



End Violence Against Women International  
(EVAWI)

# Dynamics of Sexual Assault: What Does Sexual Assault Really Look Like?

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This module is part of EVAWI's OnLine Training Institute (OLTI), which is available at no cost, and includes review exercises, practical applications, and an end-of-course test. Participants can download a personalized certificate of completion to use for continuing education or other purposes. For more information, please see the [EVAWI website](#).

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provided training for tens of thousands of practitioners, policymakers, and others – both across the country and around the world. She has been instrumental in creating systems-level change through individual contacts, as well as policy initiatives and recommendations for best practice.



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## Course Objectives

At the end of this training module, the learner will be able to:

- Recognize the common misconceptions or stereotypes that society holds about what constitutes “real rape”
- Understand the reasons for these stereotypes, including:
  - Sexual assaults that were reported in the past looked like the stereotype
  - The media tends to portray sexual assaults that fit the stereotype
  - We prefer to keep the issues simple, and not re-examine our assumptions
  - We want to feel safe from the threat of sexual assault
- Recognize the consequences of societal misconceptions of what constitutes “real rape,” including:
  - Victims are not believed
  - Cases are not investigated appropriately
  - Sexual assaults that look like the stereotype are more likely to be prosecuted
  - Offenders may repeat their crime

- Understand the actual incidence and prevalence of sexual assault
- Recognize the actual characteristics of sexual assault, including those of victims and perpetrators, their relationships, and the dynamics of the crimes





## Introduction

*Where a vigorous woman alleges ravishment, it is to be expected that signs of violence such as wounds, bruises and scratches will be present, and their absence should induce a moderate degree of skepticism unless the girl avers that she fainted from fear, became panic stricken or was otherwise rendered incapable of physical resistance. The acts and demeanor of the female immediately after the alleged commission should be subjected to very critical investigation in these cases.*

If you had to guess when this was written, you probably wouldn't be surprised to hear that it appeared in print as early as 1970 – in O'Hara's classic book entitled *Fundamentals of Criminal Investigation*. Now, guess when the following excerpt was published:

*Generally, the actions and the appearance of a legitimate rape victim leave little doubt that a crime has been committed. Under such circumstances, the victim is highly agitated, emotionally distraught, often in a state of hysteria and may have sustained injuries, cuts, bruises or wounds. The victim's clothing is often ripped or torn off as evidence that it was forcibly removed and if the rape occurred outdoors, the victim is generally thrown to the ground and her outer garments stained or soiled. Questions may*

*reasonably be raised concerning the validity of rape charges in which none or only a few of the above manifestations exist.*

Unlike the first quote, you might be surprised to learn that this one was published as recently as 1995, in the model policy for sexual assault investigation developed and distributed by the International Association for Chiefs of Police (IACP, 1995, p.6, emphasis added).

Clearly, “the more things change the more they stay the same.” As these two excerpts illustrate, much of the thinking about sexual assault has not changed in the last 20-30 years. This is partly because this thinking continues to reflect a number of misconceptions about sexual assault, including who are the typical victims and perpetrators, and other dynamics of this crime.

## **Misconceptions About Sexual Assault: Stereotypes of “Real Rape”**

Some of the common misconceptions about sexual assault that are seen in our society are reflected in these two excerpts. For example, many people in our society assume that most sexual assaults are perpetrated by a male stranger, that most perpetrators use a weapon and/or a great deal of physical force, that victims react hysterically, and that they report the crime immediately to the police, who respond with appropriate

empathy. Many people have described this type of description as a stereotype of “real rape” (Estrich, 1987) or “righteous rape.”

To illustrate this point, imagine that you asked someone you know to describe what a sexual assault (or rape) typically looks like, including who the victim and the perpetrator might be. For the moment, assume that this person is not professionally involved in responding to sexual assault within the community, but rather is simply a friend, family member, or another acquaintance.

Chances are, this person would describe a scenario of sexual assault that:

- Is perpetrated by a stranger.
- Involves a great deal of physical violence.
- Leaves obvious signs of physical injury.
- Involves the use of a weapon.
- Takes place “on the bad side of town.”
- Is perpetrated by someone of low socioeconomic status.
- Is perpetrated against a victim who is young and attractive.
- Causes the victim to react hysterically.
- Is reported immediately to the police.
- Is described with 100% accuracy by the victim.

- Is committed at night, in a dark alley.
- Is always perpetrated by a man against a woman.

We are often reluctant to believe that we share these same stereotypes, but the reality is that everyone in our society is exposed to the same cultural messages about sexual assault, and they inevitably influence how we think about it. Whether or not we personally believe in this stereotype of what constitutes a “real rape” or a “righteous rape” we can describe for someone what this stereotypic sexual assault looks like. These societal stereotypes therefore impact not only law enforcement professionals, but also prosecutors, medical professionals, victim advocates, judges, jurors, and even the friends and family members of sexual assault victims. So, to see how accurate they are, let’s compare them with your sexual assault caseload.

**How many of the sexual assault cases that you handle resemble this stereotype of “real rape?”**

**Fewer than 25%    25% to 50%    50% to 75%    More than 75%**

If you asked a room full of professionals how many of their sexual assault cases resemble this stereotype, most would say that only a very small percentage of their cases do. In fact, the research is clear that these stereotypic characteristics of “real rape” are actually quite rare:



- In reality, most sexual assaults are perpetrated by someone known to the victim, without a weapon, physical violence, or signs of physical injury.
- Very few victims report the sexual assault to the police, but if they do, it is often after a delay of days, weeks, months, or even years.
- Many victims have a number of factors that limit their perceived credibility: they are often young, homeless, runaways, or transients, have a mental or physical impairment, are belligerent, and/or abusing alcohol or controlled substances. Victims who are transgender, gender non-conforming, and men may also be viewed with skepticism due to stereotypes about who can be victims of sexual assault.
- Victims often omit, exaggerate or fabricate parts of their account, and they may even recant altogether. Reasons for recanting are often very logical to victims and revolve around protecting the safety and economic security of themselves and their family. They are not typically hysterical when interviewed by medical professionals, law enforcement investigators, prosecutors, or others.
- Suspects often do not fit our stereotype of a “rapist.” For example, despite the stereotypic image of black men as criminals, most sexual assaults are intra-racial, committed between people of the same racial/ethnic group, and some perpetrators are



women. In many cases, the suspect is a respected person with status and position in the community.

### **Resource: Expert Interview**

In this [video interview](#), Dr. Wendy Patrick explains whether or not you can “spot” a sex offender.

This research will be discussed throughout the training module. However, to summarize, most sexual assault reports do not look anything like our society’s stereotype for what constitutes a “real rape” or a “righteous rape.” Yet despite this fact, sexual assault reports that are different from this stereotype are all too often viewed with suspicion, not only by professionals but also by everyone else in society. So why are these societal stereotypes so powerful?

## **Reasons for the Misconceptions: Why We Have Stereotypes of “Real Rape”**

If the stereotypic description of a “real rape” doesn’t reflect the realistic dynamics of sexual assault in the real world, why does the stereotype persist? Why does everyone in our society tend to think of sexual assault as a crime perpetrated by a male stranger, with a great deal of violence, at night, in a dark alley, etc.? There are a number of possible reasons for this, including the following:

- Sexual assaults that were reported to law enforcement in the past (e.g., 1970's) tended to look a lot more like this stereotype than they do now.
- The media tends to portray sexual assaults that fit the stereotype.
- We prefer to keep the issues simple, and not re-examine our assumptions.
- We want to feel safe from threat of sexual assault.
- We are taught to believe that some people can be raped, and others cannot.

