Repeat Rape and Multiple Offending Among Undetected Rapists

David Lisak
University of Massachusetts, Boston
Boston, MA

Paul M. Miller
Brown University School of Medicine
Providence, RI

Pooling data from four samples in which 1,882 men were assessed for acts of interpersonal violence, we report on 120 men whose self-reported acts met legal definitions of rape or attempted rape, but who were never prosecuted by criminal justice authorities. A majority of these undetected rapists were repeat rapists, and a majority also committed other acts of interpersonal violence. The repeat rapists averaged 5.8 rapes each. The 120 rapists were responsible for 1,225 separate acts of interpersonal violence, including rape, battery, and child physical and sexual abuse. These findings mirror those from studies of incarcerated sex offenders (Abel, Becker, Mittelman, Cunningham-Rathner, Rouleau, & Murphy, 1987; Weinrott and Saylor, 1991), indicating high rates of both repeat rape and multiple types of offending. Implications for the investigation and prosecution of this so-called “hidden” rape are discussed.

It is estimated that between 64% and 96% percent of all rapes are never reported to criminal justice authorities (Fisher, Cullen, & Turner, 2000; National Victims Center, 1992; Perkins & Klaus, 1996; Russell, 1982) and that only a small minority of reported cases, especially nonstranger assaults, ever result in the successful prosecution of the offender (Koss, 2000). Clearly, the vast majority of rapists are never brought to justice. As a consequence, these undetected rapists have borne far less scrutiny from social science researchers. Yet, studies of unreported rape, mainly on college samples, indicate that from 6% to 14.9% of men report acts that meet legal definitions for rape or attempted rape (Collings, 1994; Greendlinger & Byrne, 1987; Koss, Leonard, Beazley, & Oros, 1985; Koss, Gidycz, & Wisniewski, 1987; Krahe, 1998; Lisak & Roth, 1988; Merrill et al., 1998; Mosher & Anderson, 1986; Ouimette & Riggs, 1998; Rubenzahl & Corcoran, 1998).

While an empirical comparison of undetected and incarcerated rapists is beyond the scope of the research reported here, studies of these two groups have revealed a number of similarities. Among the common characteristics shared by many incarcerated and undetected rapists, are high levels of anger at women (e.g., Groth, 1979; Malamuth, 1986; Lisak & Roth, 1990), the need to dominate women (e.g., Groth, 1979; Malamuth, 1986; Lisak & Roth, 1990), hypermasculinity (e.g., Groth, 1979; Mosher & Anderson, 1986; Lisak, Hopper & Song, 1996), lack of empathy (e.g., Lisak & Ivan, 1995; Scully, 1988) and psychopathy and antisocial traits (e.g., Ouimette, 1997; Kosson, Kelly, & White, 1997; Prentky & Knight, 1991).
Repeat Rape and Undetected Rapists

1985; Muehlenhard, 1988). Yet, a recent study found that undetected sexually aggressive men, like their incarcerated rapists, were more sexually aroused by audiotaped depictions of rape (Bernet, Calhoun, & Adams, 1999) than non-aggressive men.

There are now considerable data suggesting many commonalities between incarcerated and undetected rapists. Are the men who are committing these undetected rapes distinguishable from their incarcerated counterparts either in terms of the number of rapes they commit or the other types of violence they perpetrate? Or, are they simply getting away with their crimes? Evidence of multiple offenses by these undetected rapists would tend to further underscore the similarities between incarcerated and undetected rapists, and support a more vigorous criminal justice response to these cases.

Research Questions

The goal of the present study was to determine the proportion of self-reported rapists who commit multiple acts of rape undetected by the criminal justice system and to examine whether some proportion of rapists also admit to other forms of interpersonal violence. Further, we sought to study whether repeat rapists were responsible for a disproportionate share of this undetected interpersonal violence.

Methodological Issues in Identifying Undetected Rapists

There are numerous difficulties inherent in collecting potentially incriminating information from research subjects, particularly regarding sexual behavior that is generally considered to be deviant. Yet, there is considerable evidence supporting the viability of this enterprise. Delinquency researchers during the 1960s and 1970s demonstrated the validity of self-report assessments of criminal behavior, in some cases verifying self-reports through polygraph administration or through cross-referencing with already-known offenses (Clark & Tiff, 1966; Gibson, Morrison, & West, 1970; Gold, 1966).

