

Ways the Legal System Screws Rape Victims (Like Me)

When I was 19, I got so drunk at a party that I passed out. I woke up in the middle of being raped. When I started to scream, he covered my mouth. I was confused, scared, a virgin, and thanks to TV and movies, I was pretty sure that he would murder me after he was done. All I could think of was how I wanted to see my little brother again, so I just lay there, with tears streaming down my face, waiting for it to end. When he finally left to get a cigarette, I snuck out to get help, hid in the bathroom with my friends, and cried. I'll call him "R" for the rest of this article. It stands for rapist and kind of reminds of a pirate, and pirates are funny.

Look, this is a rough topic. I'm gonna take the levity where I can find it, okay?

Long story short: rape blows, dudes. I totally do not recommend it. But after I pressed charges and took my experience to court, it became painfully obvious why the vast majority of women don't. Bringing this criminal to justice was, in a lot of ways, worse than the actual crime. Because it turns out ...

Rape Kits Feel Like the Worst Thing After a Rape

After my attack, all I wanted was to go home and pretend that this awful thing hadn't happened -- but my friends forced me to go to the cops, threatening to tell my parents if I didn't. To make the case viable, I had to go through a rape kit, which meant letting a *brand new* stranger touch me in uncomfortably similar ways to the last creepy stranger.

I cried, had hair ripped out by the roots from all over my body, and went through a "vaginal wash" (I described it as a "vaginal scraping" in the deposition, which is probably *plenty* descriptive for article purposes).

If you're ever baffled as to why a rape victim is hesitant to go to the cops right away, this is why. That experience would be horrible for anyone, let alone someone who was just the victim of incredibly intimate violence. And even then, you have to deal with a whole load of skepticism, largely because ...

You May Be Biologically Incapable of Acting "Like a Victim"

I've read through the voluntary statement I gave when I turned in the assault to the police, and it genuinely surprises me. I'm recounting all of these awful things, and it reads in this detached and matter-of-fact manner, like Spock recounting a trip through Dante's *Inferno*: "I was at a gathering of friends," "I consumed alcohol," "R was on top of me having sexual intercourse," "I showed [friends x,y, and z] the blood from my ripped hymen."

If it were my job to assess its credibility, I'd be pretty skeptical. According to pop culture, I should have been a blubbering mess, screaming "that ***** raped me!" and sobbing hysterically like Sally Field in a Lifetime movie -- but in reality, the way I reacted was much more accurate.

There's a scientific reason most people don't believe rape victims. Certain traumas can be so severe that they actually change the way that your brain processes and stores information. The chunks of your brain

responsible for decision-making and memory shut themselves down, for the same reason your computer shuts itself down when the hard drive gets too hot -- you don't want to do any permanent damage. Unfortunately, this means the victim sometimes behaves like they're lying: Police say that rape victims often exhibit the classic behavioral cues of a liar, which makes them instinctively doubt their story, no matter what the evidence says.

This also explains why the last time I ever shed a tear over what R did to me was December of 2009, on the witness stand during the trial. A single tear, the last part of me lost to that bastard. But what feels like strength now almost worked against me then, because I did not seem as sympathetic to the jury as I could have. Yes, the jury's job is to look over the facts, but sympathy is a big part of rape cases. And when I looked out at them from the stand, I saw only cold judgment from women who could have been my mom, and men who wouldn't look me in the eyes.

You Might Have to Hang Out With Your Rapist and His Family for Months

I don't know if you've ever spent time in the waiting area of a pretrial hearing with the family and girlfriend of the man who raped you, but man, let me tell you, that's the kind of awkward even British sitcoms can't compete with. Our lawyers hashed out the details of things like when the next hearing would be, bail, and what was and was not admissible in court, while I sat mere feet from the guy responsible for the worst thing that had ever happened to me. I remember once, after a long day, I was walking past R's dad outside of the courthouse. He paused between drags from his O2 machine / cigarette long enough to push his electric wheelchair right up to me, lean in close, and menacingly whisper "whore." No one else heard.