### **Sexual Assaults That Were Reported in the Past Looked Like the Stereotype.**

Perhaps one reason why people tend to think of sexual assault in stereotypic terms is because the cases that were reported to law enforcement in the past (e.g., the 1970's) tended to look a lot more like this stereotype than they do now.

To illustrate, in the period of time between 1972 and 1976, an average of 71% of all sexual assaults reported to the San Diego Police Department were committed by strangers. Clearly, this resembles the stereotype of “real rape” that is committed by someone who is a stranger to the victim.

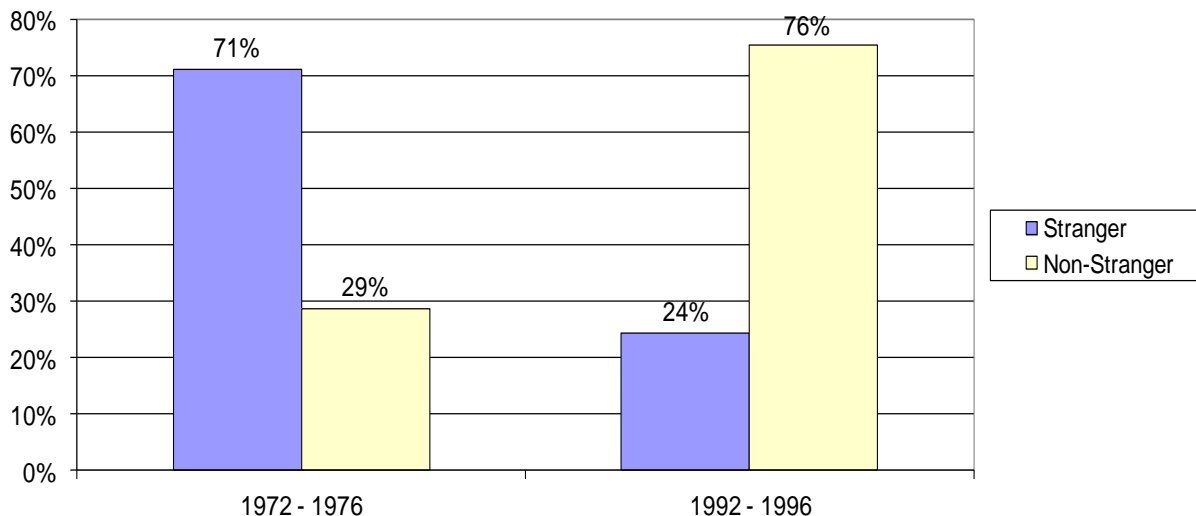
- Yet between 1992 and 1996, as many as 76% of the sexual assaults reported to the San Diego Police



Department were committed by someone known to the victim (i.e., a non-stranger). This percentage is now typical for the agency; between the years 1997 and 2001 the average percentage remained at 75%.

In other words, most sexual assaults reported in the 1970's to the San Diego Police Department were committed by strangers, but in the 1990's, most reported sexual assaults were committed by someone who was known to the victim (i.e., a non-stranger).<sup>1</sup> The contrast between the two time periods is illustrated in the following graph.

Sexual Assaults Reported to San Diego Police Department: 1970's vs. 1990's



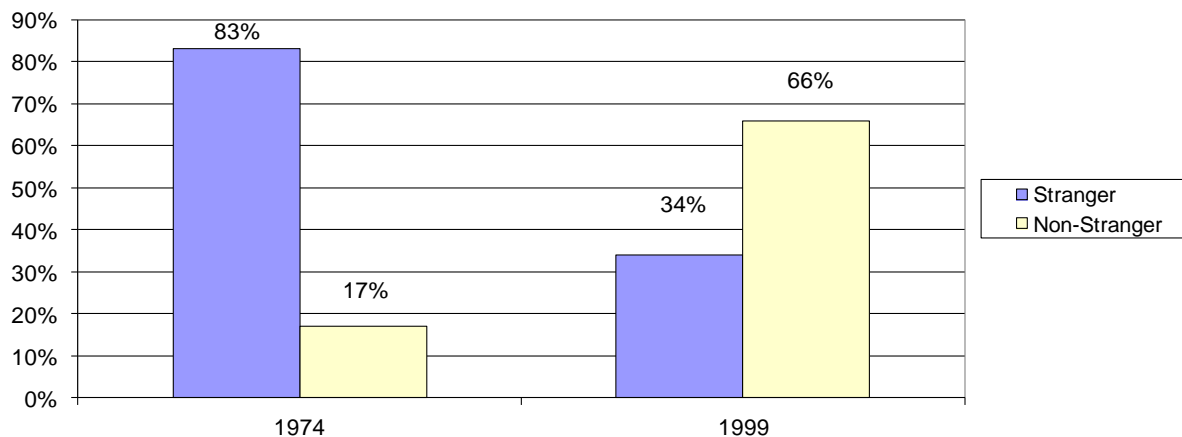
A similar pattern is also seen in other law enforcement agencies. For example, 83% of the sexual assaults reported to the Tucson Police Department in 1974 were committed by strangers. However, in 1999 as many as

<sup>1</sup>Statistics provided by Sergeant Joanne Archambault (Ret.), San Diego Police Department.



66% of the reported sexual assaults were committed by someone who was known to the victim (i.e., a non-stranger).<sup>2</sup> Again, this contrast is highlighted in the following graph, and similar figures are seen with other agencies across the country.

Sexual Assaults Reported to Tucson  
Police Department: 1974 vs. 1999



## The Media Tends to Portray Sexual Assaults that Fit the Stereotype

Another reason why people often have a stereotypic vision of what constitutes a “real rape” is because this is the type of sexual assault that tends to be portrayed in the media. Many have suggested that the press coverage of sexual assault is powerfully influenced by the same societal misconceptions that are described here, including stereotypic notions of what constitutes a “real rape” or a “righteous rape” (e.g., Benedict, 1992; Meyers, 1997). As one television reporter explained:

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<sup>2</sup> Statistics provided by Sergeant Elizabeth Whitmore, Tucson Police Department

*“There are so many rapes that it would be impossible for time reasons to do them all.”  
Therefore, rape is only likely to make the news “if the person is beaten up badly, gang raped, if it’s something like she’s been stalked or if it happened in a public place that you take for granted” as safe (Meyers, 1997, p.93).*

In the past, even rape crisis centers and other community organizations inadvertently perpetuated these stereotypic images of sexual assault, by disseminating prevention advice that is primarily designed to deter attacks by a stranger, such as self-defense classes, whistles, and recommendations for home security, personal alarms, etc.

### **To Illustrate**

A female employee at the University of Illinois was raped and murdered by a co-worker several years ago. The primary response of campus and community officials was to install improved lighting and provide traditional safety education (e.g., advice not to walk alone at night) Yet this response was misguided, given the fact that the victim was well acquainted with her assailant – he was a co-worker of hers. This type of response is common in communities that fail to address the real threat of sexual assault that is posed not by strangers but rather by people we know and trust.

## **We Prefer to Keep the Issues Simple, and Not Re-Examine Our Assumptions**

A third reason that we tend to have a stereotypic image of “real rape” is because it allows us to keep the issues simple and avoid re-examining any of the assumptions that we hold in our society. With this type of stereotype, we can think of sexual assault as a crime that happens only in very prescribed circumstances (e.g., at night in a dark alley). We can also think of sexual assault as an issue of “stranger danger,” and not challenge any of our society’s widely accepted notions of how men and women should behave, particularly when it comes to sexual behavior.

