

APPENDIX L:

POWERPOINT SLIDES ON SEX OFFENDERS,
SENTENCING AND TREATMENT

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Conference title

The Undetected Rapist

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The Prevalence of Rape

Completed Rape

Koss et al., (1987): 15.4%

Merrill et al., (1998): 36%

Brenner et al., (1999): 20%

NIJ-CDC Study (2000): 14.8%

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The Rape Paradox

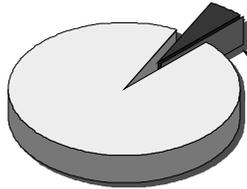
Millions of victims

Few rapists incarcerated

Where are all the rapists?

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The Population of Rapists



Rapists who go to prisons (and who are studied)

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What kind of rape do you have to commit to end up in a place like this?



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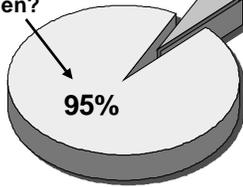
Ski Mask
Knife
Blitz Attack
Brutal Injuries
Strangers



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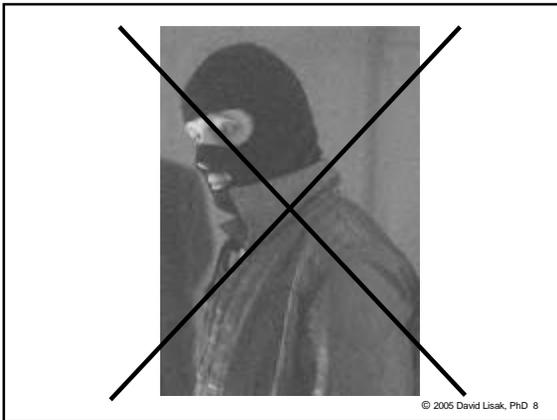
The Population of Rapists

Who are these men?



- Ski Mask
- Knife
- Blitz Attack
- Brutal Injuries
- Strangers

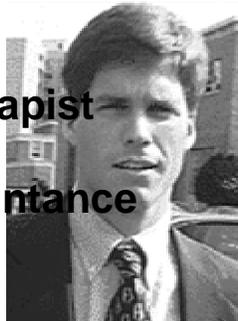
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Date Rapist

Acquaintance Rapist



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False Stereotypes about Rape

~~Real Rape (Stranger)~~

~~“Date Rape”~~

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False Stereotypes about Rapists



“Nice Guy”

Drank too Much
Miscommunication
Unpremeditated
Won't Happen Again



Ski Mask

Knife
Blitz Attack
Brutal Injuries
Strangers

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Psychological & Neurobiological Impact of Non-Stranger Rape

Non-stranger rape
victims suffer the
same spectrum of
symptoms as stranger
rape victims...

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Posttraumatic Stress Disorder

Depression

Sleep Disturbance

Suicidal Thoughts

Sexual Dysfunction

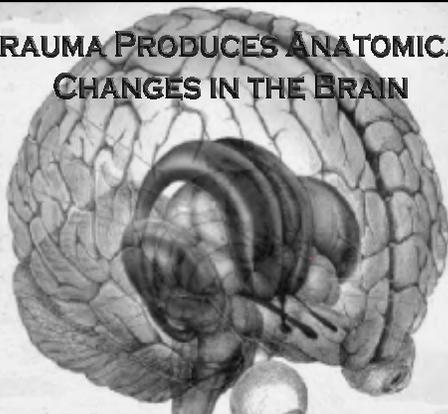
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**Psychological &
Neurobiological Impact of
Non-Stranger Rape**

**Non-stranger rape
victims suffer
neurobiological as well as
psychological
consequences...**

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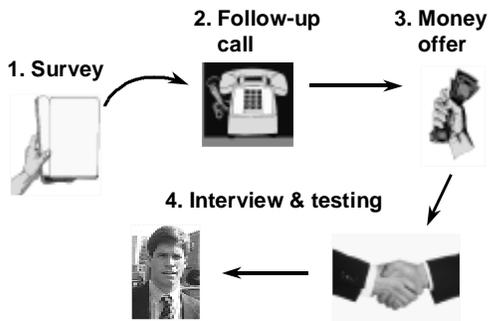
**TRAUMA PRODUCES ANATOMICAL
CHANGES IN THE BRAIN**





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Studying Undetected Rapists



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Sample Rape Question

“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 cooperate?”

