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Repeat Rape and Multiple Offending Among Undetected Rapists

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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, Beezley, & 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).

Despite these similarities, little, if any, attention has been devoted to questioning whether these undetected rapists share another prominent characteristic found among incarcerated rapists, that is, the tendency to commit multiple acts of sexual violence. Although there is considerable variation in estimates of recidivism rates among convicted rapists (e.g., Furby, Weinrott, & Blackshaw, 1989; Hanson & Brussiere, 1998), studies that use long follow-up periods tend to show alarming rates of sexual reoffending among rapists. For example, Prentky, Lee, Knight, and Cerce (1997) reported a 39% sexual reoffending rate over a 25 year follow-up among rapists who had undergone sex offender treatment. Quinsey, Rice, and Harris (1995) reported a 20% rate of reconviction for sexual offenses after only a four year follow-up period that included only a two-and-a-half year period of offending "opportunity." Further, these figures are widely viewed as underestimates, because a high proportion of sexual crimes are never reported, effectively hiding these crimes from researchers.

In addition to high rates of reoffending, several studies have shown that among incarcerated rapists the actual number of sexual crimes committed far exceeds the number of adjudicated charges against these men. For example, Abel and colleagues (1987) reported that when given assurances of confidentiality, 126 identified rapists admitted to 907 paraphilic acts against 882 victims. Weinrott and Saylor (1991) conducted a similar study of sex offenders in a state treatment program. The 37 rapists in the study had been charged with 66 offenses against a mean of 1.8 victims. Yet under conditions of confidential self-report, these same 37 men admitted to 433 rapes against a mean of 11.7 victims.

Criminologists have cautioned that many offenders commit different types of criminal acts (e.g., Quinsey, Harris, Rice, & Cormier, 1998), crossing over arbitrary labels and boundaries such as "batterer," or "sex offender." This phenomenon has its counterpart in the literature on undetected violence; for example, Ryan (1998) reported a significant association between physical and sexual aggression in a sample of college men. Within the domestic violence literature there is evidence of a high frequency of sexual assault and other forms of violence committed by batterers (Browne, 1993).

The findings from incarcerated samples of rapists prompt two questions: First, do a substantial number of undetected rapists rape more than once (i.e., are repeat rapists)? Second, do undetected rapists (repeat or otherwise), like their incarcerated counterparts, commit other types of interpersonal violence (referred to in this article as multiple offending)? These questions bear careful scrutiny. There is a continuing perception, both generally and within the criminal justice community, that rapes committed by undetected rapists—rapes of acquaintances that typically go unreported—are somehow less serious than stranger rapes (Estrich, 1987; Spears & Spohn, 1997). These acquaintance rape cases, often referred to as "nonstranger" rape cases, are much less likely to be formally charged by prosecutors (Estrich, 1987; Koss, 2000; Spears & Spohn, 1997), and are often viewed with more suspicion by police officers (Ledoux & Hazelwood, 1985). In their study of 861 rape cases reported to police in one midwestern jurisdiction, Frazier and Haney (1996) found that in cases where a suspect was identified, the suspect was significantly more likely to be questioned by the police, and the case referred for prosecution, if there was no prior acquaintance between the victim and the perpetrator. Once referred for prosecution, there was no difference in disposition between stranger and nonstranger cases (proportion charged, pled out versus tried). However, defendants in stranger cases were significantly more likely than defendants in nonstranger cases to receive prison sentences.

Consistent with the tendency to view nonstranger rapes as less serious than stranger rapes, it is not uncommon to find discussions of nonstranger rape referring to "miscommunication" and "misunderstanding" between the offender and the victim (e.g., Lance,

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 (Bernat, Calhoun, & Adams, 1999) than non-aggressive men.

There are now considerable data suggesting many commonalties 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 & Tifft, 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.

