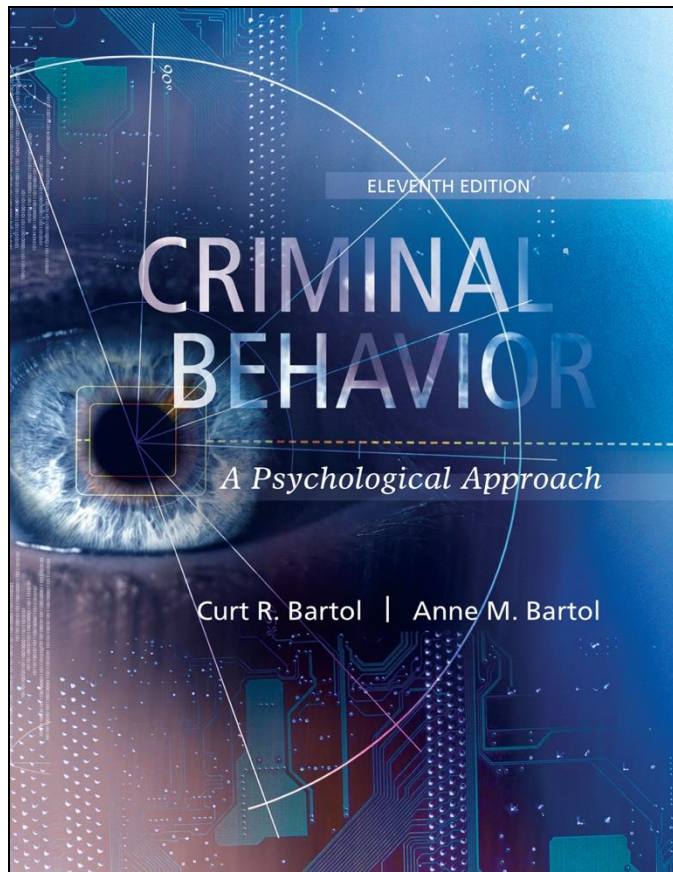


Criminal Behavior

A Psychological Approach

Eleventh Edition



CHAPTER 12

Sexual Assault

Chapter Objectives

- Many child sex abusers also are adult sex abusers. However, there is another class of sex offender that only focuses on adults. The material here is intended to address the differences as well as to address the similarities of both types of sexual abuse.
- As with the last chapter a lot of material to be presented comes from sources other than the course textbook.

Chapter Objectives

- Several of the following slides will address various sex crimes contained in the Code of Virginia.
- Most of the citations are portions of the code relevant to our discussions. For the exact text of the full code, you may search the code section on the internet. Further, this presentation is not intended to be exhaustive of all possible sex violations in Virginia.

General Traits of a Sex Offender

- As with most criminal perpetrators, there is no one single profile of a sex offender. They differ in almost all personal attributes.
- Many adult sex offenders also commit crimes other than sex crimes. However, most child abusers only abuse children and tend not to commit other types of crimes.

Definitions

§ 18.2-67.4. Sexual battery

- a. The accused intentionally touches the complaining witness's intimate parts or material directly covering such intimate parts;
- b. The accused forces the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts;
- Requires more than one victim OR one victim victimized more than once
 - Only difference with simple battery is registration
- Sexual battery is a Class 1 misdemeanor

Definitions

- § 18.2-61 Rape
- If any person has sexual intercourse with a complaining witness, whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will, by force, threat or intimidation of or against the complaining witness or another person; or (ii) through the use of the complaining witness's mental incapacity or physical helplessness; or (iii) with a child under age 13 as the victim, he or she shall be guilty of rape

Definitions

- § 18.2-61 Rape
- There shall be a rebuttable presumption that a juvenile over the age of 10 but less than 12, does not possess the physical capacity to commit a violation of this section.
 - Under 10 cannot commit rape
- Virginia code in the recent past only classified a crime as rape in cases of a male offender and a female victim.
 - All male on male sexual assaults were classified as forcible sodomy.