The Sexual Experiences Survey (SES; Koss & Oros, 1982) is the most widely-used self-administered instrument for measuring sexual aggression against adults. The SES, and instruments based on it (e.g., Koss & Gaines, 1993; Lisak, Conklin, Hopper, Miller, Altschuler, & Smith, 2000) are comprised of behaviorally-specific questions describing sexual acts that approximate the legal definitions of rape, attempted rape, and sexual assault. However, to avoid evoking defensive reactions in participants, it does so without referencing any of those legal terms. For the same reason, participants are not asked whether they were arrested or prosecuted for those acts. The context of the administration of these instruments itself provides overwhelming evidence that the acts reported by participants did not result in arrest or incarceration. First, given that 64% to 95% percent of all rapes are never reported (Fisher, Cullen, & Turner, 2000; National Victims Center, 1992; Perkins & Klaus, 1996; Russell, 1982), it is extremely unlikely that these acts were reported to police. Second, the vast majority of research using these instruments has sampled college-age men; if the acts reported had resulted in prosecution, presumably these men would be serving jail and prison sentences and would not be attending university. Finally, in at least one study using this methodology (Lisak & Roth, 1990), autobiographical interviews were conducted with a sample of rapists. None of the assaults committed by these men had ever been reported, let alone prosecuted. In a second study using this methodology (Lisak et al., 2000), interviews were conducted with another sample of perpetrators (including rapists). Although the interviews were not comprehensively autobiographical, in no instance was any arrest or prosecution reported by any of the men who had perpetrated interpersonal crimes.
Materials

Participants completed a packet of questionnaires that varied between the four samples, but which in every case included the Abuse-Perpetration Inventory (API; Lisak et al., 2000). The API consists of three questionnaires, one of which assesses acts of interpersonal violence committed by the subject. This Perpetration History (PH) questionnaire assesses rape and sexual assault against adults (five questions), battery of adult intimate partners (four questions), physical abuse of children (six questions) and sexual abuse of children (eight questions). All questions, modeled stylistically on those first developed by Koss and Oros (1982), use behaviorally explicit language to describe particular acts, but never use words such as “rape,” “assault,” “abuse,” or “battery.” Table 1 provides sample questions from the sections that assess battery, child physical abuse, and child sexual abuse. The complete text of the API has been published by Lisak and colleagues (2000), and the instrument is available from the first author.

The reliability and validity of the PH questionnaire has been supported through cross-method verification of responses and evidence of construct validity (Lisak et al., 2000). Participants who completed the PH and who were subsequently interviewed yielded a 87.8% agreement in their classification as perpetrators (kappa = .75). This cross-method verification yielded no false positives (subjects classified as perpetrators whom, based on the interview, would have been declassified) and 12.2% false negatives (subjects who were not classified as perpetrators by the PH but who were so classified upon interview). Thus, the evidence indicates that the PH is a conservative instrument, not prone to erroneously identifying perpetration behaviors.

For a participant to be classified among the group of rapists and attempted rapists in this study, he would have to have responded “yes” to one of the following questions (underlined portions of the questions are underlined in the questionnaire):

1. Have you ever been in a situation where you tried, but for various reasons did not succeed, in having sexual intercourse with an adult by using or threatening to use physical force (twisting their arm, holding them down, etc.) if they did not cooperate?
2. Have you ever had sexual intercourse with someone, even though they did not want to, because they were too intoxicated (on alcohol or drugs) to resist your sexual advances (e.g., removing their clothes)?

<table>
<thead>
<tr>
<th>TABLE 1. Sample Questions Assessing Battery, Child Physical and Child Sexual Abuse</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Battery</strong></td>
</tr>
<tr>
<td>Have you ever punched or kicked or repeatedly slapped with an open hand (e.g., two or more times in a single incident) someone who you were in some kind of intimate relationship with?</td>
</tr>
<tr>
<td>Have you ever choked someone who you were in some kind of intimate relationship with (e.g., you wrapped your hands or some object around their throat)?</td>
</tr>
<tr>
<td><strong>Child Physical Abuse</strong></td>
</tr>
<tr>
<td>Have you ever beat a child with your fists or with an object (e.g., a stick, bat, etc.)? Have you ever deliberately burned or scalded a child?</td>
</tr>
<tr>
<td><strong>Child Sexual Abuse</strong></td>
</tr>
<tr>
<td>Have you ever fondled (e.g., handled, massaged, caressed) a child’s genitals or had them fondle yours?</td>
</tr>
<tr>
<td>Have you ever had oral sex with a child—e.g., either you performed oral sex on them, or they on you, or both?</td>
</tr>
</tbody>
</table>
**TABLE 2. Multiple Offending by Undetected Rapists: Other Violent Acts Admitted (n = 120)**

