

David Lisak, Ph.D.

Forensic Consultation and Training

455 Winch Street, Framingham, MA 01701
617-947-4119
dlistakfc@gmail.com

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1. The Scope of the Problem (References 1 – 9)

A quarter century of research has documented, incontrovertibly, that sexual violence is an enormous problem in the United States, and equally so throughout the world. That research has also documented that women between the ages of 18 and 24 are at heightened risk of sexual violence. This means that institutions and communities that congregate young people primarily in that age group – for example, universities and the U.S. Military – will most likely experience acute problems of sexual violence. This is borne out by 25 years of research.

While the focus of this investigation is sexual assault in the U.S. Military, it is critical to understand that the problems that have been so glaringly exposed in the Military's response to sexual violence – high rates of assault; often poor response to victims; lack of offender accountability – are not restricted to our armed services. These problems are **equally glaring** in our universities and in our civilian populations, where mistreatment of victims, distrust of the judicial or criminal justice system, and lack of offender accountability are commonplace.

It is entirely appropriate to scrutinize the Military's sexual assault policies, and its effectiveness in dealing with sexual violence. It is necessary to sustain that scrutiny to ensure that the Military constantly works to improve its effectiveness. However, it is misleading to single out the Military as uniquely deficient in its response to sexual violence when most universities and district attorney's offices are doing no better, and in fact endure far less scrutiny.

We need to maintain the bright light shining on our Military, but we also need to spread its beam to the institutions that are responsible for protecting the tens of millions of individuals who live and work outside the services.

2. The Offenders (References 10 – 24)

I have been studying sex offenders – primarily men who commit non-stranger sexual assaults – for 25 years. I have interviewed hundreds of these men. So I will begin with them.

There is still a great deal of misunderstanding and misinformation about the men who are responsible for the sexual violence that afflicts our society. For many people, the first image that comes to mind when they hear the word “rapist” is that of a man in a ski mask, lurking in the dark, wielding a knife, waiting to ambush an unsuspecting victim. It is a terrifying image, but it is a scenario that fits only about 15% of rapes. The rest – about 85% – are perpetrated by men who “know” their victims; that is, they meet them in a bar or at a party, they manipulate their victims into a false sense of trust, and then they pounce. Knives and guns are an extreme rarity in sexual assaults.

Who are these men, these non-stranger rapists? They are often referred to as “date rapists,” a grossly misleading term that hides the predatory and premeditated behavior that characterizes these assailants. Like most sex offenders, non-stranger rapists are adept at identifying the most vulnerable individuals in any setting, and they are practiced at increasing the vulnerability of those individuals and manipulating circumstances to provide the opportunity to commit an assault. Many of these men openly refer to their victims as “targets.” Like any other criminal, they de-humanize and objectify their victims as part of the rationalization process that permits them to commit these acts.

There are personality characteristics that are found more commonly among non-stranger rapists than among other men. They tend to be angrier; in particular, they harbor more anger against women. They have a greater need to feel dominant over and in control of women. They harbor more calloused views about sexuality. They are more narcissistic, and they have more antisocial traits. While these differences have been documented repeatedly in social science research, they are not strong enough to reliably distinguish individual rapists from within a population sample. Therefore, it is impossible to use these characteristics to construct an algorithm that would permit us to screen out likely rapists, and prevent them from joining the Military.

One of the most important characteristics of non-stranger rapists, one that has enormous implications for sexual assault prevention and response, is that a majority of them are serial offenders. My own research, and very similar research conducted on U.S. Navy recruits, documents that about two-thirds of rapists are serial offenders, and that despite their relatively young age (early 20’s), on average they have committed about six rapes each. These studies also

document that the vast majority of rapes – more than 90% – are being perpetrated by these serial offenders.

These studies powerfully underscore the need to aggressively investigate **all** reported cases of sexual assault. In every reported case, there is a substantial likelihood that the perpetrator is a serial offender who has committed prior rapes and who will rape again in the future. Since most victims of rape do not report their assaults, each report that is made is a precious opportunity to investigate a possible serial offender.

3. The Climate in which Offenders Operate (References 25 – 26)

Even though the vast majority of rapes are perpetrated by serial offenders, it is crucial to address the climate in which these offenders operate. The climate can either help to curtail a rapist's behavior, or it can facilitate and camouflage his behavior. Clearly, we want the climate of the U.S. Military to curtail and not facilitate the behavior of sex offenders.