- For example, our cultural script for sexual behavior dictates that men should be the aggressors and women the gatekeepers. In television, music, movies, books, advertising – everywhere we look – we see the message that men in our culture are supposed to push to see “how far they can get” sexually, and women are supposed to be the ones to “draw the line” and decide when to stop.
- These messages perpetuate ideas that have been held for centuries about what types of behavior are appropriate for women. They suggest that women should not initiate sexual activity or even participate in sexual activity without offering at least some initial protest or resistance, whether it is verbal or physical.



- Hence, we have the idea that women say "no" when they really mean "yes," because even if a woman wants to participate in sexual activity, she may feel that she needs to protest to avoid appearing improper or promiscuous.

If sexual assault is simply an issue of “stranger danger,” then none of these cultural messages need to be re-examined. However, when we consider that the vast majority of sexual assaults are actually committed by someone who is known to the victim – often by someone with whom the victim shares a romantic or sexual relationship – then it means we may have to look to these cultural scripts for the sexual behavior of men and women as one source of the problem.

- Unfortunately, it is clear that these ideas about the appropriate behavior for men and women in sexual situations make sexual assault more likely to occur.
- They tell us that it is appropriate for men to behave aggressive sexually and that women must refuse or resist sexual activity – but that this is all "part of the game" and should not be taken too seriously.
- In a sense, these cultural messages give men the “green light” to push women as far as they can sexually and to ignore any protest or resistance by the woman.

**While these messages do not turn men into rapists,** they do create an environment where aggressive behavior

is seen as part of the “normal” role for men in sexual situations. As a result, the behaviors of sexually aggressive men are less likely to be challenged, either by the women who are targeted or by the vast majority of men who are not sexually aggressive. These messages also create an environment where the minority of men who are sexually aggressive are better able to commit their crimes, less likely to be challenged, and more likely to get away with it. By continuing to hold the stereotype of “real rape,” therefore, none of us is challenged to re-examine any of our assumptions or their problematic consequences. We can continue to believe that sexual assault is perpetrated by deranged strangers in dark alleys at night – and not reconsider the script for sexual behavior that is accepted by most people in our society.

**Please Note:**

The socially acceptable sexual scripts for men and women also serve to erase LGBTQ relationships (LGBTQ stands for Lesbian, Gay, Bisexual, Transgender, or Queer – although some people also use the “Q” to refer to Questioning). As with heterosexual victims, LGBTQ victims also often know their perpetrators. Moreover, because women are not defined as sexual aggressors, people often do not believe that sexual violence can happen between lesbians or that if it does, it is seen as less serious. Not only does this deny the violent nature of sexual victimization, but it also cuts off lesbian survivors



from the full range of services they may need to pursue justice and healing.

## **We Want to Feel Safe from the Threat of Sexual Assault**

Finally, a prominent reason why we want to believe in the stereotypic “real rape” is because it allows us to feel safe from the threat of victimization. If we believe that sexual assault only happens to certain people in very specific situations (i.e., at night in a dark alley), then we can avoid these situations and feel like “it could never happen to me” (or someone I love).

- On the other hand, to accept that sexual assault happens in all kinds of situations, to all kinds of people, and is usually perpetrated by someone we know and trust – then it becomes more difficult for us to feel safe from the threat of victimization and the vulnerability through one’s workplace, school, or housing.
- Our sense of safety is further reinforced through the gender-specific framing of “real rape.” For instance, men often do not think that they will ever be raped. Then when they are, the fear of being labeled “gay” or “not man enough to stop an attack” can diminish the likelihood that they will report the crime to authorities or even disclose their victimization to loved ones.



- In fact, some have suggested that the public attention to sex offender registration over the past few years has created a false sense of security in our communities. By focusing on identified sex offenders, we may be tempted to overlook the greater risk that is posed by people we know and trust.

Clearly, there are a number of factors underlying the common societal misconceptions regarding sexual assault, including the stereotypic image of what constitutes a “real” or a “righteous rape.”

## Impact of the Misconceptions: Why Do They Matter?

Having discussed a number of the misconceptions surrounding sexual assault, and the reasons why our society shares this stereotypic portrayal of “real rape,” there is a temptation to ask: “So what?” Who cares if people have the wrong idea about sexual assault? Unfortunately, this is not just an issue of people having inaccurate information about sexual assault. Rather, the things we believe about sexual assault affect how we as a society respond to it.

### Resource: Expert Interview

In this [video interview](#), Sergeant Elizabeth Donegan describes what happens when law enforcement officers assume a sexual assault report is false.

## **Victims Are Not Believed**

One primary consequence of the stereotype of "real rape" is that it causes us to question the credibility of victims who report a sexual assault that does not fit the stereotype. Just like other members of our society, professionals who respond to sexual assault often have clear expectations for what a case should look like, and who will be the victim and the perpetrator. It is therefore not uncommon for community professionals to react like other members of society often do, by viewing a sexual assault report with skepticism if the incident does not fit the stereotype of a "real rape" or the victim does not act like a "real rape victim."

- To illustrate, the two quotes at the beginning of this module demonstrate how one of our societal expectations for victims of sexual assault is that they will react hysterically. So, a victim who exhibits a more controlled response to the sexual assault will all too often be viewed with suspicion by community professionals and support people such as friends and family members.
- Another common expectation is that "real rape victims" will report the crime immediately to the police, so anyone who delays reporting to law enforcement for weeks, months, or even years is often similarly suspected of making up the claim.





- Finally, certain types of victims are often seen as less credible, because they do not fit the stereotype for a victim of “real rape.” This would include men, transgender people, people of color, individuals with a physical or mental disability, people who are homeless, and those involved in the sex trade, among others.

### **Resource: Expert Interview**

In this [video interview](#), Olga Trujillo explains how an understanding of trauma and its impact can change the way professionals respond to sexual assault.

Clearly, all of the training in the world will not improve the investigation and prosecution of sexual assault if the reports of victims are not believed in the first place. Thus, one of the main ways that the societal misconceptions about sexual assault affect the investigation and prosecution of sexual assault is by leading community professionals to view reports with suspicion. When this happens, the investigation may obviously never get off the ground – or it may be done poorly, making it unlikely to result in a successful investigation and prosecution.

### **Resource: Start by Believing**

[Start by Believing](#) is the global campaign designed to change the way society responds to sexual assault. This includes both responding professionals, as well as friends and family members. Rather than responding with

doubt and blame, this philosophy “flips the script” on the message victims have historically received from professionals and support people, which is: “How do I know you’re not lying?” The philosophy should carry over into policies, daily practices, and multidisciplinary protocols of all the agencies that serve the needs of victims. For more information, please visit the [Start by Believing website](#).

## Cases Are Not Investigated Appropriately

Another consequence of the stereotype is that law enforcement investigators often focus on evidence in order to establish the identity of the suspect and overlook the critical importance of evidence that is needed to overcome the much more common consent defense.

If one were to question law enforcement professionals, medical professionals, and prosecutors about the types of evidence they look for in a sexual assault case, they would likely mention fingerprints, trace evidence (hair and fiber), biological evidence (semen and saliva), footprints, tire marks, etc. These are examples of **identification evidence**, because they are used to place the victim and/or suspect at a crime scene as well as to identify the suspect and challenge a defense based on identity (“you’ve got the wrong guy”). Yet the question of identification will probably only be a primary issue in cases of sexual assault that are committed by strangers.

