

NATIONAL JUDICIAL EDUCATION PROGRAM*

395 Hudson Street, 5th Floor, New York, NY 10014

Phone: 212.925.6635, Fax: 212.226.1066, Email: njep@legalmomentum.org

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A RESPONSE TO “THE UNDETECTED RAPIST”

This 23-minute DVD was produced by IMPACT Personal Safety in conjunction with the National Judicial Education Program (NJEP). It includes *The Undetected Rapist*, a DVD previously released by NJEP in which a never-reported college-student rapist is interviewed, and the responses of women and men of different ages and backgrounds to this interview. *A Response to “The Undetected Rapist”* presents these discussions in single-sex groups and then in a mixed group. The responses are powerful catalysts for discussion. Although the IMPACT Personal Safety DVD was created as a training tool for high school seniors, it is appropriate for multidisciplinary use with audiences of all ages.

Below is a description of the *The Undetected Rapist* and the related research followed by a Discussion Guide and Take Home Questions for the *Response* DVD.

The Undetected Rapist

The Undetected Rapist is a six-minute long 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.¹ 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.*

¹ 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.

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.

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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To order *A Response to the “Undetected” Rapist*, please visit NJEP on the Web, at:
www.njep.org

For more information on NJEP, please contact:

Legal Momentum
National Judicial Education Program
395 Hudson Street, 5th Floor
New York, NY 10014
(212) 925-6635; Fax: (212) 226-1066
Email: njep@legalmomentum.org

For information on IMPACT Personal Safety, please contact:

IMPACT Personal Safety
P.O. Box 8350
Santa-Fe, NM 87504-8350
(505) 992-8833; Fax (505) 992-8853
E-mail: IPS@IMPACTPersonalSafety.org

DVD Discussion Guide

The Undetected Rapist 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 Undetected Rapist* 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 Undetected Rapist* 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.

1. (a) How would you describe the “typical rapist”?

It is still widely believed that the typical rapist attacks strangers uses weapons and inflicts brutal injuries on his victims. In truth, only a small fraction of rapists attack strangers. Most rapes are nonstranger rapes, they involve no weapons and they rarely result in visible, physical injuries.

(b) Is Frank a typical rapist?

Frank can be described as typical in that he is a nonstranger rapist. The vast majority of rapes are committed in a manner very similar to the assault committed by Frank, which began by gaining the victim’s trust. Although Frank demonstrated choking his victim, by placing his arm across her windpipe, many rapes are committed without the use of any physical force. Like Frank, the typical rapist uses only “instrumental violence” the amount of force necessary to subdue his victim. This may be threats alone or his weight on her body.

2. (a) Did Frank premeditate the rape he describes?

Frank devoted considerable time and energy to planning his rape. He “targeted” first-year college women as “prey” (Frank’s language) because they were more likely to be “naïve” about his ruses and manipulations. He ensured that they would come to the fraternity party by emphasizing how much of an “honor” it was to be invited. He helped produce the high-alcohol punch used to intoxicate the victim. He helped set up the “designated room” where the rape was to take place, by making sure that this room had no distinguishing posters or features that the victim might later recall and use to identify him or the fraternity.

(b) If Frank had gone to a party, seen a woman passed out on a couch and had sex with her while she was unconscious without using overt physical force, would this still be considered rape? Do you think this situation is common?

Yes, this is rape. Legally, one cannot gain consent from a person who is unconscious or otherwise incapacitated. Many rapists will go into a party, bar or other social situation having resolved to have sex that night whether it is consensual or not. Their focus is entirely on finding a person to have sex with and any attempt at cultivating a relationship with their victim is only in service of

this desire and does not indicate any true interest in getting to know the victim as a person. The situation described above is a common scenario, especially on college campuses and when alcohol is involved.

(c) If Frank's premeditations, planning and use of physical force had not occurred, but he still had non-consensual sex with the young woman at the party, would his actions still be considered rape? Do you think this is a typical situation?

Yes, this is rape. A rape may be premeditated and the rapist may use force, as Frank did, however many rapes occur without the use of overt force and without this level of premeditation. If Frank had sex with the young woman without her consent, with or without the use of physical force, but had not planned out in advance how he would do so, he has committed a rape. It is important to be aware of the fact that just because a victim may not exhibit any visible injuries or report that she was physically attacked, does not mean that she was not raped. Rapes do occur without premeditation or force.