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“The Undetected Rapist”

Can be ordered from:

<http://www.legalmomentum.org/njep/video.shtml#undetected>

Or type “NJEP undetected rapist” into Google

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Implications of Research on Undetected Rapists

The Typical Rapist:

Does not use a weapon



Uses instrumental, not gratuitous violence

Has access to consensual sex

From all racial & ethnic groups

Is not mentally ill

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Implications of Research on Undetected Rapists

The Typical Rapist:

Plans & premeditates his attacks



Uses multiple strategies to make victim vulnerable

Uses alcohol deliberately



Increases violence as needed

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**Common Characteristics of
Incarcerated & Undetected Rapists**

- Angry at women**
- Need to dominate women**
- Believe in rape myths**
- Hold hypermasculine attitudes**
- See “intimate” violence as normal**
- See women as objects to be conquered**
- Have deficits in empathy**



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**Serial Offending
By
Undetected Rapists**

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**Serial Rape
by Undetected Rapists**

1,882 Men Assessed: 120 Rapists
63% had committed other rapes
483 rapes and attempted rapes
Average of 4 rapes per rapist

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Serial Offending by Undetected Rapists

- 14% other forms of sexual assault**
- 17.5% sexual abuse of children**
- 10.8% physical abuse of children**
- 38.3% battery of intimate partners**
- 58% were “crossover” offenders**

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Serial Offending by Undetected Rapists

- 49 sexual assaults**
- 483 rapes & attempted rapes**
- 95 acts physical abuse of children**
- 319 acts sexual abuse of children**
- 275 acts of battery**
- Total: 1,221 offenses**

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Serial Rapists
76 men
439 rapes & attempted rapes

Single Act Rapists
44 men
44 rapes & attempted rapes



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Violence Committed by Serial Rapists

The 76 Serial Rapists Committed:

49 sexual assaults
439 rapes & attempted rapes
66 acts physical abuse of children
277 acts sexual abuse of children
214 acts of battery

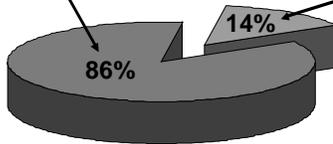
Total: 1,045 offenses

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Violence Committed in the "community"

Violent acts by serial rapists

Violent acts by single-act rapists



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Violence Committed by Serial Rapists

Average # violent offenses committed by serial rapists



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Serial Offending by Undetected Rapists

From a 2001 Ohio U. Study

- 1. 298 men assessed twice, 9 weeks apart**
- 2. 11 had raped prior to 1st test**
- 3. 9 weeks later, 3 had raped again, 1 had committed a sexual assault**

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Serial Rape by Incarcerated Rapists

**Abel et al., 1987:
126 rapists committed
907 rapes against 882 victims**

**Weinrott & Saylor (1991):
37 rapists charged with 66 rapes
later admitted to 433 rapes**

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Patterns of Violent Crime

From 30-year longitudinal study:

- Hard-core predators few in number and rarely punished**
- 7% of study cohort committed 66% of all violent crimes & 75% of all rapes**
- Predators committed 12 crimes for every arrest**

Paul E. Tracy, Marvin E. Wolfgang and Robert M. Figlio, *Delinquency Careers in Two Birth Cohorts* (New York: Plenum Press, 1990).

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Crossover Offending

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Crossover Offending Time for Schema Change



Ted Bundy:
Serial murderer?
Serial rapist?

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Crossover Offending Time for Schema Change



Reinaldo Rivera:
Serial rapist?
Serial murderer?

Rivera confessed to committing more than 200 rapes before he began killing his victims

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Crossover Offending The Data

Weinrott & Saylor, 1991

- 32% of rapists sexually assaulted a child
- 34% of extrafamilial molesters also incest offenders
- 50% of intrafamilial offenders also assaulted outside the home

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Crossover Offending The Data

O'Connell, 1998

- 64% of rapists sexually assaulted a child
- 59% of intrafamilial offenders also assaulted outside the home

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Crossover Offending The Data

Heil, Ahlmeyer, Simons & English, 1999

- Using the polygraph...
- 82% of child offenders admitted to assaulting adults
- 50% of adult offenders admitted to assaulting children

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Why We Call Them Predators

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What is he looking for?

Sex offenders become very sophisticated predators. They can identify the vulnerable, and they know how to seize as well as create opportunities.



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**Treatment
&
Sentencing Issues**

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**Why Judges Will Need More
Info on Sex Offenders**

1. Tougher sentences à higher stakes à more sophisticated prosecutions and defenses
2. Civil commitment à much higher stakes à more sophisticated prosecutions and defenses

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**Why Judges Will Need More
Info on Sex Offenders**

1. More mental health & sex offender evaluations
2. More sophisticated evaluations
3. More reliance on actuarial assessments

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Why Judges Will Need More Info on Sex Offenders

In sentencing & probation hearings, judges will need to evaluate the evaluators

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Evaluating the Evaluators

Doctor's Conclusion:

"In my opinion, he is not a danger to the community."