## **Resource: Expert Interview**

In this [video interview](#), Detective Carlton Hershman (Ret.) explains his perspective on “he said, she said” sexual assault cases.

- If the suspect is a stranger to the victim, a key component of the investigation will be establishing the identity of the person who committed the sexual assault.
- However, if the suspect is someone who is known to the victim (i.e., a non-stranger), identification will not likely be the primary issue in the case.

Even though these professionals are likely to acknowledge that the majority of sexual assault cases involve a suspect who is known to the victim, investigations all too often continue to focus on evidence designed to establish the identity of the suspect. Yet in cases of non-stranger sexual assault, the suspect is not likely to deny that he was the one who engaged in the sexual act with the victim. In other words, these suspects are not likely to raise a defense based on mistaken identification. Traditional evidence may still be needed in these cases to establish the identity of the suspect, but this is not typically difficult when the victim and suspect know each other.

On the other hand, suspects in a sexual assault case involving non-strangers will almost always claim that the sexual act took place but that the victim consented. In

other words, suspects who are known to the victim will almost always raise a **consent defense**. To overcome this type of defense, the traditional types of identification evidence will be useless. Rather, alternative forms of evidence are needed to demonstrate the presence of force, threat, or fear. This will include:

- Photographs of genital and non-genital injuries.
- Documented complaints of pain.
- Evidence of prior similar acts to corroborate a subsequent offense.
- Suspect statements made in a pretext/monitored phone call with the victim.
- Evidence from the crime scene(s) to support a struggle or disturbance.
- Records of communications with dispatch personnel.
- Interviews with the first person to whom the victim disclosed the assault.
- Detailed information from the victim, describing thoughts and feelings during the sexual assault, as well as any sensory and peripheral details that can be recalled.
- Detailed information from others, to describe the victim's behavior after the sexual assault, and contrast

it with the victim's typical behavior before the sexual assault.

- Detailed information on the relationship between the victim and suspect, including any power or control the suspect exerts over the victim's housing, education, or employment, and any explicit or implied economic-related coercion.

When evidence such as this is not identified or collected, the investigation is unlikely to result in successful prosecution because it will not effectively challenge the consent defense. Thus, another way in which the misconceptions affect the law enforcement investigation is by fueling the traditional focus on identification evidence and overlooking evidence of force, threat, or fear that is needed overcome a defense of consent.

Law enforcement professionals must therefore have an accurate understanding of the realistic dynamics of sexual assault, in order to better strategize their investigation in a case involving non-strangers. When officers and investigators understand the realistic dynamics of non-stranger sexual assault, they are able to identify and collect the kinds of evidence that will overcome a consent defense and successfully support prosecution.

### **Resource: OLTl modules**

For more information, please see the OnLine Training Institute Modules entitled: [Preliminary Investigation:](#)

[Guidelines for First Responders, Law and Investigative Strategy: What Kind of Sexual Assault is This, and Laboratory Analysis of Biological Evidence and the Role of DNA in Sexual Assault Investigations.](#)

## **Sexual Assaults that Look Like the Stereotype are More Likely to be Prosecuted**

Only a small percentage of sexual assaults are reported to law enforcement. Estimates range from 5-20% (Fisher, Cullen, & Turner, 2000; Frazier, Candell, Arikian, & Tofteland, 1994; Kilpatrick, Edmunds, & Seymour, 1992; Kilpatrick et al., 2007; Tjaden & Thoennes, 2000). However, it is important to note that not all sexual assaults have an equal chance of being reported. In fact, many of the same stereotypic characteristics of “real rape” play an important role in predicting whether or not a sexual assault victim will contact the police. To illustrate:

- The existing research reveals that victims are more likely to report the crime to law enforcement if they were sexually assaulted by a stranger, if a weapon and/or physical force was used, and if the victim was physically injured and/or sought medical treatment (Clay-Warner & Burt, 2005; Jordan, 2002; Ménard, 2005).
- On the other hand, victims are less likely to report their sexual assault to law enforcement if they were drinking alcohol and/or taking drugs at the time (Clay-

Warner & Burt, 2005; Felson & Paré, 2005; Fisher et al., 2003).

In other words, the more the sexual assault looks like the stereotype of “real rape,” the more likely it is that the victim will report the crime to law enforcement. Not reporting limits victims’ access to services and resources that can help them recover, be safe, and thrive. For example, many jurisdictions require victims to report the crime to law enforcement and cooperate with the investigation in order to qualify for crime victim compensation to reimburse them for financial losses resulting from the crime. Police reports or Civil Protection Orders are often also required to uphold certain employment and housing protections for crime victims.

Yet these stereotypes do not affect only victim behavior. When it comes to arrest decisions, the research again suggests that a suspect is more likely to be arrested if he is a stranger to the victim, if he used a weapon, if the victim is White/European, and if the victim sustained physical injuries (Jordan, 2002; LaFree, 1980). Then when it comes to prosecution outcomes, the same type of picture emerges. Again, many of the same stereotypic characteristics of “real rape” increase the likelihood that a case will have charges filed – or that it will have more serious charges filed than other cases. These include:

- A victim who is a White/European, heterosexual woman who did not use drugs or alcohol at the time of

the assault, who physically resisted, and who sustained physical injuries, and;

- A suspect who is a stranger to the victim, who either used a weapon or otherwise threatened the victim, and who has prior charges against him (Bradmler & Walters, 1985; Bryden & Lesnick, 1997; Chandler & Torney, 1981; Frazier, Candell, Arikian, & Tofteland, 1994; Kerstetter, 1990; LaFree, 1980; Weninger, 1978; Williams, 1981).

### **Resource: Expert Interview**

In this [video interview](#), Layne Howard describes the moments she felt the least amount of support as a survivor during the criminal justice process.

This doesn't mean that law enforcement professionals and prosecutors personally believe in the stereotype of "real rape;" they may or may not. Rather, this pattern is indicative of the "downstream orientation" that leads many criminal justice professionals to incorporate such factors into their decision making because they know that they will be prominent in the minds of jurors. As long as these misconceptions remain, however, justice will be denied to many victims whose sexual assault does not resemble the stereotype of a "real rape" or a "righteous rape."



When sexual assaults are not reported or prosecuted, the most obvious result is that perpetrators are not held accountable for their crimes. However, this also means that victims are denied a variety of opportunities to remedy financial harms. For example, victims can be awarded court-ordered financial restitution if the case results in a conviction and, although often underutilized due to lack of awareness, economic provisions can be included in protection or restraining orders.<sup>3</sup>

### **Resource: Expert Interview**

In this [video interview](#), Sergeant Elizabeth Donegan explains the role law enforcement officers can play in educating prosecutors.

### **Offenders May Repeat Their Crime**

Of course, the worst consequence of the stereotype is that it blinds our society to the real threat of sexual assault that is posed by people we know – rather than strangers – and thus allows perpetrators to repeat their crimes.

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<sup>3</sup> Protection orders tend to offer more expansive economic relief in cases of intimate partner violence, as compared to sexual assault committed by someone other than a partner. Nearly every state's statutes allow orders for the offender to stay away from the victim's home or work or to vacate a shared home. Some states also explicitly address utility, mortgage, or rent payments, reimbursement for attorney fees, the victim's property, and other economic matters (Battered Women's Justice Project, 2015). However, many jurisdictions can provide stay away orders related to the victim's economic security regardless of the crime, and there is often a "catch all" phrase in state statutes that allows the judge to order any other relief necessary to promote safety, which can be economic in nature.