Definitions

Marital Rape Cases

- Up until the 1980's, there was no marital rape in Virginia. Sexual consent was assumed to be part of the marriage contract and a husband could force compliance.
- Became a separate code. That code was subsequently eliminated and now marital assaults are now considered to be rape under § 18.2-61 like all other rapes
- There are special factors that may be considered by a trial judge in marital cases (next slide)

Definitions

- Upon a finding of guilt under this section, when a spouse is the complaining witness in any case tried by the court without a jury, the court, without entering a judgment of guilt, upon motion of the defendant who has not previously had a proceeding against him for violation of this section dismissed pursuant to this subsection and with the consent of the complaining witness and the attorney for the Commonwealth, may defer further proceedings and place the defendant on probation pending completion of counseling or therapy

Definitions

§ 18.2-67.1 Forcible Sodomy

- An accused shall be guilty of forcible sodomy if he or she engages in cunnilingus, fellatio, anilingus, or anal intercourse with a complaining witness whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in such acts with any other person without that person's permission

Definitions

- Sodomy
 - Factors that render the act to be without permission include age less than 13, mental disability, physical incapacitation (intoxicated)
 - This statute at one time included consensual acts as well

Definitions

- § 18.2-366 Incest
 - Any person who commits adultery or fornication with any person whom he or she is forbidden by law to marry shall be guilty of a Class 1 misdemeanor except:
 - If it is committed with his daughter or granddaughter, or with her son or grandson, or her father or his mother, shall be guilty of a felony (severity varies by age of the child, if under 18)

Definitions

§ 18.2-63 Statutory Rape Law

Essentially, it is consensual sex where the child is at least 13 years old, but under 15, and the perpetrator is an adult or a minor who is 3+ years older. It is a felony. If the perpetrator is a minor who is less than 3 years senior to the victim, it is a misdemeanor.

Under age 13 cannot consent so the charge is forcible rape, consensual or not.

Statistics

- Incidence and prevalence
 - Official data underestimate the extent of the problem
 - The most accurate picture comes from data gathered in victimization surveys (Primarily the National Crime Victimization Survey (NCVS), done by the DOJ/BJS.)
 - Eighteen percent of women in the United States have been raped at some point in their lifetimes.

Statistics (RAINN 2020)

OUT OF EVERY 1000 SEXUAL ASSAULTS, 995 PERPETRATORS WILL WALK FREE

230 are reported to policeⁱ



46 reports lead to arrestⁱⁱ



9 cases get referred to prosecutorsⁱⁱ



5 cases will lead to a felony convictionⁱⁱⁱ



4.6 rapists will be incarceratedⁱⁱⁱ



National Sexual Assault Hotline | 800.656.HOPE | online.rainn.org

Statistics

- Perpetrator Traits:
 - 25% strangers
 - 22% husband or ex-husband
 - 20% boyfriend or ex-boyfriend
 - 10% relatives
 - 15% friends or neighbors
 - Notice that all but the top one are either intimate relations or are acquaintances

Statistics

- Sexual assault in date and acquaintance relationships
 - 75-80% of all rapes are this type
 - By extrapolation, stranger rapes only account for about 15-20% of all rapes
- Often called Date Rape or Acquaintance Rape. HOWEVER, there is no such thing in the code. All rapes are rapes.

Statistics

- The Majority of Sexual Assaults Are Not Reported to the Police
 - Only 230 out of every 1,000 sexual assaults are reported to police. That means about 3 out of 4 go unreported.
 - Female college student reporting is about 20%
 - Military: 43% females and 10% of males report
 - Elderly: 28%

Statistics

Causes of not reporting rape cases

- 20% feared retaliation
- 13% believed the police would not do anything to help
- 13% believed it was a personal matter
- 8% reported to a different official
- 8% believed it was not important enough to report

Statistics

- 7% did not want to get the perpetrator in trouble
- 2% believed the police could not do anything to help
- 30% gave another reason, or did not cite one reason
 - Often believing it is their own fault
 - Had consensual sex with the perpetrator in the past
 - Over consumption of alcohol
 - Poor companion choice
 - Participating in a high risk activity

Statistics

- Psychological reasons:
 - Self Blame and shame
 - Do not want to relive the trauma by reporting and testifying in court
 - Fear of not being believed
 - The rape leads to a feeling of powerlessness. Believe that nothing will be done if they report it
 - Stigmatization. The feeling that they will be viewed as being “Damaged Goods”
 - Too traumatized to make a report

Impact on Survivors

- Psychological effects
 - Poor adjustment
 - Affects personal relationships, often for life
 - Text states it is unexplained why sexual assault survivors are assaulted again at a higher rate than non-victims. This may go a long way toward explaining it.
 - Psychological distress
 - Depression

Impact on Survivors

PTSD

- Four times more likely than nonvictims to contemplate suicide
 - 13% will actually make an attempt

Impact on Survivors

- Physical injury
 - About 60% of the female survivors of sexual assault suffered a physical injury.
 - 1 in 10 perpetrators had a weapon
 - Fighting back, wise or unwise?
 - The authors contend that trying to fight off the offender reduces the likelihood that the attack will be completed without increasing the risk of physical injury
 - Does it matter if the perpetrator has a deadly weapon?