Question: Is the report internally consistent?

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Evaluating the Evaluators

Facts acknowledged in doctor's report:

1. Convicted sex offender *
2. Hx & ongoing substance abuse *
3. Hx of impulsive behavior *
4. Hx of juvenile delinquency *

* On anyone's list of markers for recidivism

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Evaluating the Evaluators

Facts acknowledged in doctor's report:

5. Possible serious Axis I disorder
6. Hx of untreated sexual & physical abuse as a child
7. Prior DWI arrest *
8. Pathological narcissism

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Evaluating the Evaluators

Facts acknowledged in doctor's report:

9. Admitted sexual addiction *
10. Possible pedophilia *
11. Job instability *
12. Hx of unpaid debts *
13. Hostility toward probation officers *

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Evaluating the Evaluators

Facts NOT acknowledged in doctor's report:

- Hx of scores of probation violations *
- 10 separate allegations of rape and battery *

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The Art of Noticing What's Missing

Inspector Gregory: "Is there any other point to which you would wish to draw my attention?"

Holmes: "To the curious incident of the dog in the night-time."

Inspector Gregory: "The dog did nothing in the night-time."

Holmes: "That was the curious incident."

midhan.com

Evaluating the Evaluators

Even the most sophisticated assessment is dependent on the quality of the information that is used – AND – on the information that is left out.

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Evaluating the Evaluators

Doctor's Conclusion:

"His PCL-R score is below the threshold needed to describe someone as a true psychopath."

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Evaluating the Evaluators

What was missing?

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Sex Offender Sentencing



- Punishment
- Social deterrence
- Community protection

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Sex Offender Sentencing



Recidivism

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Predicting Recidivism

We need to know...

- Who to treat & not to treat
- Who is most likely to re-offend
- Who is a “Sexual Predator”

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Predicting Recidivism

Actuarial Assessment

- Based on studies of incarcerated sex offenders
- Identifies factors that distinguish repeat offenders
- Uses a battery of factors; no single factor predictive
- Predicts recidivism better than clinical judgment

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Markers for Recidivism

The Crime

- Degree of force used
- Denial/minimization of responsibility
- Blaming of victim
- Male victim

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Markers for Recidivism

Offender's History

- Previous offenses (official or otherwise)
- Preoccupation with aggressive fantasies
- Alcohol and/or substance abuse
- History of impulsive behavior
- Job instability

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Markers for Recidivism

Offender's Current Status

- Sexual arousal to violence & aggression
- Other sexual deviations
- Psychopathy (PCL-R)
- Sadistic sexual interests

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Markers for Recidivism

- “No previous convictions” is not a clean bill of health
- Sex offender’s pre-sentence investigation must scour records and sources for prior, unadjudicated offenses and warning behaviors

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Sentencing the Sex Offender

To treat or not to treat...



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Sex Offender Treatment

- Why do we “treat” rapist & not bank robbers?
- What is sex offender treatment?
- Does sex offender treatment prevent future offenses?

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Sentencing the Sex Offender

Is Treatment Appropriate?

- Does offender admit guilt?
- Is offender high on psychopathy?
- Is offender motivated for treatment?

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The Basics of Sex Offender Treatment

- It is NOT traditional psychotherapy
- It is NOT community service
- It IS highly specialized
- It IS comprehensive
- It IS very tough (if done right)
- It is no longer called "treatment"

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The Components of Sex Offender Treatment

- Assessment & Treatment Plan
- Behavioral Conditioning
- Empathy Training
- Group Therapy
- Recognizing Offense Precursors
- Plethysmograph/polygraph Testing
- Relapse Prevention

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Sex Offender Treatment: Assessment

- Analysis of the offense (violence, victim)
- Violence & sex offense history
- Psychopathology
- Developmental history
- Emotional awareness/empathy capacity
- Sexual arousal patterns
- Cognitive distortions

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Sex Offender Treatment: Relapse Prevention

- Recognizing precursors to offense
- Avoidance of “high risk” situations
- Collateral sources of monitoring
- Phallometric & polygraph monitoring
- Threat of prison

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Sex Offender Treatment: Chemical Castration

- Combined with other psychiatric meds → can reduce impulses
- Often medically contra-indicated
- Cannot be relied on as sole mechanism of prevention

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The Effectiveness of Sex Offender Treatment

- Different measures of recidivism
- Different lengths of follow-up
- Different treatment methods

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The Effectiveness of Sex Offender Treatment

Summary of Outcome Studies

- All reported recidivism rates are underestimates
- Historically, little or no impact on recidivism
- Recent, state-of-the-art programs show more consistent, still modest reduction in recidivism
- Treatment options must be tailored to the particular offender

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