a vulnerability by using alcohol or drugs in a grooming effort. And that can be a source of vulnerability as well to a sexual assault. The third component, that's also very important - and it really takes us to the heart of our conversation, I think - and that is the offender's belief. It's not our belief, but it's the offender's belief that the victim will not be found credible by the greater community. That isn't how we look at it, but offenders will. And sometimes they'll look at alcohol or drugs as being a feature that detracts from credibility, perhaps a victim of a very young age or perhaps a person in authority that actually believes that no one would ever believe that that person would commit this crime. So that's the kind of crime and that's the kind of deeper dive that we need to take into this evidence to really get at the heart of the matter - what the reality of these crimes are.

Tyler Raible [00:16:43] It really comes down to the power dynamic. And I imagine that there are a lot of these societal perceptions or biases that make these cases with male victims more challenging to prosecute or maybe it's more difficult to get buy-in. Can you tell us about how do we overcome these challenges? How do we make people believe?

Patricia Powers [00:17:04] Well, I think the starting point is we need to really focus on the fact that offenders are part of our community, of our society as well. And they are picking up, I believe, on social myths and misconceptions. What they don't know is we have a very educated community in many respects, and we have allied professionals who are committed to advancing these cases and who do accept the viability of victims' disclosures. So that's the starting point. But also, we need to acknowledge that victims are also members of the community, and they've heard the same social myths and misperceptions. That's why our reaching out through public channels, through education, through schools and all of the way through the continuum of education to make information known - that sexual assault can happen to anyone, regardless of a person's age, regardless of their gender, regardless of their gender identification. That's the starting point. And once a victim steps forward and makes the disclosure, we need to ensure that adequate support is being given. And I saw in the cases that I prosecuted how important support was - support from family, support from friends, support from prosecution, advocates, law enforcement, the medical profession. All of this support was critical to victims. And one of the things that we all learned in terms of multidisciplinary prosecution is that it was a wonderful moment to be able to affirm the courage that we saw demonstrated by victims who were able to make this step. The other thing is the victims who were able to come forward were also helping us do the work of prevention by stopping this victimization from occurring and impacting other people. So this is really a starting point for us. And as we advance and put our cases together, what we really are doing, in a sense, is recreating the reality of this crime ultimately for the jury, and even beyond that, going back to our theme today, for greater society as a whole. We're explaining how the offender was able to commit that crime, how the offender was able to groom or prey upon a victim, and how authority may have been used in that process, whether or not there was a vulnerability due to age, due to sex, due to preference of gender. The offender knew that information and used that information in attacking a sensitivity. This is the reality of the crime that we bring to the jury. And we know that as a community, as a society, we understand that authority can be exploited and how that can be used to create victimization. So these are just a few of the components that we want to take a look at by bringing this reality home to the jury and home to our communities.

Tyler Raible [00:20:21] I want to unpack a little bit of the information surrounding the kinds of cases you see, because I think that really broadening the audience horizon, knowing what what's out there, what they might expect is going to be helpful. So can you tell us what kind of cases do you see when it comes to this type of assault?

Patricia Powers [00:20:36] Well, we've seen cases where male children have been assaulted both by male and female perpetrators. And although there aren't as many reports of female perpetrators that- we need to know that it's there. Women can commit these crimes and do commit these crimes as well. We've also seen adolescent boys offended by males and by females as well. We have seen adult males offended by other males, heterosexual males, and sometimes those cases involve an abuse of power as well. But whether there's supervisory authority or defined power as we know it, we still have got to be careful to look at other vestiges of power that may come from a relationship. Just having some authority in a situation can also allow a perpetrator to use

that kind of authority or power over a victim. So we see a number of cases in these areas. And as we mentioned just a few minutes ago, we're seeing more reports made by male children and adolescents as well.

Tyler Raible [00:21:51] Pattie, in that I heard a few of the, for lack of a better word, rape myths that are at play. One being that it's only young boys and not adolescents and adults; another being that women can't be perpetrators; one being that it's only men in the LGBTQ community. Are there any other rape myths that might be at play when it comes to looking at this topic?