Sexual Assault Vulnerability Factors

- While being the victim of a rape is never the victim's fault, this does not mean that a potential victim can not reduce the risk of becoming a victim
 - Risk taking behaviors
 - Going alone to bars, fraternity parties
 - Use of drugs and alcohol
 - Some persons are just unable to detect environmental risks

Who Offends

- Tend to be young, under age 25 (42% of all arrests for rape)
- Recidivism:
 - Was traditionally thought that most sex offenders would re-offend
 - Current thinking is that recidivism is about 10-15% for committing another sex offense
 - Acquaintance rapists often have issues recognizing that they committed a rape
 - May see themselves as victims of the legal system

Who Offends

- However, those that do recidivate will probably be sex offenders for life
 - May have generalized anti-social tendencies
- Those that recidivate will not just sex offend, will violate all laws

Who Offends

- Two main factors involved in rape:
 - A sexual act
 - An aggressive or violent act
- Two simple delineations of rapist typologies:
 - Instrumental sexual aggression
 - The offender uses just enough coercion to gain compliance from his victim.
 - Expressive sexual aggression
 - The offender's primary aim is to harm the victim physically and psychologically.
 - Becomes eroticized by the victims suffering

Classification of Rape Patterns

- As will be seen, rape offenders often do not fit into a single pattern category
- Several classification systems are described in the textbook, we will focus on the Massachusetts T.C. version
 - This is the version of child sexual assault we looked at in chapter 12
 - Groth is cited in a lot of texts. It is very similar to the MTC version but with less detail. Will cite similarities.

The Massachusetts Treatment Center

Displaced aggression:

- Primarily violent and aggressive
 - Exceeds that which is necessary to accomplish the act
 - Intended to demean, degrade and humiliate the victim
 - Physical attacks do not focus on areas of sexual significance
- Usually perpetrated by a stranger
- The attack is not sexually arousing for the perpetrator

The Massachusetts Treatment Center

Displaced aggression:

- The perpetrators are often employed doing some form of physical labor
- The attack usually follows an upsetting event that involved a female
- Has a history of poor impulse control
- Explosive outbursts
- This parallels Groth's Anger Rape
- When the violence focuses on attacking body parts with a sexual significance and is arousing for the perpetrator, it would correspond to Groth's Sadistic type

The Massachusetts Treatment Center

- The Massachusetts Treatment Center
 - Compensatory
 - Victim is usually a stranger to the victim, but is not unknown to the perpetrator
 - Rape in response to some environmental stimuli
 - Rape is done to prove sexual prowess
 - Cannot tolerate rejection, or even the expectation of rejection
 - Amount of force is minimal. May flee if violently resisted

The Massachusetts Treatment Center

- Compensatory
 - Unlikely to use a weapon
 - Perpetrator is socially withdrawn
 - May have a higher I.Q. but will not use it to achieve in legitimate situations
 - Rape is committed for sexual gratification
 - Comparable to Groth's power rapist

The Massachusetts Treatment Center

- The Massachusetts Treatment Center
 - Sexual aggressive rapist
 - Rape must contain some element of violence and infliction of pain
 - Sexually aroused by the above
 - Rape clearly uses an amount of force that far exceeds that which would be necessary to gain compliance
 - Believes that women like this

The Massachusetts Treatment Center

- Sexual aggressive rapist
 - Often married but relationship probably is not stable
 - Frequently violent to spouse or other partner
 - Antisocial in all aspects of their lives
 - Poor frustration tolerance
 - Poor impulse control
 - Emotionally explosive
 - May have been abused and neglected as a child and has failed to develop any degree of empathy

The Massachusetts Treatment Center

- The Massachusetts Treatment Center
 - Impulsive rapists
 - Rapes that are opportunistic
 - Sleeping woman found during the commission of a burglary
 - Perpetrator will often have a long criminal history
 - Usually no violence used beyond that which is necessary for compliance
 - No Groth typology

