Re-Defining our Approach to Sexual Assault- A Police Perspective

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I am currently the Chief of Police at the George Washington University, but I am also responsible for the creation and implementation of the Sexual Assault Crisis Consultation (SACC) Team at GW. I have served as the Coordinator of that group since its inception in 1992. The SACC Team members are professional staff members at The George Washington University who are trained and prepared to assist survivors of sexual assault or rape. The team members do not act as counselors, but provide the survivor with information and resources in order to assist the survivor in making an informed decision that is best for him/her.

This information includes:

- assisting the survivor in identifying her or his medical, legal, counseling, and academic assistance needs;
- identifying the appropriate campus and/or community services to provide necessary assistance;
- providing follow-up with the survivor to determine if the services have been obtained and have met the survivor's needs; and
- explaining options, such as filing a report with the local police department, reviewing disciplinary options available through the University's student judicial system, discussing University housing options, and acting as an educator about rape and sexual assault.
The results of the survey conducted by David Lisak and Paul Miller found that the majority of campus rapes are committed by serial offenders who perpetrated multiple offenses and are much more predatory and deliberate in their attacks than is commonly assumed.

Lisak indicated the following characteristics in a Rape Fact Sheet: “The vast majority of rapists are never prosecuted for their crimes. Approximately 85% of rape victims do not report their victimization to criminal justice authorities. Of the 15% who do report, it is estimated that perhaps 10% result in filing of charges, and perhaps 40% of those cases result in some sort of conviction. This attrition rate means that studies of incarcerated rapists cannot be generalized to the vast majority of rapists who are never reported or prosecuted. Twenty years of research on the latter group--so called “undetected rapists,” has revealed a group of sexual predators who have escaped detection by the criminal justice system.”

Lisak indicated the following about “Undetected Rapists”:

* they are extremely adept in identifying “likely” victims, and testing prospective victims’ boundaries;
* they plan and premeditate their attacks, using sophisticated strategies to groom their victims for attack, and to isolate them physically;
* they use “instrumental” not gratuitous violence; they exhibit strong impulse control and use only as much violence as is needed to terrify and coerce their victims into submission;
* they use physical weapons—power, control, manipulation and threats—backed by physical force, and almost never resort to weapons such as knives or guns;
* they use alcohol deliberately to render victims more vulnerable to attack or completely unconscious.
* the majority of undetected rapists are serial rapists who also commit other forms of serious interpersonal violence.
The results of this study present various considerations regarding the response and prevention efforts of campus police/public safety departments and of campus sexual assault response teams.

Many campus police/public safety departments are involved in providing educational programming for students in the area of crime prevention, which often includes information about sexual assault prevention. These programs often focus on using good judgment while on campus, and advice is typically provided, such as encouraging students to avoid walking alone on campus late at night. Mainly, the focus is on educating students about the dangers of becoming a victim of a crime perpetrated by a stranger lurking on a campus. Many campuses also attempt to educate students about the dangers of acquaintance rape, and they provide programs and literature that includes information encouraging females to look out for one another when going to parties, and being cautious about drinking too much. While all of this is good and important advice, the advice isn’t enough. We typically fail to provide any information that is useful in warning students about the fact that there are likely undetected rapists within the male student population who are methodical in their approach to identifying potential victims and using various means to get victims alone to have sex with them, whether the victim wants to or not.

The research findings bring to light an interesting dilemma with regard to the educational programs that are provided on college campuses. The results of this study challenge administrators to think about how they might need to change their programs to incorporate guidance and advice, without creating a panic regarding undetected and potential serial rapists who are operating within a campus community. The bottom line is that the educational programming on college campuses should continue, but it needs to focus on educating students about the issues surrounding victimization and on educating them about how to help a friend or acquaintance who is a survivor of sexual assault. We need to accept the fact that educational programming is not likely to have any influence on changing the behavior of a would-be rapist.
There are various issues to consider when discussing whether a survivor should report instances of sexual assault to campus law enforcement or public safety versus local/state law enforcement. If the campus department is a public safety or security department and the survivor wants to file criminal charges, the only option is to report the incident to the local police department. Certainly, if criminal charges are filed and the offender is prosecuted, the offender will face potential jail time but he will also be added to the state sex offender registry. This is the ultimate and most satisfactory result for law enforcement and for the survivor.

