

# The Easy



# of Ditching a Rape Case

Espanol - <http://www.justicewomen.com/abcfacil.pdf>



The official rhetoric has gotten polished and caring. Investigation protocols have been modernized. And the forensics have gone digital. But what actually happens when women report rape to police hasn't changed much at all. The accompanying letter to SRPD Chief Tom Schwedhelm by a rape victim illustrates just a sample of the slight-of-hand, behind-the-scenes tactics police too often use to get rid of rape cases and the women who report them.

The only distinction in this case is that the victim was older. She kept fighting back. She kept notes on the police response. And she ultimately found her way to Women's Justice Center where we helped her to finally get a proper response from police.

(The letter is printed with the victim's permission. All names have been changed except for the chief of police.)

October 27, 2009

Dear Santa Rosa Chief of Police Tom Schwedhelm,

I am the victim in the rape case against Jack Smith, which I reported to your department on October 6, 2009, two days after the rape occurred. I am writing to express my concerns about the way my case has been handled so far, and to ask your help in resolving these problems as soon as possible.

I reported the rape to police Officer Parks on October 6, 2009. While filling out the initial report Officer Parks told me that there was no evidence that the man was in my home or evidence that I hadn't consented to this horrible act of rape. Officer Parks said that this case would probably be thrown out, even though I told him I had extensive vaginal injuries indicating force that were documented by my doctor, and even though there hadn't yet been any police investigation of the rape.

I called Officer Parks the next day to add evidence to the case. Officer Parks never called me back.

Finally, after making numerous calls to SRPD, a female sex crime Detective told me that the case was written up as "doesn't want to press charges". This is totally untrue! I made it perfectly clear to Officer Parks I wanted the rape charges filed. I was left in a pool of blood and urine from Jack Smith when he raped me; of course I wanted to file charges.

Detective Gene Miller talked to me on the phone October 13, 2009. Detective Miller again said there was "no evidence". This was before he even interviewed me or did any investigation into the case. Detective Miller asked if I would e-mail the man who raped me, and I did. On October 14, Detective Miller came to my home and had me identify a man from a photo lineup and I did. I circled the picture of the rapist and signed my name. Still Detective Miller didn't interview me.



October 15, 2009 I got copies of the medical records of my injuries from my doctor and dropped them off for Detective Miller with his name and case # on each document.

I called and left a message on October 20 for Detective Miller since I hadn't heard from him. On October 23, 2009 Detective Miller called and said he didn't receive any medical records (in addition to my dropping off a set of the records, he already had a signed permission from me on October 6, 2009 to get medical files). He also asked if I was ready for him to talk to Jack Smith. Even though at this date Detective Miller had still not interviewed me about the details of the rape.

To this date Detective Miller still has not interviewed me about the details of the rape. He never told me what to write to Jack Smith, Detective Miller never talked to me about my safety, never interviewed me, never attempted to get medical records, never asked about witnesses (there were outcry witnesses). Never ordered a medical rape exam, even though I reported it within 72 hours and the man's saliva was on me.

I am outraged and terrified for myself and for every woman in this community. There is no question that officers and detectives just didn't want to deal with it and have been trying to get rid of me and the case.



I trusted that police would treat the rape in a serious manner and take my safety in consideration at all times of this case. Now I am living in more fear than ever.

Please look into this and call me as soon as possible. I would like to talk with you right after you receive this letter. I can be reached at my home anytime at (deleted number). I am also requesting that you

immediately assign another detective to my case, and that this new detective quickly carry out a complete investigation of the case. I'm asking that you please instruct the new detective to keep me informed of the investigation and to return my phone calls within 24 hours.

I'm sure you agree this needs to be corrected without delay. I know that as chief of police, you want everyone in your community feeling safe from rapist like Jack Smith.

Thank you,

Signed, Jane Wilson/case victim

Cc: (names withheld here for space)

Mayor: Vice Mayor: City Council: Sonoma County District Attorney: Candidate for Sonoma County District Attorney: Church of Incarnation: Women's Justice Center: Press Democrat

## New Israeli Study: Rape More Traumatic Than Terrorism

A new Israeli study of 341 victims of various kinds of trauma finds that rape victims suffer significantly higher rates of post traumatic stress disorder (PTSD) than victims of war or political terror.

Study co-author, Avigal Mor of Tel Hai Academic College, posits that victims of war and political terror receive more empathy, media exposure, and validation of their need for support than do rape victims. In contrast, society's reaction to rape victims, she says, is characterized by silence and blame, causing rape victims to keep their trauma a secret, or blame themselves, thus exacerbating the trauma.

'Israeli Study: Rape More Traumatic Than Terrorism,' October 29, 2009, [www.allheadlinenews.com/articles/7016840853](http://www.allheadlinenews.com/articles/7016840853)

## Help for Rape Victims WJC Online Resources

### Special for Rape Victims

[http://www.justicewomen.com/help\\_special\\_rape.html](http://www.justicewomen.com/help_special_rape.html)

### Form for Evaluating Police Response to Rape

[http://www.justicewomen.com/help\\_rape\\_evaluation.html](http://www.justicewomen.com/help_rape_evaluation.html)

### Sex Crimes: Police Response and Investigation

[http://www.justicewomen.com/handbook/part2\\_d.html](http://www.justicewomen.com/handbook/part2_d.html)



## Notes



**Statistics:** As if forged by the same building volcanic outrage, three formidable studies have

emerged in the last couple months showing that law enforcement response to rape hasn't improved at all for decades, and is likely getting worse. One study covers 11 countries in Europe\*, another New Zealand\*\*, and the third covers the United States. Each is so comprehensive and meticulously worked, we hope they'll blast through the delusions that law enforcement is doing better and better by rape victims.

We obtained a prepublication copy of the U.S. study titled "The Widening Justice Gap for Sexual Assault", by Kimberly Lonsway and Joanne Archambault, two of our country's prominent experts on law enforcement response to sexual violence. This study concludes that in only roughly 2% of forcible rapes reported to police will the rapist spend any time in jail. We quote from the abstract of the work soon to be published in the Journal of Violence Against Women:

"In this article, we document a pattern of increasing attrition for sexual assault cases within the criminal justice system over the past three decades, often described as a widening justice gap. This documentation contradicts widespread media coverage touting the "good news" that rape incidence is declining, reporting rates are increasing, and conviction rates are high."

## Sonoma County Forcible Rape Statistics:

Over the last 18 years we've tracked local criminal justice rape stats in Sonoma County. Sadly, the numbers here are as bleak as the national statistics, and no better than 18 years ago. Here are year 2008 forcible rape stats compiled by Women's Justice Center from public record requests to DA and police.

### Year 2008

- ~ Total reported forcible rapes - **179**  
(all So.Co. Police agencies)
- ~ Reports sent to DA for review - **40**
- ~ Forcible Rape Convictions - **4**

(Be aware that when officials give conviction rates they are usually computing against cases charged, and not, as they should, against cases reported to police, thus greatly overinflating success)

\* Lovett, J. and Kelly, L., *Different Systems, Similar Outcomes? Tracking Attrition in Reported Rape Cases Across Europe*, (2009) See, Child and Women Abuse Studies, [www.cwasu.org](http://www.cwasu.org)

\*\* New Zealand Ministry of Women's Affairs, *Responding to Sexual Violence: Attrition in the New Zealand criminal justice system*, (2009) [www.mwa.govt.nz/news-and-pubs/publications/attrition](http://www.mwa.govt.nz/news-and-pubs/publications/attrition)