What could I do? The guy was a senior citizen whose body was falling apart. My reflexive hate of him would only mirror his reflexive defense of his son. I had to absorb the abuse as simply another crappy part of the justice process.

I also received tons of phone calls on my cell at all hours: scary laughing, jumbled threatening voices, heavy breathing -- the ol' Gary Busey Hat Trick. I never learned who those people were, but apparently there are countless folks who harass rape victims as a hobby or something. Seems like model building is a more productive and less horrific way to pass the time, but then again, that glue does get pretty sticky.

Your Case Must Be Bulletproof to Even Get a Shot

My case was as open-and-shut as it could possibly be: I was a virgin before the rape, I was blackout drunk, I was at a party with a lot of people I knew, multiple witnesses said it happened, and they had DNA evidence. If this was *CSI*, the episode would be four minutes long, and three of those minutes would be David Caruso making puns over shredding guitar riffs.

But throughout the process, everybody repeatedly told me that I was lucky to go as far as I had. They believed my case and all -- but they didn't think I had a shot. My therapist even offered me sessions completely devoted to preparing for a "not guilty" verdict. Because, as they knew, only two percent of rapists will ever spend a day in prison.

Anything short of high-definition video evidence, a timely confession, or the ghost of George Washington as a witness, and your rape case will probably be dismissed. Studies have shown that evidence, whether it's lacking or in abundance, has little to do with the verdict -- what's more important are the jurors' own personalities and experiences.

"Damn the DNA!" The jury member says. "That young man is wearing a striped shirt. I wear striped shirts, and I'm no rapist!"

The Defense Is Going to Try to Prove You're a Slut

A defense lawyer is basically under a legal obligation to slut-shame anyone who brings up rape charges, because "she's a liar" is the only possible defense. Well, that and, "She doesn't technically exist -- she's a figment of your imagination!" But that one's really hard to pull off.

In my case, R's defense was that we had performed oral sex on each other, and that he had climaxed and I had not, and I was angry about that. His lawyer said I was, "... ruining [his] client's life with [my] baseless accusations" at one point during trial. This is a pretty standard tactic during sexual assault cases.

Part of the problem is that juries think "presumed innocent" means that, in a rape case, they have to assume the survivor is lying. It doesn't. They're allowed to assume and think whatever they want, obviously; they just have to weigh the evidence fairly. That's not nitpicking -- it's a vitally important nuance that means the difference between "enforcing the law" and "dicking around in uncomfortable chairs for the afternoon."

The people questioning me had only a loose concept of what a woman is. I was asked all throughout the process (and in front of my parents, no less) why I had shaved my pubic hair before the rape. I was asked why I had refused the morning-after pill when the kit was done. I had to explain to the police officer who took my statement, the detective, the county prosecutor, and everyone in between the nature of depo-provera, why I hadn't had a period for years (and why the spotting in the bathroom couldn't have been from that), and why I was on birth control if I wasn't having sex. I'm surprised I didn't have to explain that babies don't come from storks and that girls don't fart glitter.

I also had to describe my rapist's penis, and which side my underwear had been pushed aside to. For reference, "small to average" is not considered descriptive enough when it comes to the dick that attacked you. During closing arguments, my 16-year-old little brother entered the courtroom just in time to hear the defense lawyer say, "[Anonymous] would have you believe that she does not enjoy oral sex - - but she herself admits to having performed it on at least two previous occasions!" That was great. Now my sibling knows how many blowjobs I've given. Thanks.

Instead of an analysis of the case and the facts, the trial felt more like an excuse for people to tell me over and over again that I'm a drunken whore. And as I learned firsthand, if you're told something long enough, eventually you start to believe it.

Pretty Much Anything Proves That You're a Slut

Since the prosecution seemed convinced that I hop on boners like Mario hops on Goombas, they must've had some pretty compelling evidence, right? Nope! By their logic, any personality trait beyond "praying" and "violently hating my own vagina" proved that I was some sort of massive black hole, so dense that no dick can escape.