Criterion validity of this methodology has been demonstrated through interviews with subsamples of respondents. Koss and Gidycz (1985) reported a .61 correlation between questionnaire and interview classifications, while Lisak and Roth (1988) reported a 94% agreement between the two methods of classification. Construct validity of the SES has been demonstrated through numerous studies that have found expected differences on dependent measures between SES-classified sexually aggressive and non-aggressive men (e.g., Lisak & Roth, 1988; Malamuth, 1986; Ouimette, 1997).

METHOD

Participants

Participants in this study were 1,882 students at a mid-sized, urban commuter university where students are diverse both in age and ethnicity. The mean age of the sample was 26.5 years ($SD = 8.28$), with a range of 18 to 71. More than 20% were over age 30, and nearly 8% were over 40. In terms of ethnicity, 66.3% identified themselves as White, 9.6% as African American, 8.6% as Asian, 5.0% as Other, 4.1% as Mixed, 3.3% as Hispanic, 1.2% as Native American, and 0.7% as Cape Verdean.

The total sample consisted of four separate studies ($n = 576$; $n = 587$; $n = 123$; $n = 596$), conducted between 1991 and 1998. The three largest samples each represented 10% to 12% of the total male student population of the university at the time. The four samples were combined to provide a large enough subsample of rapists to permit the proposed analyses. Although the percentage of rapists within the samples varied from 4% to 9.8%, $\chi^2(3, N = 1{,}881) = 11.57$, $p < .05$, there were no significant differences among the samples on any of the variables used in the analyses. The mean number of rapes per rapist, the mean number of other violent acts committed, and the proportion of rapists who used physical force versus intoxication was consistent across the samples.

Although the samples were gathered at two- to four-year intervals, a careful set of analyses were conducted to ensure that there were no duplicates among the participants in the combined sample. A computer program, designed for sensitivity rather than specificity, first screened subjects for possible matches on the basis of demographic information. One hundred possible matches were then randomly selected and thoroughly analyzed for similarity on a number of features, including reported educational levels and occupations of the parents. This process ensured that there were no duplicates among the 120 identified rapists.

Procedures

Each of the four samplings followed the same procedure. Distribution tables were set up at main pedestrian traffic points on campus. Men were offered $3 or $4 to participate (the amount varied for the different samplings) in a study described generally as "childhood experiences and adult functioning." There was nothing in the study description that could have alerted potential participants to the nature of the questions to be asked. Participants read and signed informed consent forms prior to participating. Participants were given the questionnaire to complete in private, returned the questionnaire to the same table and received their payment.

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 no want to, because they were too intoxicated (on alcohol or drugs) to resist your sexual advances (e.g., removing their clothes)?

TABLE 1. Sample Questions Assessing Battery, Child Physical and Child Sexual Abuse

Battery
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?
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)?
Child Physical Abuse
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?
Child Sexual Abuse
Have you ever fondled (e.g., handled, massaged, caressed) a child's genitals or had them fondle yours?
Have you ever had oral sex with a child—e.g., either you performed oral sex on them, or they on you, or both?

3. Have you ever had sexual intercourse with an adult when they didn't want to because you used or threatened to use physical force (twisting their arm; holding them down, etc.) if they didn't cooperate?
4. Have you ever had oral sex with an adult when they didn't want to because you used or threatened to use physical force (twisting their arm; holding them down, etc.) if they didn't cooperate?

Any participant who responded "yes" to one of these questions was asked a series of follow-up questions regarding their age, the victim's age, the number of times it happened, whether it happened with another person, and if so, the frequency of other instances or the number of other victims (this last question varied depending on the version of the API used).

RESULTS

Of the 1,882 men in the total sample, 120 (6.4%) met criteria for rape or attempted rape. A majority of these men, 80.8%, reported committing rapes of women who were incapacitated because of drugs or alcohol; 17.5% reported using threats or overt force in attempted rapes; 9.2% reported using threats or overt force to coerce sexual intercourse; and 10% reported using threats or overt force to coerce oral sex. There were no ethnic group differences in the proportion of participants who met criteria for rape or attempted rape, $\chi^2(7, N = 1{,}862) = 4.2$, $p = .76$.