However, the decision to press charges is not usually up to the campus law enforcement or public safety agency. Rather, this choice is and should remain the decision of the survivor. If the survivor does not want to press criminal charges, it would be a huge mistake for the campus police/public safety officials to force a survivor to make that decision. The goal of any campus administrator working with a survivor should be to empower that person to make whatever decisions she is comfortable within a time frame that works for the survivor. Empowering a survivor is the key to allowing the survivor to begin the healing process. Typically, for a survivor to initiate the student judicial process, she needs to file an initial report and that is usually handled by the campus police/public safety department. This is important because more often than not, a survivor will report a case to the department to begin judicial proceedings, and choose not to initiate the filing of criminal charges.

The results of the study may impact the police/public safety response to reported acts of violence on campus. If a victim reports an incident involving physical or emotional abuse by her boyfriend, should the findings in this study alter the response of a campus police or public safety officer? Does the officer do anything differently with regard to the resolution of the case because of these results? If the accused appears to be using psychological weapons to control, manipulate or threaten the victim, do the results of this study change the typical response protocols for the responding officers? Certainly, the
findings support the notion that the officer may want to assume that there may be more going on than meets the eye.

However, the difficulty for police/public safety officials is that it is common for the victim in cases of crimes such as domestic violence to initially make a call to report an incident but then to ultimately to refuse to press charges when she realizes that the accused may be arrested and transported to jail pending a hearing. This is where the immediate collaboration between the police/public safety department, and the student affairs and housing professionals becomes instrumental because they can and should assist the campus police/public safety professionals in resolving issues when an immediate arrest is not possible because of the lack of physical evidence or the lack of ultimate cooperation by the victim. The ability to have these professionals respond to the scene and assist the police/public safety officials in ensuring the safety of the victim is instrumental to the process. Many campuses have developed systems that authorize housing or student affairs personnel to take immediate administrative action, such as temporarily barring the subject from the residence hall of the victim, moving one or the other if they live in the same residence hall, or by temporarily suspending the subject from school pending a judicial hearing.

Unfortunately, we know that most females who are victims of sexual assaults do not report those crimes to anyone, much less reporting them to the police. Most sexual assaults on campus are perpetrated by people who are acquaintances of the victim and in a significant percentage of the cases, either the victim, the perpetrator or both were under the influence of alcohol or drugs when the incident occurred. This makes prosecution of these cases very difficult even when they are reported to the police. The victim often does not remember all of the details of the events that transpired during the assault, which makes it difficult for prosecution to be a viable option. The results of the research suggest that the “undetected rapist” uses alcohol as part of his plan to ensure that his victim is more vulnerable to his advances. The results of the study should alert administrators to consider whether they need to make any changes to the process with regard to those cases that are reported by a victim who wishes to pursue judicial charges under the institution’s
Code of Student Conduct. Does there need to be some consideration in the training of judicial officers and boards about the research results, and if so, how will that effect the criteria that these individuals use to render decisions? This research certainly makes it clear that expulsion should be a standard sanction when the judicial process finds the accused guilty of sexual misconduct. We need to remove those people who are found guilty of sexual misconduct from our campuses.

Ultimately, the results of the research do not really appear to have a direct effect on the law enforcement process. The victim has the right to decide if she wants to file a report with the police and this will likely continue to be the result in only a fraction of the number incidents that occur across the country. The cases will continue to be evaluated by prosecutors, who will need evidence to successfully prosecute those cases. The results of the research will not have much effect on this process. However, if victims were made aware of the results of the research and they understood that their attacker may be a serial rapist, then maybe that information would encourage some of them to file a police report and put the incident on the record, even if there isn’t enough evidence to successfully prosecute those cases. If victims continue to keep these crimes to themselves and deal with them in silence, then these undetected rapists will be able to continue to operate and victimize more people.

There are significant challenges in the ability of law enforcement and/or judicial affairs staff in addressing patterns of behavior, because the reality is that most of the time there are no noticeable patterns. The fact that rape and other forms of sexual misconduct are significantly under-reported is a major impediment to identifying and dealing with serial rapists within the student body. Many campuses today have systems that allow victims to file an anonymous or confidential report, and in these cases, the offender’s name is often times not brought to the attention of administrators who have the authority to take action against those individuals.

There are laws that are focused on improving safety on college campuses and one of them is The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime
Statistics Act. However, the focus of the Clery Act is to gather and report crime statistics from law enforcement, and other individuals who are identified in the broad definition of the law as Campus Security Authorities. However, the Clery Act regulations are of no assistance in identifying and dealing with the realities that we face in trying to protect students from serial rapists on our campuses. The results of this study need to be considered by administrators on college campuses across the country and should be reviewed in conjunction with their policies and procedures with regard to the campus police/public safety response to incidents of violence, the education efforts on their campuses, and their judicial processes to ensure that they are doing everything possible to protect students from becoming victims of serial or “undetected” rapists in the community.