

**Survivors' Bill of Rights: Implementation and Next Steps
Questions for the Record**

Questions from Chairman Grassley: Terry Crews

1. You testified that one reason for the prevalence of sexual misconduct in Hollywood is the power that certain individuals hold over the hopes and dreams of others. What other barriers might discourage survivors from coming forward and reporting the crime?

Thank you for this question Senator. The main issue here is one of safety. The power dynamic that accompanies most sexual misconduct most certainly involves the fear of damage to one's hopes and dreams, but there are three other major factors in which one's basic need for safety can be damaged.

A person who has been victimized needs distance in order to feel safe. He or she needs distance physically, in order to prevent more bodily harm, financially, in order to continue to provide for themselves and their families, and emotionally, to deal with the overwhelming sense of shame and damage to their reputation that many victims have never been able to overcome.

The violation of one's personal boundary, especially among those he or she has regular contact with, immediately creates an unsafe environment. In short- the victim is now "behind enemy lines", and now must begin to search for an escape to safety. If he or she is not believed, or even worse, told what happened to them was "something they asked for" or "was a joke or misunderstanding" the distance required for safety can never be achieved in that climate. You are now viewed as a problem that needs to be eliminated, rather than a victim that needs help and care.

Many victims spend decades trapped in this way, and the injured's ability to safely come forward quite often exceeds the statute of limitations in reporting such crimes. Predators depend on the disorientation of their victims and the time it takes to recover and actually *use that time against them* in order to create an atmosphere of doubt, and to use the demise of the statute of limitations as an escape clause.

A perfect example of this would be family members who were molested as children by another familial adult, but because of the inability to gain the distance required for safety, suffer in silence. Once they have gained that distance and safety as an adult, quite often the statute of limitations has expired, and they have surpassed all legal means to press criminal charges. So in essence, coming forward now would only re-victimize the survivor, as they face being ostracized by the family and others, thus creating a vicious cycle of the survivor becoming discouraged and giving up and the predator going on to continue to harass and abuse others.

2. You referenced a culture of “toxic masculinity” as a negative influence on some men. What does a positive masculinity look like in your view?

Thank you for this question Senator. Toxic masculinity has been about domination and control. For centuries, these things have been ingrained into male culture as a positive trait, and any attempt to circumvent this thinking has been viewed as weak, indecisive and forceless. The toxic man feels in his heart that people are not equal, and perpetuates the myth that if he is not on top, he is on the bottom. He believes in the phrase “might makes right” and even if the mighty are wrong, the fact that they are the mighty instantly makes their decisions correct. It’s this type of thinking that has yielded disastrous results for individuals, families, cities, countries and even the world.

Positive masculinity is about freedom and equality. It knows that it is impossible to control someone and love them at the same time. Instead of “might making right”, the dominant phrase for positive masculinity would be The Golden Rule, “do unto others as you would have them do unto you”.

Leadership is not gained by disciplining others, but by being an example of disciplining yourself. Telling everyone else what to do, does not make you a leader. *Doing everything you told yourself to do*, makes you a leader. A male who is positive knows that every human being is equal to himself, be it man, woman or child. Every human being must be free to choose his or her own way as long as it does not violate the rights of others. When The Golden Rule is broken in any way- man slips into a toxic landscape. People can not be controlled or dominated. People must be loved and cared for, no matter what gender, race, nationality or economic standing. The man who loves and cares for humanity is truly strong, capable, trusted and decisive.

3. What other changes would you make to our current criminal justice system for sexual abuse and harassment victims?

Thank you for your question Senator. I have often stated that men need to hold other men accountable for such crimes. That is the only way the culture of sexual harassment will change. Although, both women and men have been guilty of predatory behavior, law enforcement and the court system have created a male dominated structure in which sexual assault survivors are often blamed for their own victimization, and while falling short of a conspiracy, a complicit system has been established in which abusers can protect other abusers within that same system.

I believe more women are needed as advisors in order to circumvent “a boys club” mentality in our criminal justice system, and to provide more empathy and compassion for both male and female victims alike.

Acceptance and empathy for the testimony of the victimized has been severely outbalanced by a condoling, conspiratorial atmosphere that benefits the accused inside the entire criminal justice system. A “locker room” psychology among males in this system has resulted in rape kits being destroyed before the statute of limitations, an unending barrage of insensitive questions for the victims - “what were you wearing?”- to male sexual assault victims being laughed out of police stations due to the errant belief that men could never be sexual assault victims in the first place.

We need trainers and counselors to teach law enforcement and the courts how to execute the Sexual Assault Survivors Bill of Rights which was passed into Federal law in 2016, and to also have a copy of these rights distributed to every sexual assault victim upon reporting their assault to law enforcement.

Lastly, there needs to be actual court convictions to our nation’s greatest offenders. Very few predators ever have to face the results of their actions. The culture of sexual misconduct will change when predators are held accountable for their actions every time they offend.

**Questions for the Record for Amanda Nguyen, Terry Crews and Howard Spivak
Submitted by Senator Richard Blumenthal
U.S. Senate Committee on the Judiciary
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Questions for Terry Crews

1. Non-stranger rape accounts for 70 percent of rape cases.² In a study of the policing of sexual assault in Detroit, researchers found that police typically did not deem cases of non-stranger rape to be “credible and/or worthy of investigational and testing resources.”³
 - **In your view, what unique challenges do victims face when reporting non-stranger rape?**

Thank you for your question Senator.

