

# NATIONAL JUDICIAL EDUCATION PROGRAM\*

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## THE UNDETECTED RAPIST & A RESPONSE TO “THE UNDETECTED RAPIST”

*“The Undetected Rapist” is a powerful and disturbing DVD which may be triggering for viewers. Do not watch it alone, and do not show it without a skilled facilitator.*

This DVD is a seven-minute re-enactment of part of an interview conducted by Dr. David Lisak. At the University of Massachusetts Boston, Dr. Lisak is an Associate Professor of Psychology and Director of the Men’s Sexual Trauma Research Center. He and other researchers across the United States and Europe conduct research to answer a conundrum. The number of women who have been victims of rape vastly outnumbers 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 campuses 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; and they are not asked whether they have committed rape or other criminal acts. The researchers then interview the respondents who say “yes” to the questions about forced sex.

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

Of these 120 rapists, 44 men committed a single act of rape and 76 were serial rapists who 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>The most recent study of rape victimization comes from the Centers for Disease Control Division of Violence Prevention, *The National Intimate Partner and Sexual Violence Survey* (2011) and is available at [http://www.cdc.gov/ViolencePrevention/pdf/NISVS\\_Report2010-a.pdf](http://www.cdc.gov/ViolencePrevention/pdf/NISVS_Report2010-a.pdf). According to this report, 21,840,000 living American women have been victims of rape (which includes completed forced penetration, attempted forced penetration, and completed alcohol/drug facilitated penetration) over their lifetime, p. 18.

In the course of twenty years of interviewing these undetected rapists, in both research and forensic settings, it is clear that the stereotypes about rapists are false. The stereotype of a rapist is a ski-masked stranger who jumps from the bushes with a knife or gun and inflicts terrible, visible injuries on his victim. The reality is 180° away from this stereotype.

In fact, the vast majority of rapists:

- Know their victim;
- Have access to consensual sex;
- Are educated and employed;
- Come from every racial, ethnic and economic group;
- Are not mentally ill;
- Plan and premeditate;
- Rarely use weapons;
- Rarely inflict serious visible injuries;
- Use only instrumental violence, meaning only the level of threat or force needed to terrify and coerce their victims into submission;
- Use psychological weapons—power, control, manipulation, and threats—backed up by physical force, and almost never resort to weapons such as knives or guns;
- Use alcohol deliberately to render victims more vulnerable to attack, or completely unconscious;
- Are as likely to be serial and multi-faceted offenders as are incarcerated rapists.

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.

## **A Related DVD—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). The first part is NJEP’s DVD is *The Undetected Rapist*, in which a never-reported college-student rapist is interviewed. This is followed by three focus groups: one group is all women of diverse ages and backgrounds, the second group is all men of diverse ages and backgrounds, and the third group is these women and men meeting together. The responses from these focus groups are a powerful catalyst for discussion.

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To order *The Undetected Rapist* or *A Response to “The Undetected Rapist,”* please visit NJEP on the Web at:

[www.njep.org](http://www.njep.org)

Or fill out and send or fax the attached order form to:

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## **Discussion Guide for The Undetected Rapist**

*“The Undetected Rapist” is a powerful and disturbing DVD which may be triggering for viewers. Do not watch it alone, and do not show it without a skilled facilitator.*

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 DVD 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 DVD 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 DVD.

### **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 is this research conducted?**

Researchers administer a survey about a wide range of life experiences to a large sample of men. Embedded in the survey are behaviorally-based questions based on a conservative definition of rape and attempted rape, 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?" Survey respondents who say "yes" to these questions are invited to participate in an interview, during which they are asked about the incidents that led them to answer these questions affirmatively. Over the years of conducting this research, the men who said "yes" to these questions spoke freely and with no remorse about what the rapes and other acts of interpersonal violence they had committed. Only one interviewee asked whether he had done anything wrong.

### **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 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 this rape. Note Frank's language. He "targeted" first-year college women, his "prey," 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 the fact that he is doing something wrong. Frank 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 had not engaged in premeditation and planning, but 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. If Frank forced the young woman into having sex, even if he had not planned out how he would do so, his act would still be considered rape because he did not have her consent.

### **What was Frank's Method of Operation?**

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 domestic violence 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 DVD.

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

No. The vast majority of rapists 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 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 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 & A RESPONSE TO “THE UNDETECTED RAPIST”**

*The Undetected Rapist* is a re-enactment of an interview conducted by Dr. David Lisak, excerpted from the National Judicial Education Program’s DVD curriculum, *Understanding Sexual Violence: The Judge’s Role in Stranger and Nonstranger Rape and Sexual Assault Cases*. *A Response to “The Undetected Rapist”* is a DVD of the interview of the never-reported college-student rapist and the responses of women and men of different ages and backgrounds to this interview.

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