<table>
<thead>
<tr>
<th>Description</th>
<th>n</th>
<th>%</th>
<th>Total No. of acts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rape &amp; attempted rape</td>
<td>120</td>
<td>100.0</td>
<td>483</td>
</tr>
<tr>
<td>Sexual assault (not rape)</td>
<td>17</td>
<td>14.2</td>
<td>53</td>
</tr>
<tr>
<td>Battery of adult, intimate partner</td>
<td>46</td>
<td>38.3</td>
<td>275</td>
</tr>
<tr>
<td>Physical abuse of child</td>
<td>13</td>
<td>10.8</td>
<td>95</td>
</tr>
<tr>
<td>Sexual abuse of child</td>
<td>21</td>
<td>17.5</td>
<td>319</td>
</tr>
<tr>
<td>Any type of non-rape offending</td>
<td>70</td>
<td>58.3</td>
<td></td>
</tr>
<tr>
<td>Total # of acts of violence</td>
<td></td>
<td></td>
<td>1,225</td>
</tr>
</tbody>
</table>

two-thirds (68.4%) of the repeat rapists admitted to other forms of interpersonal violence, compared to 40.9% of the single-act rapists, $\chi^2(1, N = 120) = 8.68, p < .01$. Strikingly, the repeat rapists were responsible for 1,045 of the 1,225 total acts of interpersonal violence perpetrated by these 120 rapists, ($t (118) = -2.31, p < .05$).

**Comparison of Rapists Who Used Overt Force Versus Incapacitation Through Intoxication**

Of the four questions used to identify rapists, three refer explicitly to the use of threats and/or overt force, and one refers to having sexual intercourse with an unwilling victim who was “too intoxicated (on alcohol or drugs) to resist your sexual advances (e.g., removing their clothes).” We compared the rate of offending of rapists who reported using
The data from this study of 120 undetected rapists underscore the similarities between incarcerated rapists and at least some of the rapists who escape the notice of the criminal justice system. These data conflict with the implicit notion that these rapists are in some way less serious offenders than their incarcerated counterparts. Almost two thirds of these rapists were repeat offenders who averaged close to six rapes each, and the majority also engaged in other forms of interpersonal violence, ranging from battery to physical and sexual abuse of children. This portrait is more consistent with the data on recidivism among sex offenders than with the still-prevalent image of a male college student who, under the influence of alcohol, mistakenly crosses the line between sexual pressure and rape.

While the analyses comparing rapists who used overt force versus incapacitation through intoxication revealed no significant difference in the number of rapes committed, or the total number of violent acts committed, the disparity in the means for the two groups warrants further examination in future research. A power analysis for these comparisons revealed low observed power (.56 for number of rapes committed and .27 for number of violent acts), suggesting that in a larger sample the difference in the means might be statistically significant.

Given the number of interpersonal crimes being committed by these men, how is it that they are escaping the criminal justice system? The answer may lie, in part, in their choice of victim and in their relative abnegation of gratuitous violence. By attacking victims within their social networks—so-called acquaintances—and by refraining from the kind of violence likely to produce physical injuries in their victims, these rapists create “cases” that victims are least likely to report, and that prosecutors are less likely to prosecute. A recent study of the factors associated with rape reporting found that only two factors could be isolated that increased the likelihood of victim reporting: physical injuries and the use of a weapon (Bachman, 1998). It is probably not a coincidence that these are also among the factors that tend to make prosecutors look more favorably upon charging a case (Estrich, 1987).

Finally, the data presented here carry implications for the investigation and criminal justice response to those rapes that are reported and that fall into the category of “difficult to prosecute,” cases in which there are no physical injuries, and where the accused can claim that the victim consented to the sexual encounter. Given the statistical likelihood that a rapist has committed previous rapes and other acts of violence, a thorough investigation of the accused’s social networks might well uncover additional crimes. By questioning acquaintances of the accused who frequent the same bars, parties, fraternities, and other social venues, investigators may uncover previous victims of the accused. Further, the high rates of battering among these rapists suggests that past girlfriends of the accused ought to be questioned, since there is evidence of a frequent overlap between battery and sexual violence. While previous victims might have been reluctant to make formal complaints, the knowledge that they are not alone might induce some to come forward, thereby transforming difficult-to-prosecute cases into potential multiple-victim cases. Even when formal, multiple charges are not possible, uncovering victims of previous interpersonal crimes might strengthen prosecutors’ positions if plea negotiations are necessary.

Several limitations of this study bear mention. First, since the data are self-report, there is no independent corroboration of the acts reported by the participants. As noted earlier, this is a facet of this area of research that is difficult to overcome, given the hidden nature of the majority of interpersonal violence. While it is possible that some research participants might be motivated to report acts of violence that they did not truly commit, it is difficult to conjure what would motivate such false reporting. Indeed, two separate studies in