Patricia Powers [00:22:13] I think we've identified some of the predominant ones. I know that there are other associated myths - thinking about specific cases where there's been a concern that as a male be able to fend off an attack and that this should not have happened. And yet we know the reality of this, there's nothing a victim is required to do or really can do in a situation that so many times involves an abuse of trust and certainly a shock to a male, just as with female victims. And so what we really need to keep going back to and remembering is that anyone can be a victim. And there are many general responses to trauma that we can discuss in terms of victimization. But also there are going to be specific responses to trauma that are going to be based largely upon a victim's socialization, any prior abuse issues that the victim may have had, and then we go to the myths and misperceptions affecting male sexual assault. So we really can see the impact of all of these on victims who are trying to decide whether or not to report. I think one of the greatest considerations in meeting with young males, adolescent males, and men who have been victimized by sexual assault is that victimization is something that impacts all of us. There's nothing you could have done. It is not your fault. The responsibility is that of the perpetrator. And yes, there are things that we can do to address this and to bring about accountability for this crime. I think we need to make this message very clear in our communities to encourage males, regardless of their age or situation, to consider making that report.

Tyler Raible [00:24:07] This sounds like another opportunity for education to play a pretty big part in addressing these myths. Are there legal strategies to kind of mitigate the impact of one of these myths if it's brought up in court?

Patricia Powers [00:24:19] I think the major strategy that has worked most effectively is to bring the true reality of this crime home for a jury. And to do that, oftentimes what we'll do is to bring the attention and the focus on the offender - how the offender planned this crime to some degree, how the offender either had authority or was able to exert power or control over the victim. And in many cases, there may be grooming, and we see the phenomena of grooming with both children and adults. It's an attempt to break down boundaries, to try to normalize certain conduct. So perhaps the victim will buy into the offender's reality that there's nothing wrong with this, it's just something that we can do. And I'm thinking of a number of specific cases in this area. But the critical aspect of our work is bringing this to a jury to let them know what the offender did. And it is the offender's conduct that causes victimization. The responsibility and the burden is not on the victim, it's on the offender. And strategically, when we present this evidence at trial, we can help a jury from our community begin to understand this crime and to respond as we were asking to impose justice.

Tyler Raible [00:25:46] Pattie, you mentioned that there were some cases that you had in mind. Is there any particular case with a male victim that you'd like to tell us about?

Patricia Powers [00:25:54] You know, I've thought about the cases that I had with male victims, and I can tell you, whenever I was privileged to be assigned to a case of sexual assault, I viewed that case as the case of the century - every individual case I did, and I did that because I know how extremely important it was to the victim who was able to step forward and how critical it is to our community that we address this kind of harm. I can think of victims that had to surmount major social barriers to come forward and report, a feeling that their privacy was impacted, feeling like they were stepping into a public spotlight, but were able to do this anyway, knowing that for them it was the right thing to do, and I was inspired by that. I can think of male victims who also stepped forward and adolescent victims, but each one of them, in doing that, the strength that they demonstrated in this community setting is an inspiration that I really do want to share with others. This is a crime that can impact anyone, and it's difficult for any victim to come forward and make that disclosure up against the myths and misperceptions that we're exploring. But there is a path to doing this, and that path has been taken by others, and it's now possible for us to do even more to address this.

Tyler Raible [00:27:24] So in these cases, it sounds like the survivor is kind of pivotal to the successful prosecution - is that fair to say?

Patricia Powers [00:27:32] Yes, it is. The survivor is the heartbeat of our case. It's the heartbeat of our work. It's the reason that we bring this commitment to advance justice in our community. We do this for victims who have survived extremely violent crimes and all crimes of sexual assault do violence to victims. And we need to be very clear on that. So part of the work that we do as investigators and prosecutors, we begin with the victim's disclosure - when this happened, how it happened, what if any, accessibility there was, was the offender trying to create a vulnerability or act upon an ostensible or a known vulnerability? So that's the beginning point for the investigation. And, you know, it's almost like - an analogy would be dropping a rock into a crick. The rock may go down physically, but all of those circles span out. And that's the kind of case that we help develop. What we really want to show the jury is, with offender focus, how the offender was able to commit that crime and what the offender did in the process. So in that regard, really what we're doing, we're helping a jury, a community to delve deeper into the evidence, to come to understand it is never the victim's fault. And this is what the offender did to commit that crime with a view toward successfully committing that crime. Sometimes, and we also know that sexual assault can be a serial or a repeat crime. Sometimes we're able to bring in other acts of misconduct, potentially other victims, to show the similarity in the conduct and to really build a case in that regard, showing that there may have been a common scheme or plan or what the offender's intent was. So there are a number of evidentiary resources, but it begins with the disclosure that the victim makes. And what we're going to ask about - going back to the features of accessibility, vulnerability - we're trying to get to the offender's use of the social myths and misperceptions in trying to build credibility issues. And I think we can do that successfully by taking a deep dive into the evidence that we have and doing our best to corroborate different aspects of the victim's testimony. You know, in some jurisdictions, Tyler, there isn't even a requirement to provide evidence to corroborate the disclosure. But we all know that when we take this case to a jury, trying to show the jury the evidence behind different aspects, that can also be a very valuable means of persuasion.