Male Victims (Language Warning)



Male Victims

- Almost all research focuses on female victims
- However, RAINN estimates that 1 in 10 of all rapes are of male victims
 - But fewer than 1 in 10 of that amount are reported
 - The gross number is estimated from victimization studies
 - Estimated at least 10,000 male victims of sexual assault in the military each year
 - Historical reluctance of victim to report due to position on homosexuality

Male Victims, Military



Male Victims

- Until 2012, the FBI UCR only classified male on female penetration as rape
 - Under that definition, males could not be raped (Lind 2014)
 - Old definition: “carnal knowledge of a female, forcibly, and against her will”.
 - New definition: “penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.”

Male Victims

- There are female perpetrators of male victimization
 - A recent analysis of BJS data, for example, turned up that 46% of male victims reported a female perpetrator (Rosin, 2014) (includes childhood assaults)
 - Person in authority forces victim to penetrate someone against their will
 - Taking advantage of a male with a mental impairment or disability
 - Including drug and alcohol impairment

Male Victims

- Psychological impact on male victims is similar to those experienced by female victims, like PTSD, (Cook, 2020) But some other effects are unique to male victims:
 - Loss of masculinity
 - Suicide rate is 14x higher than nonvictims
 - Fear of being branded a homosexual
 - Rape myths that a man cannot be raped
 - Males always want sex, of any kind
 - If the male was physically aroused, he was willing
 - If the perpetrator was a female, no harm done

Male Victims

- Males often take 20 to 25 years to disclose
- Male victims that enter therapy often prefer female therapists
 - Psychological transference?
- Worldwide, in some conflicts, male on male rape is used as a weapon

Female Perpetrators of Male Rape

- Female sexual offenders may co-offend with a male
 - But not always.
 - In prison settings, it is believed that female guards/staff commit more sexual assaults against female inmates than do male staff

Female Perpetrators of Male Rape

- As with child sexual abusing, females that sexually abuse adults are equal opportunity abusers
 - Sometimes they attack males, sometimes they attack females
- Female sexual offenders usually have a long history of being sexually abused themselves

Other

- Transgender sex offenders
 - Where should they be housed? Male or female jails/prisons
 - Karen White, committed multiple rapes of women when identifying as a male changes gender identity after arrest and wanted to be housed with female inmates.
 - Was granted and she raped female inmates while incarcerated in a female institution

Treatment of Sex Offenders

- Many offenders are highly resistant to changing their deviant behavioral patterns.
- The most effective programs follow three basic principles of risk, need, and responsivity (RNR).

Additional Resources

- Code of Virginia 2020. Legislative Information System.
- Why Don't They Tell? (Undated) National Child Traumatic Stress https://www.nctsn.org/sites/default/files/resources/fact-sheet/why_dont_they_tell_teens_and_sexual_assault_disclosure.pdf
- Criminal Justice Statistics (2020) RAINN. <https://www.rainn.org/statistics/criminal-justice-system>
- Friedersdorf, C. (2016) The Understudied Female Sexual Predator. The Atlantic
- Rosin, H. (2014). When Men are Raped. <https://slate.com/human-interest/2014/04/male-rape-in-america-a-new-study-reveals-that-men-are-sexually-assaulted-almost-as-often-as-women.html>
- Cook, J.M. (2020) When Boys and Men Are Raped: Clinical Insights. Psychiatric Times.

Additional Resources

- Stemple, L. & Meyer, I. (2017) Sexual Victimization by Women Is More Common Than Previously Known. Scientific American.
- Emery, D. (2018) Did a Male Rapist Who Identifies as Female Transfer to a Women's Jail and Assault Female Inmates? Snopes.
<https://www.snopes.com/fact-check/male-rapist-transfer-womens-jail/>
- Male Rape: Breaking the Silence | My Story (2017). BBC
<https://www.youtube.com/watch?v=90uhXRQJVcI>
- Sexual assault in the military affects men, too (2019) CBS News <https://www.youtube.com/watch?v=iTZOXWOuAgs>
- Lind, D. (2014). The FBI finally changed its narrow, outdated definition of rape. Vox.
<https://www.vox.com/2014/11/14/7214149/the-fbis-finally-collecting-modern-rape-stats>