- To illustrate, one research study involved interviews with 41 serial rapists. Taken together, these offenders had committed 837 known rapes and 401 attempted rapes. The earliest victims were younger siblings, neighborhood children, girlfriends, acquaintances, and spouses. Most of these sexual assaults were never reported, which gives us a chilling picture of what can happen if offenders are not detected or prosecuted (Hazelwood, Rokous, Hartman, & Burgess, 1988).
- Four separate studies conducted by Dr. David Lisak and Dr. Paul Miller provide a similarly frightening picture. They surveyed 1,882 men with an average age of 28 who were attending an urban college part-time but were otherwise representative of the diverse American population. Of these 1,882 men, 120 (6.4%) had committed a total of 483 sexual assaults of women they knew. Yet none of these sexual assaults were ever reported to law enforcement (Lisak & Miller, 2002).

When perpetrators learn that it is easy to get away with sexual assault, they may repeat their crimes and cause untold damage to the lives of even more victims.

Community professionals must therefore have an accurate understanding of the realistic dynamics of sexual assault, in order to conduct a successful investigation that will lead to criminal prosecution.

## **Resource: Gender Bias and Sexual Assault Investigations**

Perpetrators often select victims on the basis of whether they are seen as vulnerable, accessible, and/or lacking in credibility. Perhaps not surprisingly, this perception has a great deal to do with prevailing stereotypes and attitudes held by the perpetrator, as well as responding professionals and even support people. These gender-based stereotypes and attitudes can fuel a widespread belief that women routinely lie about sexual assault. As a result, law enforcement investigators may justify their actions – or the lack thereof – by stating that the victim was not credible, and therefore the case was not legitimate, which means perpetrators are not held accountable for their actions and may repeat their crime.

Gender bias has been documented as a common barrier to thorough, professional, and evidence-based investigations. Therefore, EVAWI offers a [Training Bulletin series](#) designed to examine the phenomenon of gender bias, both explicit (conscious) and implicit (unconscious) and explore how it can influence the professional response to, and investigation of, sexual assault.

## **Research Related to Sexual Assault**

There are three key studies on the incidence, prevalence, and characteristics of sexual assault: The National Intimate Partner and Sexual Violence Survey (NISVS), the National Violence Against Women Survey (NVAWS), and

the National Women's Study (NWS), also known as the Rape in America Study. Other methods, such as the Uniform Crime Report (UCR) and the National Crime Victimization Survey (NCVS) are used to collect information on sexual assault, and they will also be discussed in this section. For more detailed information on each of these studies, including the definitions used in each particular study, please see the Appendix.

### **The National Intimate Partner and Sexual Violence Survey (NISVS)**

The National Intimate Partner and Sexual Violence Survey (NISVS) was conducted in 2010 by the Center for Disease Control's National Center for Injury Prevention and Control with the support of the National Institute of Justice and the Department of Defense (Black et al., 2010). The NISVS measured lifetime victimization of sexual violence, stalking, and intimate partner violence among women and men over the age of 18, as well as victimization in the 12 months prior to the survey. This survey was conducted using a telephone survey with a random digit dialing of landlines and cell phones in all 50 states and the District of Columbia. A total of 18,049 interviews were conducted, which included 9,970 women and 8,079 men. Of those, 16,507 interviews were completed. The survey not only sought information regarding the incidence and prevalence of sexual violence, stalking, and intimate partner violence, but the overlap of the three types of violence and the impact of the violence experienced as well.

The NISVS included two categories for sexual violence: rape and other sexual violence. They defined these two terms as:

**Rape** which includes completed forced penetration, attempted forced penetration, and completed alcohol/drug facilitated penetration.

**Other sexual violence** which includes being made to penetrate someone else, sexual coercion, unwanted sexual contact, and non-contact unwanted sexual experiences.

## **The National Violence Against Women Survey (NVAWS)**

The National Violence Against Women Survey (NVAWS) was conducted in 1995-1996 and co-sponsored by the National Institute of Justice and the Centers for Disease Control (Tjaden & Thoennes, 2000). It was conducted using a telephone survey with random digit dialing of households in all 50 states and the District of Columbia. A total of 8,000 women and 8,000 men over age 18 were surveyed, with questions used to determine the incidence and prevalence of sexual assault, as well as its characteristics. Please see the appendix for sample questions.

## **The National Women's Study**

The National Women's Study (NWS), also known as Rape in America, was conducted by the National Victim Center

in 1992 with a sample of approximately 4,000 American women aged 18 or over. Respondents were contacted by telephone and asked about their experiences of sexual assault and other forms of violence. The NWS includes detailed information about the victim, the characteristics of the sexual assault, the impact of the crime, and the victim's response.

## **The UCR and NCVS**

It is also important to briefly mention two other sources of data on sexual assault that are commonly used to describe the incidence, prevalence, and characteristics of sexual assault. They are also data sources that may be more familiar to professionals working within the criminal justice system than the studies cited in this training module:

- Uniform Crime Report (UCR): which includes data on sexual assaults that are reported to law enforcement agencies and compiled annually by the FBI, and
- National Crime Victimization Survey (NCVS): which is a telephone survey conducted annually by the US Department of Justice.

While these two data sources are often used to describe the incidence, prevalence, and characteristics of sexual assault, they have a number of serious limitations that are described in the appendix. Because of this, it is important to keep in mind that they must be interpreted with caution.

## **Resource: Incidence and Prevalence of Sexual Assault**

The Sex Offender Management Assessment and Planning (SMART) Initiative provides an excellent chapter on the incidence and prevalence of sexual assault, including an overview of the key data sources that are used and the strengths and weaknesses of each. This overview is available on their [website](#).

## **Sexual Assault Incidence, Prevalence, and Characteristics**

### **How Many Women are Sexually Assaulted?**

The first and most obvious question that can be answered with this type of research study is how often sexual assault happens – how many men and women in our society have been the victims of sexual assault. The societal stereotype of “real rape” suggests that sexual assault is a very rare event, committed by a very small number of deranged individuals. This stereotypic notion is then supported by other ideas that are common in our society, such as the belief that people often make up their allegations of sexual assault. Thus, the societal myth suggests that “real rape” doesn’t happen very often because many of the claims are actually fabricated. Yet research challenges this idea of sexual assault as a very rare event.

First, let’s discuss the difference between incidence and prevalence. **Incidence** describes the number or

percentage of people experiencing sexual assault in a set time frame, most commonly a 12-month period.

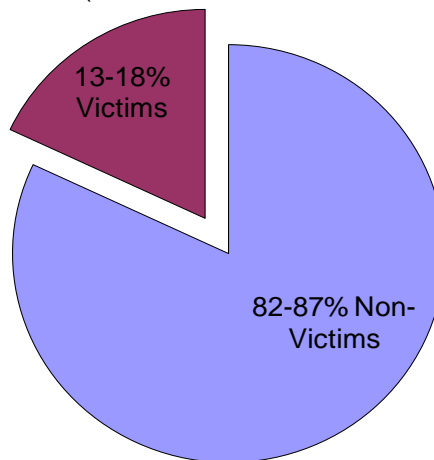
**Prevalence** estimates the number of people who have experienced sexual assault at some point in their lives (or since a specified age). The chart below shows the annual incidence and lifetime prevalence estimates for rape victimization of women in all three studies.

<b>Study</b>	<b>Incidence (Annual)</b>	<b>Prevalence (Lifetime)</b>
NISVS	1.3 million women (1% of the female population)	Nearly 1 in 5 women
NVAWS	302,100 women (0.3% of the female population)	1 in 6 women
NWS	683,000 women (0.7% of the female population)	1 in 8 women

As the chart reveals, estimates for annual incidence of rape range from 0.3 to 1% of American women, and lifetime prevalence estimates range from 1 in 8 to nearly 1 in 5 American women.