Tyler Raible [00:30:22] Yeah, I mean, it definitely sounds like there's a lot stacked against you here. I have to know, as far as supporting the male survivor, justice can mean something different to the prosecutor than to the survivor. How do you align these two

perspectives of these different justices? And then I guess almost as a follow up, how can a prosecutor support the healing process of a male survivor?

Patricia Powers [00:30:44] Those are great questions. And as a preface to my response, I had the privilege of doing the work of prosecution for 27 years. And in my heart, I'm always going to be a prosecutor. So during our conversation, I'm talking about us as prosecutors. I'm always going to have that identification. But, you know, for prosecutors, seeking justice for victims is a calling. It's justice for victims and justice for our communities. It's also the work of prevention. When a survivor, male or female, steps forward and makes that step, their desire for justice represents our desire for justice. Sometimes we're able to resolve cases with guilty pleas to the charges, and I think that's important because the guilty plea, the conviction needs to address the experience that the victim had - what that crime was, and sometimes that may be the case. There are other times that we advance these cases into trial and we do so because of the courage of survivors. And we're very much aware of that at all times. In fact, some of the proudest moments that I had as a prosecutor was walking to the door to ask the survivor to approach the witness stand. And I felt at that moment so proud of the effort that was made for this survivor to come into this public setting. And also, I had a lot of appreciation because I knew it was because of all of the other members of a multidisciplinary team that provided the support that we were able to pursue this. So when we talk about a prosecution view of justice and a survivor's view of justice, there's a great deal of consistency in those. And I think it comes to the point, we are giving voice to a victim who may have been silenced by the offender due to the infliction of trauma. And we're allowing that voice to be heard both on the witness stand and through the presentation of the evidence. And in this way, we affirm the survivor's right to be let alone, to be free from unwanted touching, and we seek accountability for our community because this should not happen to anyone, and we don't want it to happen again.

Tyler Raible [00:33:06] Pattie, that all makes perfect sense. Thank you so much for your insight. So we are nearing the end of our time together. So I have to ask, what's next for you? Is there anything coming up?

Patricia Powers [00:33:16] Well, I'll tell you, Tyler, every day at AEquitas as an attorney advisor is exciting. We're able to receive calls from prosecutors and allied professionals around our country and respond to those with other members of our staff - researching issues, supporting other prosecutors in preparing for trial, and sometimes even during that process. So that's exciting in and of itself. Also, I am privileged to work on the Conviction Integrity Project, and we have some exciting webinars coming up, talking about interviewing victims of violent crimes and presenting that testimony at trial. I'm very excited about that. We just finished some work on DNA, talking about enhanced DNA technology, and that was tremendously enjoyable as well. So there are many projects coming up. All good. And it brings us back to where we started. There's always more that we can do to advance our work for justice.

Tyler Raible [00:34:18] Pattie, you beat me to it - I was going to ask if you had any final thoughts you'd like to share, but I think you've pretty much hit the nail on the head there, huh? There's always room for improvement. I love it. Well, Pattie, thank you just so much for taking the time out of your day to sit down with Just Science to discuss perspectives surrounding male victims of sexual assault. It's always an absolute pleasure to have you on the show so thank you for being here.

Patricia Powers [00:34:40] Thank you so much, Tyler. I really enjoyed our conversation.

Tyler Raible [00:34:44] Me too. And if you enjoyed today's conversation at home or on your drive to work or wherever you may be, be sure to like and follow Just Science on your podcast platform of choice. For more information on today's topic and resources in the forensic field, visit forensiccoe.org. I'm Tyler Raible, and this has been another episode of Just Science.

Voiceover [00:35:03] Next week, Just Science sits down with Dr. Rachel Lovell and Mary Weston to discuss resolving partially tested sexual assault kits. Opinions or points of views expressed in this podcast represent a consensus of the authors and do not necessarily represent the official position or policies of its funding.