Research has shown that a climate in which sexual harassment is perceived to be permissible conduct is one in which sexual harassment is more likely to occur. Further, when sexual harassment is more common, sexual assault is more common. One study that gathered data on more than 22,000 women in the U.S. Military documented that of the women who had been sexually assaulted, 99.7% had also been sexually harassed.²⁵

Climate issues can also undermine the Military's ability to respond effectively to sexual assaults. Biases, stereotypes and misinformation about sexual assault are common, and they can affect the conduct of investigators, prosecutors, judges and commanders. For example, one common and unfounded myth about rape is that a significant proportion of women who report it are fabricating. Some professionals in the criminal justice system – both inside and outside the Military – openly profess beliefs that 50% to 90% of rapes are actually false reports. These beliefs are held despite a large body of research that clearly documents that the rate of false reporting in sexual assault cases hovers around 2% to 8%. My own research showed a rate of 5.9%.¹⁹

4. Accountability and Prevention (References 27 – 30)

Outright prevention of sexual assaults is the ultimate goal of all communities and institutions. Fortunately, innovative prevention programs are being created and evaluated across the U.S. This means that institutions that have the will to initiate and sustain comprehensive rape prevention programs can choose from a range of options. One of the most promising prevention models that is receiving widespread attention is the bystander education, or bystander engagement model. The goal of bystander programs is to educate large swaths of the community about the reality of sexual violence, to identify the times and

places where sexual assaults are occurring in the community, and to equip members of the community with the skills they need to intervene in situations where there is a high risk of sexual assault. The bystander model has the potential to actually prevent sexual assaults, while simultaneously raising the overall awareness of a community.

Bystander education programs have been partially implemented in many universities, but nowhere with the commitment of the U.S. Air Force. Virtually every member of the Air Force is or will be trained in bystander intervention.

Sexual assault prevention is a complex endeavor, and it is intimately tied to the issue of offender accountability. When rape reports are aggressively investigated, and when cases that warrant prosecution are aggressively prosecuted, a powerful prevention message is created, one that enhances all other prevention efforts. The opposite is also true. When offenders are not held accountable, prevention efforts are undermined, and prevention messages appear hollow.

In the 2010 Gallup study of sexual assault in the U.S. Air Force, the 18,834 respondents were asked for their recommendations for improvements in the Air Force's response to sexual assault. The most frequently endorsed recommendation, by a very large margin, was "more consequences for offenders."

All four services have been making efforts to improve their capacity to properly investigate and prosecute sexual assault cases. However, progress has been uneven, and these efforts will have to be sustained over many years to effect the changes and improvements that are needed. Non-stranger sexual assault cases are complex, and almost always involve difficult issues and circumstances that require specialized training on the part of both investigators and prosecutors. Critical areas that require specialized training include:

- Interviewing skills that increase trust and disclosure in victims and that do not intimidate and shut down victims;
- Interviewing skills that incorporate neuroscience research on the impact of trauma on memory formation and retrieval;
- Recognition of the unique evidence needed to effectively prosecute sexual assault cases in which the issue of consent will be central;
- The critical importance of thoroughly investigating the alleged offender to determine whether there are prior offenses and victims that can be uncovered;

- In depth training on so-called paradoxical behaviors of non-stranger rape victims, and how these behaviors can be explained to court martial panel members;
- In depth training on victim privacy issues, and ways to safeguard victims from undue trampling of their privacy rights.

5. References

¹ Fisher, B.S., Cullen, F.T. & Turner, M.G. (2000). The Sexual Victimization of College Women. U.S Department of Justice, Office of Justice Programs, Washington, DC.

² Koss, M.P., Gidycz, & Wisniewski, N. (1987). The scope of rape: Incidence and prevalence of sexual aggression and victimization in a national sample of higher education students. *Journal of Consulting and Clinical Psychology*, 55, 162-170.

³ Merrill, L. L., et al., (1998). Prevalence of premilitary adult sexual victimization and aggression in a Navy recruit sample. *Military Medicine*, 163, 209-212.

⁴ National Victim Center and the Crime Victims Research and Treatment Center (1992). *Rape in America: A Report to the Nation*, 211 Wilson Boulevard, Suite 300, Arlington, VA 22201.

⁵ Sadler, A.G., Booth, B.M., Mengeling, M.A., Doebbeling, B.N. (2004). Life span and repeated violence against women during military service: Effects on health status and outpatient utilization. *Journal of Women's Health*, 13, 799-811.

⁶ Stander, V.A., Merrill, L.L., Thomsen, C.J., Crouch, J.L., & Milner, J.S. (2008). Premilitary adult sexual assault victimization and perpetration in a Navy recruit sample. *Journal of Interpersonal Violence*, 23, 1636-1653.

⁷ Steiger, D.M., Chattopadhyay, M., Rao, M. Green, E., Nemeckay, K. & Yen, E. (2010). Findings From the 2010 Prevalence/Incidence Survey of Sexual Assault in the Air Force.