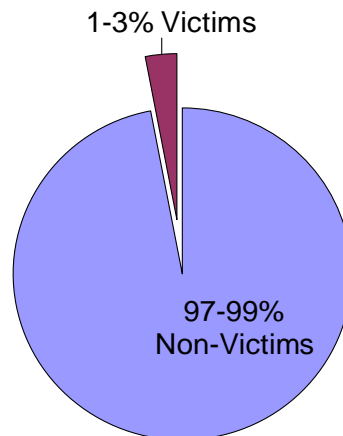
Percentage of American Women Who are Sexually Assaulted (Source: NISVS, NVAWS, NWS)



## How Many Men are Sexually Assaulted

Women are not the only ones who are victimized, there is also research describing the incidence and prevalence of sexual violence experienced by men. The NISVS did not yield estimates for annual incidence among male victims, because there were too few men reporting rape in the 12 months prior to the survey. However, the survey did find that 1 in 71 men reported being the victim of a rape at some point during their lifetimes (Black et al., 2012). The NVAWS reported that 92,700 men in the US (0.1% of the male population) are the victims of a completed or attempted sexual assault each year, and 1 in 33 American men will be the victims of completed or attempted sexual assault at some point during their lives (Tjaden & Thoennes, 2000).

**Percentage of American Men Who Are Sexually Assaulted**  
(Source: NISVS, NVAWS)



These two surveys are quite different in their estimates of how many men are the victims of sexual violence. This is likely due to the fact that survey questions in the National Intimate Partner and Sexual Violence Survey separated out (1) completed or attempted penetration (as defined in the survey as rape) from (2) situations where the victim was made to penetrate the perpetrator (as defined in the survey as other sexual violence) (Black et al., 2010).

### **Some Specialized Populations have Higher Victimization Rates**

Other studies with specialized populations have found that victimization rates may be higher in certain cultures and communities. To illustrate:

- Over half (56%) of American Indian and Alaska Native women have experienced sexual violence in their lifetime, according to the National Institute of Justice Research Report on Violence Against American

Indian and Alaskan Native Women and Men (Rosey, 2016).

- The National Violence Against Women Survey (NVAWS) reported that the rate of sexual assault was as high as 34% for American Indian women, compared with 15-19% for other racial/ethnic groups (Tjaden & Thoennes, 1998; 2000).
- In a 2018 survey of all female cadets and midshipmen at Military Service Academies (including the US Military Academy, Naval Academy, and Air Force Academy), 16% experienced unwanted sexual contact during the past year. This represented a 30% increase over 2016 (SAPR, 2019).<sup>4</sup>
- In a 9-school pilot study conducted to develop a campus climate survey, an average of 21% of female college students reported that they had experienced a completed sexual assault since entering college, and 34% had been sexual assaulted during their lifetime (Krebs et al., 2016).
- Research regarding transgender communities estimates that as many as 1 in 2 transgender people

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<sup>4</sup> For the purpose of this survey, “unwanted sexual contact” was used to refer to “a range of sex-related offenses that the UCMJ prohibits. These offenses include completed or attempted oral, anal, or vaginal penetration by a body part or an object and the unwanted touching of genitalia, buttocks, breasts, or inner thighs when the victim did not or could not consent” (SAPR, 2019, p. 4).



will be the victim of sexual violence in their lifetime (FORGE, 2005; Kenagy, 2005).

These data suggest that the rate of sexual assault victimization are often higher among some specialized populations, such as American Indian women, female college students, and military service members, as compared with other women in the US. Other women who may be particularly vulnerable to sexual assault include women with physical and mental disabilities, immigrant and refugee women, women who are homeless or transient, adolescent runaways, women involved in drug use, women being used in prostitution, and transgender people. There is data to support the increased vulnerability of some of these groups of women, however it is extremely limited in the current research literature. Therefore, the speculation that such groups may be at particular risk for being sexually assaulted is based primarily on the common-sense notion that sex offenders will target the individuals in society who are most vulnerable and the least likely to be believed by criminal justice professionals, community members, and even friends and family members.

One key source of vulnerability of these populations is economic insecurity. For example, transgender people are four times more likely than others to earn less than \$10,000 per year, and they face frequent discrimination and harassment at work (Grant et al, 2011). American Indians have a higher poverty rate than any group, and only 45.9% of American Indian women were employed in

2011 (Bureau of Labor Statistics, 2012). In 2016, the unemployment rate for women with a disability was 11%, compared to 4.6% of women without a disability (Bureau of Labor Statistics, 2017).

Higher rates of violence can also lead to economic costs and consequences that contribute to overall economic insecurity. Economic insecurity can then create opportunities for economic-related coercion or intimidation, discouraging victims from reporting or participating in the criminal justice process. This can include threats to “out” LGBTQ victims to work or school colleagues, threats to report immigration status to employers, or threats to cut off transportation or communication for disabled victims. Threats such as these can limit the ability of a victim to escape or recover from abuse.

## **The Bottom Line on Sexual Assault Prevalence**

In sum, the findings of all of these major research studies have converged on the conclusion that **sexual assault is very common, affecting between 13% and 18% of adult women and approximately 1-3% of adult men in the US**. Higher rates are seen, however, among certain populations such as college students, female military personnel, and other groups are who particularly vulnerable.

Law enforcement professionals and others do not have to know this research to do their job well. The reason for summarizing the research isn't so that law enforcement investigators or other professionals can quote the most

up-to-date statistics on sexual assault prevalence (although this might be helpful for those who provide community education). Rather, the reason for summarizing this research is to challenge the idea that sexual assault is rare in our society, and to demonstrate that the statistics are not “all over the map” but rather that they converge quite nicely on a range of how many American men and women are victimized. It is important to recognize that sexual assault is a frighteningly common occurrence in our society, and that it involves a very wide range of people and circumstances.

## **Characteristics of Sexual Assault: What Does It Really Look Like?**

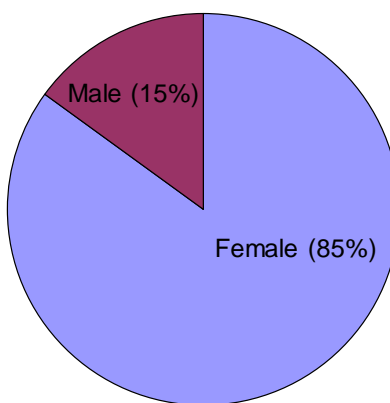
Not only can the research tell us a great deal about how often sexual assault happens, but it can also help us to understand the characteristics of sexual assault in the real world, and not as it is portrayed in the media or in criminal justice textbooks. For example, when respondents were asked about their most recent victimization, the findings of the surveys suggest a number of conclusions regarding the realistic dynamics of sexual assault, such as gender of the victim and perpetrator, the relationship between the victim and perpetrator, whether or not injury occurred during the sexual assault, and much more.



## Most Sexual Assault Victims are Female; Yet Many Men are Victimized as Well

Of the participants in the NVAWS who had experienced either a completed or attempted sexual assault, **85% were female and 15% were male** (Tjaden & Thoennes, 2000). Extremely similar figures were also reported in the National Crime Victimization Survey (NCVS): 90% of the estimated 198,850 victims of sexual assault in 2004 were women; only 10% were men (Catalano, 2005). Clearly, the majority of people victimized by sexual assault are women.