As shocking as this fact may be, the reality is the most dangerous place for women in America may be inside their own home. Police departments in America often have no different mindset than a male dominated “locker room”, where the internal climate is often toxic in itself. The inherent bias in law enforcement leans toward the fact that women are worth less in relationship to men as human beings, and are subject to whatever man they are in this relationship with, no matter if she is his wife, girlfriend, daughter or sister.

This bias can affect the woman’s ability to report rape or spousal abuse, because of the fact law enforcement sympathizes with the abuser, not the victim. Even worse, officers tend to believe that if you are married or in a relationship, rape is not possible. The fact that you may have had some type of relationship, be it platonic or sexual, allows the police to see you as a contributor to your own abuse. This is true for males as well as female victims.

A great example of this bias is if someone you know very well steals your money, the victim is often blamed and questioned repeatedly about what they should have done to not get robbed, while the focus should be on the perpetrator of the crime.

- **What steps do you believe we should take to make sure that law enforcement understand the prevalence of non-stranger rape and how to respond effectively to these reports?**

Thank you for your question Senator. There needs to be more counseling by specialists and behavioralists so these inherent biases can be seen and rooted out. Training and practice on how to deal with non-stranger rape and abuse cases where the officers can see first hand the signs that are often missed when policing these types of cases. A victim of the notorious serial killer Jeffrey Dahmer was tragically returned back to his murderer by police who mistook his cry for help as a “lovers quarrel”.

With training, these situations can be recognized and dealt with in a proper manner.

- **What can we do at the federal level to support victims of non-stranger rape as they navigate the criminal justice system?**

Thank you for this question, Senator. Please urge the states to adopt the Sexual Assault Survivors Bill of Rights into law for their state. This bill is law on a federal level, but not all states have ratified it.

It will go a long way into changing the culture of the criminal justice system from “victim blaming” to “survivor believing”.

2. **At least one in six men have experienced sexual abuse at some point in their lives.⁴ Yet, men report sexual assault at a much lower rate than women who are survivors of the same crimes. You spoke at length during the hearing about your experience as a male survivor of sexual assault.**

- **What unique challenges do male survivors of sexual assault face when reporting crimes and navigating the criminal justice system?**

Thank you for this question Senator. The question is one of believability. Men whom have never been sexually assaulted simply believe it hasn't happened to them because they are too strong, or not weak, or would easily beat up an assailant, but time and time again we see that such is not the case. And even if they did beat them up afterward, it still doesn't negate the fact that the sexual assault took place. The actions after the attack do not “even the score”.

No one is “too strong” to be sexually assaulted just as no one is “too fast” to dodge a bullet. If you survived an attempt on your life with a firearm, was the reason you survived because you were too fast, or because your assailant aimed incorrectly? Assault is assault is assault, whether it be sexual or with a deadly weapon. No one is prepared for it when it happens and over and over we see that with male survivors, from young boys to grown men, society erroneously believes if a sexual assault takes place, he must have allowed it. This is dangerous groupthink.

- **Have you had personal experience with law enforcement bias in speaking out about your assaults?**

Thank you for this question Senator.

I felt that there was an aura of incredulity when I went into the Hollywood LAPD station to report my assault.

So much that I believe someone in the Hollywood station of the LAPD actually called TMZ (a tabloid/paparazzi show) while I was making my report because the cameras were waiting for me outside of the police station as I exited and no one else knew I was making a report at that time.

I believe this is unconscionable behavior by the police and my very public experience of a violation of my privacy in reporting this crime further creates a huge mistrust between law enforcement and the communities they serve.

- **What steps do you think we could take to help male survivors address the problems they face in reporting if they have been assaulted?**

Thank you for your question Senator. Safety from embarrassment and public scrutiny to survivors of these crimes will allow them to be properly reported. But the “locker room” atmosphere of many police stations are an effective deterrent in getting victims to be forthwith in reporting- especially within the statute of limitations.

Counselors and officers need to be made aware of how vulnerable these victims are and will make sure their privacy is respected. There needs to be a standard protocol for male and female victims depending on the level of assault. Even making sure someone who wants to report is given a private entrance and exit from the police station can go a long way into making sure these crimes are properly reported, investigated— then criminally prosecuted.

¹ https://www.justice.gov/sites/default/files/crt/legacy/2011/03/17/nopd_report.pdf;
https://www.justice.gov/sites/default/files/crt/legacy/2013/05/22/missoulapdfind_5-15-13.pdf;
<https://www.justice.gov/crt/file/883296/download>

² *Perpetrators of Sexual Violence: Statistics*, RAINN, <https://www.rainn.org/statistics/perpetrators-sexual-violence>.

³ REBECCA CAMPBELL ET AL., NAT’L CRIMINAL JUSTICE REFERENCE SERV., THE DETROIT ASSAULT KIT (ASK) ACTION PROJECT (ARP), FINAL REPORT (2015), 121.

⁴ *The 1 in 6 Statistics*, IIN6.ORG, <https://1in6.org/get-information/the-1-in-6-statistic/>.