

By Daniel Pollack



## Sexual Assault of Minors in Rural Areas: The Role of Human Service Departments

**T**hey may not make the national news too frequently, but minors in rural areas are sexually assaulted—very often.

Federal and state legislatures have enacted laws designed to protect minors from registered sex offenders. Adopted in 1996, Megan's Law created a nationwide sex offender registry. Every state followed suit. Codified in California Penal Code, §§ 290 et seq. (including a voter-approved measure known as "Jessica's Law") regulates the residency of registered sex offenders. It prohibits registered sex offenders from residing within 2,000 feet of a school or park. Another California statute regulates loitering by registered sex offenders. It provides that any §290 registrant who "loiters about any school or public place at or near which children attend or normally congregate" is guilty of a misdemeanor. Megan's Law requires both registration and notification. Within a specified time after their release from prison, registered sex offenders must register their addresses with local police; then, the public and past victims are notified of the offender's presence in the neighborhood.

As a result of Megan's Law and its state equivalents, has the overall sexual violence rate gone down? Has reoffending by those same registered sex offenders decreased? What has been the cost to implement these laws? Inadvertently, as a consequence of these laws, have more registered sex offenders moved to rural areas?

Just like all cities are not equally safe, viewing all rural areas monolithically would be incorrect. Three important points need to be made: First, most rural victims know their



abuser/perpetrator; registered sex offenders are not the principal sexual offenders in rural areas. Second, it is impossible to know how underreported sexual violence in rural areas really is. Third, the exact definition of "sexual violence," "sexual assault," and similar terms, varies by state.

At the national level, the Centers for Disease Control and Prevention, in its publication, *Sexual violence surveillance: Uniform definitions and recommended data elements* (2014), uses the following overall definition of sexual violence:

"Sexual violence is defined as a sexual act that is committed or attempted by another person without

freely given consent of the victim or against someone who is unable to consent or refuse. It includes: forced or alcohol/drug facilitated penetration of a victim; forced or alcohol/drug facilitated incidents in which the victim was made to penetrate a perpetrator or someone else; nonphysically pressured unwanted penetration; intentional sexual touching; or non-contact acts of a sexual nature. Sexual violence can also occur when a perpetrator forces or coerces a victim to engage in sexual acts with a third party. Sexual violence involves a lack of freely given consent as well as situations in which the victim is unable to consent or refuse:

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– WASHINGTON STATE ATTORNEY VITO DE LA CRUZ

### Consent

Words or overt actions by a person who is legally or functionally competent to give informed approval, indicating a freely given agreement to have sexual intercourse or sexual contact.

### Inability to Consent

A freely given agreement to have sexual intercourse or sexual contact could not occur because of the victim's age, illness, mental or physical disability, being asleep or unconscious, or being too intoxicated (e.g., incapacitation, lack of consciousness, or lack of awareness) through their voluntary or involuntary use of alcohol or drugs.

### Inability to Refuse

Disagreement to engage in a sexual act was precluded because of the use or possession of guns or other non-bodily weapons, or due to physical violence, threats of physical violence, intimidation or pressure, or misuse of authority” (p. 11).<sup>1</sup>

## Barriers to Services in Rural Areas

Some researchers have asserted that, “One of the least understood topics in forensic science is the unique nature of the factors and facets of sexual assault and interpersonal violence in rural areas. Rural life, sometimes considered by urban dwellers to be an isolated and pastoral haven from urban and suburban chaos, surprises many by presenting a reality that proves dangerous and often deadly. This fact highlights the need to develop intervention strategies at all levels of prevention” (Averill, et al., 2007, p. 42).<sup>2</sup>

According to the Sexual Assault Resource Agency, victims in rural communities face a daunting set of barriers to services, justice, and healing, including:<sup>3</sup>

- ♦ Lack of personal transportation, and limited access to public transportation.

- ♦ Lack of anonymity.
- ♦ Victims in rural communities are more likely to be acquainted with or related to the perpetrator.
- ♦ The victim may be acquainted with or related to community professionals, which could impact the victim's comfort in seeking services.
- ♦ Rural communities may have limited legal, medical, and counseling services.
- ♦ Lack of culturally relevant supportive services.
- ♦ Increased anxiety and fear over accessing human services, partly due to limited use of services.
- ♦ Distrust of outside assistance.
- ♦ Increased response time from law enforcement.

## What can Human Service Departments do?

Washington State Attorney Vito de la Cruz notes that in rural areas “departments of human services are often the first and sometimes the only safety net that minor victims of sexual assault can rely upon to seek justice and security. Even with scarce resources, these departments must be proactive in creating clear policies to protect victims and educate their staff and communities to be appropriately responsive.” Sometimes policies are developed but are not reviewed or revised. Scheduled policy review is critical to ensure that the current needs of this population are being met. Most important, policies should be detailed enough so that employees understand their responsibilities.

A beginning “to-do” list for human service departments might include the following:

- ♦ Never shame victims of sexual assaults.
- ♦ Ensure that victims are protected from repeated assaults.

- ♦ Provide an environment where victims feel comfortable reporting their assaults. Remember that some minor victims may not seek help until years after the assault.
- ♦ Help ensure that all legally required comprehensive and accurate evidence is collected.
- ♦ Respond to victims in a timely way.
- ♦ Have coordination protocols in place with medical, law enforcement resources, and crisis centers.
- ♦ Help law enforcement officials in their efforts to prosecute the assailant.
- ♦ Make sure that all staff know the facts and myths regarding sexual violence.

Many rural human service departments have expertise and resources to support minor victims of sexual assault. By partnering with others they can further improve their response to the problem of sexual violence in rural areas and develop a strong prevention capacity. 📌

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### Reference Notes

1. Available at: [http://www.cdc.gov/violenceprevention/pdf/sv\\_surveillance\\_definitions1-2009-a.pdf](http://www.cdc.gov/violenceprevention/pdf/sv_surveillance_definitions1-2009-a.pdf), p. 11.
2. Averill, J.B., Padilla, A.O., & Clements, P.T. (2007). Frightened in isolation: Unique considerations for research of sexual assault and interpersonal violence in rural areas. *Journal of Forensic Nursing*, 3(1), 42–46.
3. *Sexual Assault in Rural Communities*. (n.d.). Available at: <http://www.saracville.org/wordpress/wp-content/uploads/SA-in-Rural-Communities-Briefing1.pdf>