Of the 120 rapists, 76 (63.3%) reported committing repeat rapes, either against multiple victims, or more than once against the same victim. In total, the 120 rapists admitted to 483 rapes, or 4.0 rapes each. However, this average is somewhat misleading. Since 44 of the 120 rapists admitted to only a single rape, the 76 repeat rapists actually accounted for 439 of the rapes, averaging 5.8 each ($SD = 7.7$), significantly more than the single-act rapists ($t = -4.1$ (118), $p < .001$). The median number of rapes for the repeat rapists was three. Figure 1 shows the frequency of rapists who committed single and multiple numbers of rapes.

The data also revealed that these 120 rapists did not confine their violence either to the sexual realm, or in many cases, to adults. Table 2 shows the numbers, percentages, and total number of acts of different forms of interpersonal violence committed by these men. A majority of these men, 70 of the 120 (58.3%), admitted to other acts of interpersonal violence, including battery, physical abuse and/or sexual abuse of children, and sexual assault short of rape or attempted rape. Including their 483 acts of rape, these 120 individuals admitted to a total of 1,225 different acts of interpersonal violence.

To provide an additional perspective on the relative level of interpersonal violence being committed by these repeat rapists, we compared the total number of acts of violence committed by non-rapists ($n = 1{,}754$), single-act rapists ($n = 44$), and repeat rapists ($n = 76$). Non-rapists committed a mean of 1.41 acts of violence, compared to a mean of 3.98 for single-act rapists, and a mean of 13.75 for repeat rapists, differences that were statistically significant ($F(2,1871) = 46.67$, $p < .001$).

Other Violence Committed by Repeat Rapists

Since the 63.3% of rapists who admitted to repeat rapes were responsible for a disproportionate share of the total number of rapes committed by this sample, we investigated whether they were also responsible for a disproportionate share of the overall violence committed. Table 3 shows the rates of multiple offending for repeat versus single-act rapists, as well as the total number of acts of violence reported by each group. More than

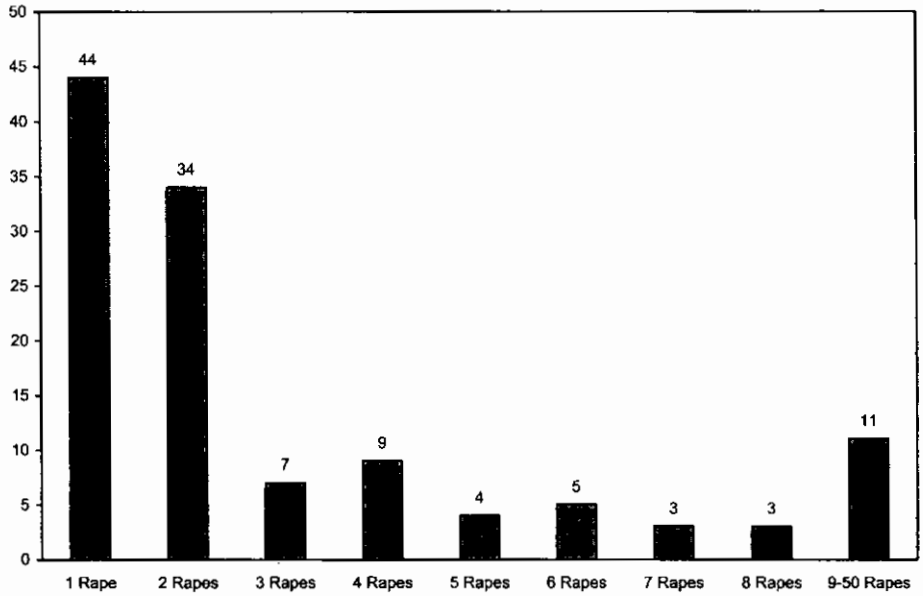

Figure 1. Number of rapists who committed single and multiple numbers of rape.

