

# NATIONAL JUDICIAL EDUCATION PROGRAM\*

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## THE UNDETECTED RAPIST

This DVD is a re-enactment of part of an interview conducted by Dr. David Lisak, Associate Professor of Psychology and Director of the Men's Sexual Trauma Research Center at the University of Massachusetts-Boston. He and other researchers across the United States and now in Europe conduct research to answer this conundrum: The number of women who have been victims of rape vastly outnumber the number of men indicted, much less convicted of rape.<sup>1</sup> Who are these undetected rapists?

The research methodology utilized by Dr. Lisak and others is this. Men on university campus are invited to participate in a written survey on life experiences, including sexual experiences. Embedded in the survey are questions such as: Have you ever had sexual intercourse with an adult when they didn't want to because you used physical force (twisting their arm, holding them down, etc.) if they didn't want to cooperate? These questions are framed to meet conservative legal definitions of rape, attempted rape, and other forms of sexual assault. Respondents are only asked behavioral questions, not whether they have committed rape or other criminal acts.

Dr. Lisak's research has documented statistics like the following. In one sample of 1,882 men with an average age of twenty-eight who were employed and attending college part-time, and who were representative of the diverse American population, 120 men had committed 483 rapes of women they knew. *None of these rapes was ever reported.*

Of these 120 rapists, 44 men committed a single act of rape; 76 men committed 439 rapes, an average of nearly six rapes per rapist.

The research on undetected rapists shows the same pattern as is found among incarcerated rapists: a small number of men commit the majority of crimes. But these undetected rapists do not reflect the stereotypes about rapists that have been derived from the incarcerated population or invented to explain the phenomenon of rape.

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<sup>1</sup> According to the most respected study of rape victimization, 12.1 million living adult American women have been victims of forcible rape. National Victim Center and Crime Victims Research and Treatment Center, *Rape in America: A Report to the Nation* (April 1992), p. 2.

Contrary to these stereotypes, the vast majority of rapists are *not*

- Strangers to their victims
- Without access to consensual sex
- Uneducated and unemployed
- From any particular racial or ethnic group
- Mentally ill
- “Violent” in the sense of using weapons and physically maiming their victims

What is also clear from this research is that so-called “date rape” is not a pleasant evening gone bad because of too much alcohol. These undetected rapists plan and premeditate. They have a scheme for getting their victims into a secluded place where they will be vulnerable. Alcohol is part of this plan, intended to make the victim vulnerable and to disinhibit the rapist so he feels free to complete his assault.

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### **Discussion Guide**

This reenactment of an actual interview with an “undetected” rapist is intended for use as an educational and training aid. It has been used across the United States in professional training seminars for judges, prosecutors, law enforcement personnel, victim advocates, SANE nurses and other groups involved in victim services and the criminal justice system. It has also been used in community education and prevention programs for students and educators in higher education.

The video should not be shown in the absence of a knowledgeable facilitator who can explain its context and guide discussion of the content. The interview can be disturbing to viewers; it can also be misunderstood. It is therefore imperative that it never be shown without a facilitator.

It is very likely that the video will evoke many questions and comments from viewers, and these spontaneous responses should always inform the facilitator’s guidance of the discussion. However, the following questions and answers may help in focusing viewers on some of the most important implications of the video.

### **Note to Facilitator:**

Viewers may distance themselves from Frank’s behavior and dismiss him as an atypical rapist because he uses force (choking) to restrain his victim. In this case, it is important for the facilitator to bring viewers back to the specific language and tactics Frank uses, all of which distinguish him as a rapist, whether or not he chose to use force. It is important to emphasize that Frank’s use of physical force is only one of the many dangerous behaviors he exhibits and that a rapist does not have to use force in order to commit a rape.

### **How would you describe the “typical rapist”?**

It is still widely believed that rapists typically attack strangers out in the open, during the dead of night and use knives and guns, inflicting brutal injuries on their victims. In truth, only a small fraction of rapists attack strangers. Most rapes are non-stranger rapes that do not involve premeditation and very few rapes result in visible, physical injuries.

### **Is Frank a typical rapist?**

Frank can be described as typical in that he is a non-stranger rapist. The vast majority of rapes are committed in a manner very similar to the assault committed by Frank. Although Frank admitted to choking his victim, many rapes are committed without the use of any physical force.

### **Did Frank premeditate the rape he described?**

Frank devoted considerable time and energy to planning his rape. He “targeted” first-year college women, his “prey,” (Frank’s language) because they were more likely to be naïve about his ruses and manipulations. Using these animalistic terms, Frank de-humanizes his victims and therefore distances himself from the young women and from the fact that he knows he is doing something wrong. He ensures that they will come to the fraternity party by emphasizing how much of an “honor” it is to be invited. He helps produce the high-alcohol punch used to intoxicate the victim and he helps set up the “designated” room where the rape was to take place.

**If Frank’s premeditations and planning had not occurred, but he still had non-consensual sex with the young women at the party, would his actions still be considered rape? Do you think this is a typical situation?**

Yes. Most rapes that occur are non-stranger rapes where the attacker had not planned to force his partner into having sex. If Frank had forced the young woman into having sex but had not planned out how he would do so, his act would still be considered rape because he did not have her consent. Today, most rapes happen when two people are acquainted, friends, or romantically involved and one partner does not want to have sex, and says “no” or does not give consent, and the other partner forces intercourse.

### **What was Frank’s Modus Operandi?**

As soon as Frank’s “target” arrived at the party, he focused his attention on her. He immediately began plying his victim with drinks to ensure that she quickly became intoxicated. Once the victim had been lured to the “designated” room, he began his physical/sexual advances. The “designated” room was a room which all members of the fraternity knew was set aside for this purpose. Personal belongings were removed from it, and it was usually as far away from the “action” of the party as possible, so that there would be no chance of interruption or interference. Frank’s use of violence and intimidation was graduated, which is typical of these assaults. He used just enough force – using his body weight to pin his victim down on the bed and then placing his arm across her wind pipe – to terrorize her and ensure that she would submit to the rape.

### **Do rapists like Frank rape again?**

Research indicates that the majority of nonstranger rapists are serial offenders who rape repeatedly, and who also engage in other forms of interpersonal violence, such as battery and child abuse. Indeed, in other parts of the interview not reenacted here, Frank disclosed that he had raped other women in a manner very similar to the rape he described in the video.

### **Was Frank ever prosecuted?**

No. The vast majority of rapes in the U.S. are never prosecuted. In fact, only about 15% of rapes are reported to authorities, and of those, very few are successfully prosecuted. Of those that are successfully prosecuted, most are stranger assaults. In recent years there has begun a concerted effort to educate the justice system and the public about the fact that most rapes are committed by nonstrangers, and to bring these cases into court. As a subject in a research project, Frank’s participation was protected by federal laws that protect human subjects. As such, the information he disclosed could not be used to initiate a prosecution. However, the information obtained from these studies has been widely published and disseminated to help further rape awareness and prosecution across the U.S.

### **Did the researcher who conducted the interview tell Frank that he had committed rape?**

No. The same federal laws governing the treatment of human subjects in research prohibit a researcher from saying anything to a subject that might significantly change that subject’s view of him/herself. In this case, telling Frank that he had committed rape, and that therefore he was a rapist, would clearly have been prohibited.

## THE “UNDETECTED” RAPIST

Re-enactment of an interview conducted by Dr. David Lisak, excerpted from the National Judicial Education Program’s video curriculum, *Understanding Sexual Violence: The Judge’s Role in Stranger and Nonstranger Rape and Sexual Assault Cases*.

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\* *The “Undetected” Rapist* is available in VHS or DVD format.