3. What was Frank's *Modus Operandi*?

Frank *modus operandi* begins with his attempt to gain the victim's trust and convince her that he is genuinely interested in getting to know her. He tells her how much of an "honor" it is to be invited to the fraternity party in an attempt to make her feel special and increase the likelihood that she will accept the invitation. As soon as Frank's "target" arrives at the party, he focuses all of his attention on her. He immediately begins plying his victim with drinks to ensure that she quickly becomes intoxicated. Once the victim has been lured to the "designated room," he begins his physical/sexual advances. The "designated room" is a room which all members of the fraternity know is set aside for this purpose. Personal belongings are removed so that the victim is less likely to identify the assailant or the fraternity, and it is usually as far away from the "action" of the party as possible, so that there is no chance of interruption or interference. Frank's use of violence and intimidation is graduated, which is typical of these assaults. He uses just enough force to subdue his victim and only escalates it as needed. First he uses his body weight to pin her down on the bed. When she continued wriggling and trying to stop him he places his arm across her wind pipe to terrorize her and ensure that she submits to the rape.

Some viewers may fasten on the overt physical violence Frank resorts to in order to subdue the victim (placing his arm across the victim's windpipe) as a way to distance themselves from identifying themselves or their friends as possible rapists. It is important to point out that Frank's choking her is only the last step in a highly choreographed plan that began when he "targeted" his victim on campus. Frank, like most rapists, used instrumental violence—i.e., just enough to subdue or coerce his victim—and would have stopped short of overt violence had she stopped struggling sooner. His *modus operandi* and that of other rapists must be understood in its entirety.

What so often confuses people is that the typical rapist's *modus operandi* looks like typical social behavior: go to a party or a bar, meet someone, drink alcohol and leave together. Care must be taken to see how the rapist identifies the woman he believes will be vulnerable ("the naïve ones" and first-year students), gets her drunk and separates her from her friends by insisting on being alone with her.

Frank's language shows how he dehumanizes his victim, referring to her as "prey" that he is "targeting." This language allows Frank to distance himself from her by objectifying her. This distance makes it easier for him to commit a rape without defining it as such in his own mind. The use of objectifying language such as "prey," as well as "targeting" behavior such as "staking

out” a woman, encouraging her to drink alcohol and preparing a designated room all serve to reinforce this dehumanizing mindset.

It is important to keep in mind that objectifying language and behavior lay the groundwork for occurrences of sexual assault and rape. While the vast majority of men and women who use objectifying language do not go on to commit a rape, it is important to recognize the role it plays in the *modus operandi* of a rapist.

4. 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.

5. 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 that are successfully prosecuted, most are stranger assaults. In recent years there has been 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 human subject in a research project, Frank’s participation was protected by federal laws that prevent use of the information he disclosed 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.²

6. Did the researcher who conducted the interview tell Frank that he had committed rape?

No. The 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, was clearly prohibited.

² David Lisak and Paul M. Miller, *Repeat Rape and Multiple Offending Among Undetected Rapists*, 17(1) VIOLENCE AND VICTIMS 73 (2002).

Take Home Questions

On a separate sheet of paper answer the following questions in 1-3 sentences per question.

- 1. Does Frank think what he did was illegal? How do you think Frank would describe his behavior?**
- 2. Do you think this type of assault happens outside of fraternities? Where?**
- 3. Can high school students be victims of rape?**
- 4. Why do you think that so many rapes go unreported?**
 - a) Why do you think a woman might not report that she had been raped?**
 - b) Why do you think a man might not report that he had been raped?**
- 5. Is it ever acceptable to use threats or physical force in order to have sexual relations with someone?**
- 6. Is it ever acceptable to have sexual relations with someone unable to consent because, for example, they were unconscious from drinking too much?**
- 7. What substances might a rapist use to incapacitate his potential victim?**
- 8. How do people clearly express consent to sexual relations? How can you be sure your partner wants what you want?**
- 9. Is it acceptable to place blame on a victim for putting herself into a possibly vulnerable situation?**
- 10. Can you tell if someone is, or could be a rapist? How? Why?**
- 11. What can you do to protect yourself from a situation like this happening to you?**
- 12. Who can you go to for help if you or someone you know has been victimized?**