TABLE 2. Multiple Offending by Undetected Rapists: Other Violent Acts Admitted (n = 120)

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

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

TABLE 3. Comparison of Multiple Offending by Repeat Versus Single-Act Rapists (n = 120)

	Single-act Rapists			Repeat Rapists		
	n	%	No. of Acts	n	%	No. of Acts
Rape/attempted rape	44	36.7[1]	44	76	63.3[1]	439
Also Committed:						
Sexual assault (not rape)	4	9.1	4	13	17.1	49
Battery of adult, intimate partner	13	29.5	61	33	43.4	214
Physical abuse of child	5	11.4	29	8	10.5	66
Sexual abuse of child	6	13.6	42	15	19.7	277
Any type of non-rape offending	18	40.9	136	52	68.4	606
Total acts of violence			180			1045

[1]Percent of total number of rapists (n = 120). All other percentages in table represent proportions within single-act and repeat rapist groups respectively.

threats or overt force to those who reported coercing victims incapacitated by drugs or alcohol. Although the mean number of rapes committed by "overt-force" rapists (5.9, SD = 9.8) was greater than the mean number committed by "intoxication-rapists" (3.2, SD = 4.5), the difference was not statistically significant ($t(118) = -1.62$). Similarly, the mean number of total violent acts committed by "overt-force" rapists (14.5, SD = 22.4) was greater than that committed by "intoxication-rapists" (8.4, SD = 22.4), but the difference was not statistically significant ($t(118) = -1.35$).

Finally, the use of overt force versus intoxication was not associated with repeat versus single-act rape. Of the 76 repeat rapists, 23 (30%) used overt force, while 12 (27%) of the 44 single-act rapists used overt force, a difference that was not significant. Conversely, 53 (69.7%) of the repeat rapists, compared to 32 (72.7%) of the single-act rapists used intoxication, also a non-significant difference.

DISCUSSION

A majority of the undetected rapists in this sample were repeat offenders. Almost two-thirds of them raped more than once, and a majority also committed other acts of interpersonal violence, such as battery, child physical abuse, and child sexual abuse. These repeat rapists each committed an average of six rapes and/or attempted rapes and an average of 14 interpersonally violent acts. Within the universe of 3,698 violent acts that the 1,882 men in this sample were responsible for, the 76 repeat rapists by themselves accounted for 1,045 of that total. That is, representing only 4% of the sample, the repeat rapists accounted for 28% of the violence. Their level of violence was nearly ten times that of non-rapists, and nearly three and a half times that of single-act rapists.

The evidence that a relatively small proportion of men are responsible for a large number of rapes and other interpersonal crimes may provide at least a partial answer to an oft-noted paradox: namely, that while victimization surveys have established that a substantial proportion of women are sexually victimized, relatively small percentages of men report committing acts of sexual violence (e.g., Rubenzahl & Corcoran, 1998). In this sample of 1,882 men, 76 (4%) individuals were responsible for an estimated 439 rapes and attempted rapes.

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

which subsamples of participants were interviewed subsequent to their self-reports (Lisak & Roth, 1990; Lisak et al., 2000) indicated little or no change in reporting between the self-report and interview. Further, discrepancies tended to be strongly in the direction of underreporting on self-report questionnaires compared to follow-up interviews.

Another limitation pertains to the generalizability of the findings. Because of the non-random nature of the sampling procedures, the reported data cannot be interpreted as estimates of the prevalence of sexual and other acts of violence. Nevertheless, the percentage of men in this sample who reported rape and/or attempted rape is quite consistent with percentages from other samples (e.g., Koss, Gidycz, & Wisniewski, 1987; Lisak & Roth, 1988; Mosher & Anderson, 1986; Ouimette & Riggs, 1998).

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