### Gender of Sexual Assault Victims (Source: NVAWS)



However, it is important for community professionals who respond to sexual assault to recognize that men are victimized much more frequently than most people believe. This may be particularly true for certain populations such as men serving in the military or who are incarcerated. Of course, there is an intense social stigma facing these male victims if they tell someone what

happened to them, and community professionals must also keep this in mind as well. In particular, a prominent concern among male victims is often that the sexual assault will threaten perceptions of their masculinity and/or heterosexuality. Therefore, community professionals must recognize that men can be sexually assaulted, appreciate some of the unique factors affecting their response, and never view a male victim's gender as a cause for doubting his report. For more information on the unique dynamics affecting male victims, please see the OLT module on [\*Victim Impact: How Victims Are Affected by Sexual Assault.\*](#)

### **Almost All Sexual Assault Perpetrators are Male**

In all three studies, the majority of female and male victims were sexually assaulted by male perpetrators. The National Intimate Partner and Sexual Violence Survey found that **98.1% of female rape victims, and 93.3% of male rape victims reported male perpetrators.** In describing their most recent victimization in the NVAWS, **fully 100% of the female victims report that they were sexually assaulted by men.** In addition, 0.3% of the female victims were also assaulted by at least one woman. (These numbers sum to more than 100% because some victims had multiple perpetrators of both genders; Tjaden & Thoennes, 2000). Extremely similar estimates are provided by the National Crime Victimization Survey (NCVS), which estimated that 97% of sexual assault perpetrators are male (Bureau of Justice Statistics, 2003). Thus, although a majority of sexual assault victims





are women, an even larger majority of sexual assault perpetrators are men. This may add further stigma and isolation to victims assaulted by women, and lead professionals to question the validity of their disclosures.

### **Please Note:**

This is why we use masculine terms to refer to sexual assault perpetrators (e.g., “he,” “him”) throughout the OnLine Training Institute, while we avoid using gendered terms to refer to sexual assault victims. When referring to victims of sexual assault, we try to use either non-gendered terms (e.g., “victims,” “they”) or terms that are inclusive of both genders (e.g., “he” or “she”).

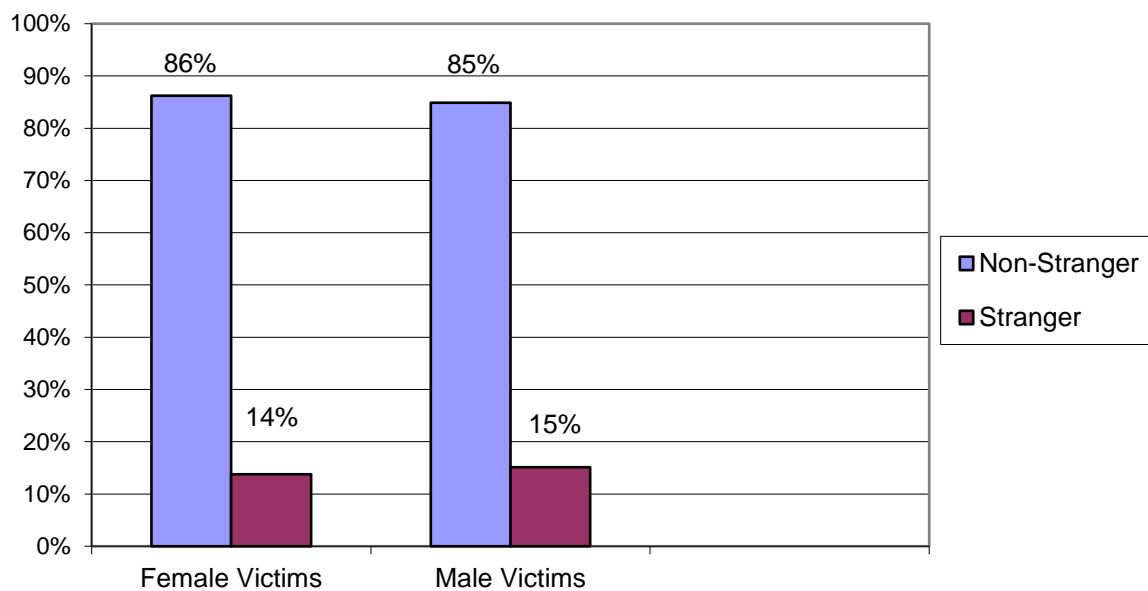
It is also important to note that such surveys do not include data on transgender and gender non-conforming people, so the rates of sexual violence perpetrated against these individuals are largely unknown. Studies that have been conducted suggest disproportionately high rates of sexual victimization among this population.

### **Very Few Victims are Sexually Assaulted by a Stranger**

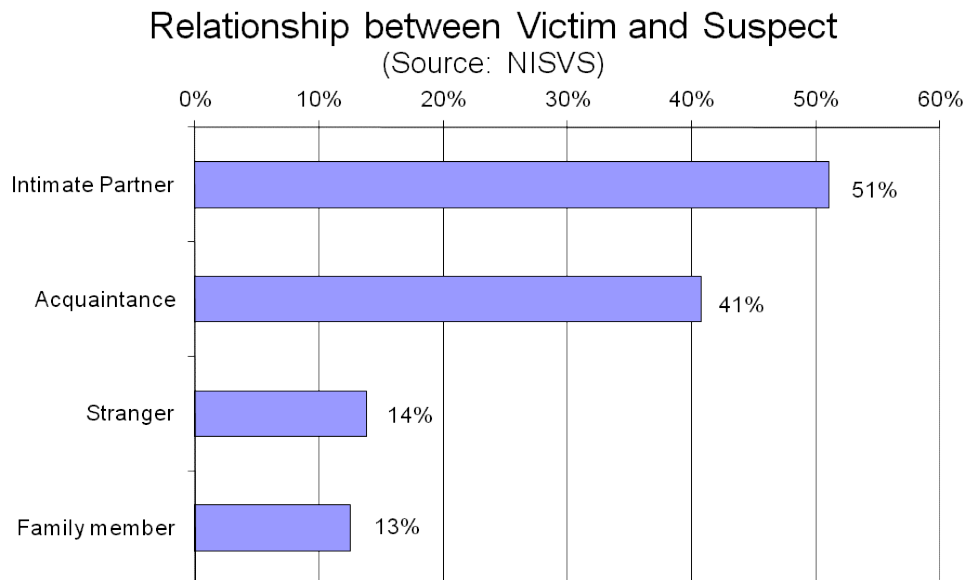
Of the women reporting sexual assault victimization in the National Intimate Partner and Sexual Violence Survey (NISVS), **only 13.8% of female victims and 15.1% of male victims were assaulted by a stranger** (Black et al., 2010). Similar figures of 17% for female victims and 23% for male victims of sexual assault were reported in the

National Violence Against Women Survey (Tjaden & Thoennes, 2000). Thus, contrary to the stereotypic image of “real rape” that is perpetrated by a stranger, only a small minority of sexual assaults are actually committed by someone who is unknown to the victim and that most victims of sexual assault knew their perpetrators.

Relationship by Victim Gender  
(Source: NISVS)



The NISVS also documented the various types of non-stranger perpetrators for female victims:



The research consistently demonstrates that most victims are sexually assaulted by someone they know, and often someone they know extremely well such as an intimate partner. Despite this fact, one of the most common cues for suspicion for most members of society is a sexual assault that is reportedly committed by someone who is known to the victim. Given that most female sexual assault victims know their perpetrator, this suspicion is clearly misplaced. In fact, the existence of a relationship between the victim and suspect in a sexual assault case is the norm and should never be seen as cause for doubting the validity of a report.