I'm a friendly and outgoing person by nature. I can't exactly remember meeting R at the party (did I mention he was the only person there that I didn't know?), but my understanding is that when he stuck his hand out in greeting, I gave my standard response: "I don't believe in shaking hands. Only hugs." This is how I meet people, like a fucking Care Bear -- but in the trial, that became flirting.

But the worst things to be used against me were my own efforts to get over what happened. I was raped on a Friday night, but I worked a double shift as a server at a local restaurant that Saturday. I honestly don't know for sure (my memory of the event and the surrounding days is fuzzy, due to the whole trauma thing), but I was probably desperate to pretend like it hadn't happened and that things were "normal." Either way, the defense lawyer made a big deal about me having gone to work "like nothing happened," which therefore meant that nothing happened. Because the only way people deal with trauma is to scream in the rain while an orchestra swells for the next 36 hours -- any deviation from that is proof of falsehood.

As insane as these arguments sound, they managed to sow enough doubt for the case to end in a hung jury. I was going to take it back to trial, but R took a plea bargain, and I got my guilty verdict. But that wasn't the end, because ...

A Rape Case Complicates Your Social Life Forever

The end of the trial didn't mean the end of my identity as a rape survivor -- but even though all my friends knew, how do I tell my new friends? How do I tell someone that I'm dating? Turns out that, far more important than *when* I told them, or *how* I told them, was *how much of an irredeemable creep they were*.

One time, after opening up to my date with the darkest secret of my life, he told me that he wasn't interested in dating a rape victim, because I'm probably "pretty ***** up from it." Next time, I held the story back for a while, and once I "came clean," he immediately cut off contact.

But the opposite was even more uncomfortable: I've had guys become infatuated with my experience, insisting that we go to therapy together or that I attend support groups, even though the last therapist I spoke to said I was "the most well-adjusted 20-year-old [she'd] ever met." He wanted to find a broken part of me to fix, and was disappointed that it didn't exist. "Baby, I want to play an active role in your rape experience," is not a terribly effective pickup line.

Someone else (who had known me since I was twelve years old) decided not to go home with me after a night of heavy flirting because (as he later told a mutual friend) he was "worried about what I'd say in

the morning." This was after my rapist had been found guilty in a court of law, and he was still nervous that I'd made the whole thing up to spite men, and he was my next target.

I had a very religious roommate in college who would berate me about the hole in my heart that Jesus was trying to fill, and explain how what happened was God's way of breaking me down so I could go home to him. She stopped short of saying, "Yeah, you see why Jesus wanted you raped." I had a therapist who used to insist, during therapy, that "all men, if given the chance to rape a woman and know he would never answer for it, would do it." These people were more interested in furthering their weird agenda than helping me, which I think is the opposite of both friendship and therapy.

People Don't Want You to Heal

My life is beautifully, wonderfully, fantastically great right now. I bought a house in June. I have a job that I absolutely love. I've met a partner that I want to be with for the rest of my life. I have a cat that makes me feel inadequate in every way. Both my parents are sober, largely because the time they spent with me strengthened our family bonds. And somehow, this seems wrong to people.

See, I "snapped out" of my assault quicker than most people -- after a couple of weeks, I went out and allowed myself to live my life again. I got a lot of flack about that. "Do you really think you need to be going out partying and drinking? Shouldn't you slow down?" I wasn't doing it every single night -- it was Friday and Saturday, exactly like everyone else in their early twenties. The only change was that I had been raped, and so now I was supposed to be someone, or *something*, different.

I don't blame people who choose not to prosecute, because the consequences are terrible. In the effort to drive home the idea that sexual assault is a horrific crime, an unfortunate side effect is making people feel like it's not something they can ever get over. But I'm here to tell you that you totally can, and that despite this total nightmare, I regret none of my choices.

He has to live with what he did forever. I don't.