⁸ Tjaden, P. & Thoennes, N. (2000). Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women (NCJ 183781). National Institute of Justice, Office of Justice Programs, Washington, DC.

- ⁹ Turchik, J.A. & Wilson, S.M. (2010). Sexual assault in the U.S. military: A review of the literature and recommendations for the future. *Aggression and Violent Behavior, 15*, 267-277.
- ¹⁰ Abbey A, McAuslan P. 2004. A longitudinal examination of college men's perpetration of sexual assault. *J Consult Clin Psychol 72*:747–756.
- ¹¹ Harwell, M.C. & Lisak, D. (2010). Why Rapists Run Free. *Sexual Assault Report*. Vol. 14, No. 2, p17, 18, 26-27.
- ¹² Kosson, D.S., Kelly, J.C., & White, J.W. (1997). Psychopathy-related traits predict self-reported sexual aggression among college men. *Journal of Interpersonal Violence, 12*, 241-254.
- ¹³ Lisak, D. & Miller, P. M. (2002). Repeat rape and multiple offending among undetected rapists. *Violence and Victims, 17*, 73-84.
- ¹⁴ Lisak, D. & Ivan, C. (1995). Deficits in intimacy and empathy in sexually aggressive men. *Journal of Interpersonal Violence, 10*, 296-308.
- ¹⁵ Lisak D. & Roth, S. (1990). Motives and psychodynamics of self-reported, unincarcerated rapists. *American Journal of Orthopsychiatry, 60*, 268-280.
- ¹⁶ Lisak, D. & Roth, S. (1988). Motivational factors in nonincarcerated sexually aggressive men. *Journal of Personality and Social Psychology, 55*, 795-802. Reprinted in: C. Jacklin (Ed.), *Gender*, London: Edward Elgar Publishing.
- ¹⁷ Lisak, D. (2011). Understanding the predatory nature of sexual violence. *Sexual Assault Report, 14*, p. 49-50, 55-57.
- ¹⁸ Lisak, D. (2010). Behind the torment of rape victims lies a dark fear. *Violence Against Women, 16*, 1372-1374.
- ¹⁹ Lisak, D., Gardinier, L., Cope, S. & Cote, A.M. (2010). False allegations of sexual assault: An analysis of ten years of reported cases. *Violence Against Women, 16*, 1318-1334.
- ²⁰ Lisak, D., Hopper, J. & Song, P. (1996). Factors in the cycle of violence: Gender rigidity and emotional constriction. *Journal of Traumatic Stress, 9*, 721-743.
- ²¹ Malamuth, N.M. (1986). Predictors of naturalistic sexual aggression. *Journal of Personality and Social Psychology, 50*, 953-962.

- ²² Malamuth, N.M. (1983). Factors associated with rape as predictors of laboratory aggression against women. *Journal of Personality and Social Psychology*, *45*, 432-442.
- ²³ Ouimette, P.C. (1997). Psychopathology and sexual aggression in nonincarcerated men. *Violence and Victims*, *12*, 389-395.
- ²⁴ Ouimette, P.C. & Riggs, D. (1998). Testing a mediational model of sexually aggressive behavior in nonincarcerated perpetrators. *Violence and Victims*, *13*, 117-130.
- ²⁵ Harned, M.S., Ormerod, A.J., Palmieri, P.A., Collinsworth, L.L. & Reed, M. (2002). Sexual assault and other types of sexual harassment by workplace personnel: A comparison of antecedents and consequences. *Journal of Occupational Health Psychology*, *7*, 174-188.
- ²⁶ Sadler, A.G., Booth, B.M., Cook, B.L. & Doebbeling, B.N. (2003). Factors associated with women's risk of rape in the military environment. *American Journal of Industrial Medicine*, *43*, 262-273.
- ²⁷ Banyard, V.L. (2011). Who will help prevent sexual violence: Creating an ecological model of bystander intervention. *Psychology of Violence*, *1*, 216-229.
- ²⁸ Banyard, V.L. (2008). Measurement and correlates of prosocial bystander behavior: The case of interpersonal violence. *Violence and Victims*, *23*, 83-97.
- ²⁹ Gidycz, C.A., Orchowski, L.M. & Berkowitz, A.D. (2011). Preventing sexual aggression among college men: An evaluation of a social norms and bystander intervention program. *Violence Against Women*, *17*, 720-742.
- ³⁰ Coker, A.L., Cook-Craig, P.G., Williams, C.M., Fisher, B.S., Clear, E.R., Garcia, L.S., & Hegge, L.M. (2011). Evaluation of Green Dot: An active bystander intervention to reduce sexual violence on college campuses. *Violence Against Women*, *17*, 777-796.