## Most Female Victims of Sexual Assault are Under 25 Years Old

All three studies converge on the finding that **the vast majority of female victims (80-84%) were under the age of 25 when they were first sexually assaulted** (Black et al., 2010; National Victim Center, 1992; Tjaden &

Thoennes, 2006). For male victims, this figure is even higher – **as many as 88% of male victims were under age 25 when they were first sexually assaulted** (Tjaden & Thoennes, 2006). This finding led the researchers in the NWS to conclude that sexual assault is primarily a “tragedy of youth” (National Victim Center, 1992).

- To complicate matters, many adolescent victims are also engaged in high risk activities. For example, some are runaways or homeless, many have emotional problems, and others engage in promiscuous sex or substance abuse, which can affect their economic security and decrease both safety and perceived credibility.
- This may be particularly common among LGBTQ youth who sometimes use drugs or alcohol as a means of coping with the societal stigma associated with their sexual and/or gender identity, as well as homelessness and sexual assault. In fact, research suggests there is an increased risk of sexual violence for young people who identify as LGBTQ. A recent study found that 40% of homeless or at-risk youth identify as LGBTQ, many of whom were forced out of their homes because of their sexual orientation or gender identity. Of those 40%, almost half (46%) said they ran away due to family rejection and 43% were forced out because they are LGBTQ (Durso & Gates, 2012). Another study found that LGBTQ youth are also 7.4 times more likely to be victims of sexual



violence than their non-LGBTQ peers (Cochran et al., 2002).

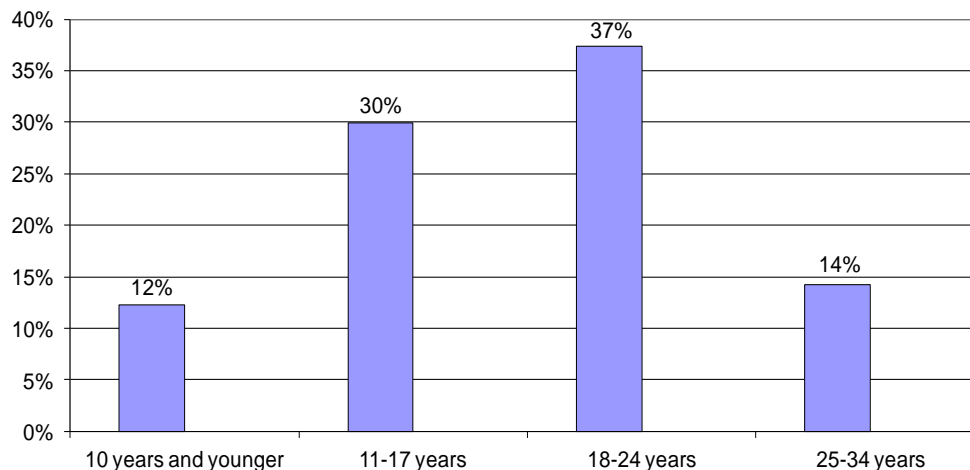
- It is therefore not surprising that sex offenders prey on these vulnerable individuals, leaving them at increased risk for sexual assault victimization not just once but on repeated occasions. Yet these victims are often not believed or taken seriously by professionals within the community who respond to sexual assault.

Despite the fact that adolescents and young adults are the primary targets of sexual assault perpetrators, their youth is often seen as a cause for questioning their credibility and even the legitimacy of their report. This can be particularly true for LGBTQ youth, who may have no one to turn to who is in a position to help. When they do reach out, many adults who are uncomfortable with or critical of their LGBTQ identity may blame this as the cause of the sexual assault. In other words, their sexuality becomes the issue, rather than the assault. LGBTQ youth may also not identify as being a victim of sexual assault because sexual violence against LGBTQ people is not a highly visible issue.

Unfortunately, community professionals and others often view the reports of adolescent victims with suspicion, on the basis that they may be simply filing a false report to avoid punishment for behaviors such as missing a curfew or engaging in sexual activity. These professionals must therefore keep in mind that adolescents and young adults

represent the highest risk population for sexual assault, so their age should never be seen as a reason for doubting their credibility or the legitimacy of their report.

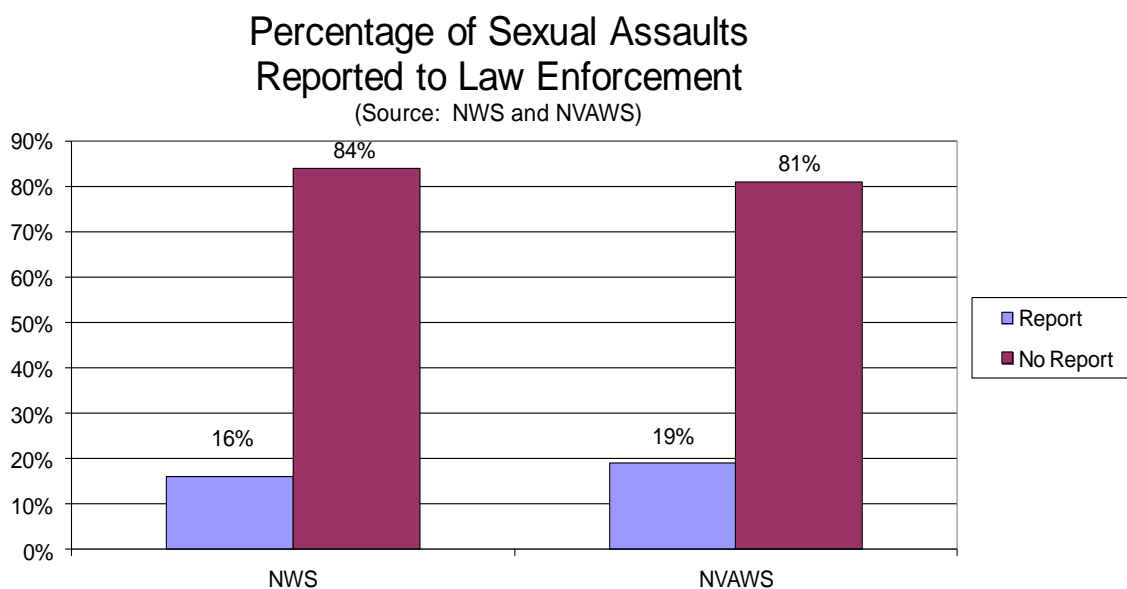
Victim Age by Gender: Female Victims  
(Source: NISVS)



## Few Sexual Assault Victims Report the Crime; Even Fewer do so Immediately

The NWS and NVAWS also converge on the finding that a very small minority (16-19%) of female victims reported their sexual assault to law enforcement (National Victim Center, 1992; Tjaden & Thoennes, 2006). Of these, only one-quarter reported the crime within 24 hours (National Victim Center, 1992). In other words, most victims do not report their sexual assault to the police, and when they do, it is usually after some delay. Victims may fear reporting because they are uncomfortable accessing the criminal justice system. This can be particularly challenging for LGBTQ victims and other marginalized populations. Stereotypes about who can be a “real” victim and a “real” perpetrator also may make some victims feel they were

not sexually assaulted, which can prevent or delay reporting. This is in contrast with the stereotype that “real rape” is reported immediately, and it challenges the idea that non-reporting or delayed reporting are reasons for viewing the report with suspicion. However, crimes are more likely to be reported if they are committed by a stranger, as opposed to someone the victim knows (e.g., Koss et al., 1988; Ullman, 1999).



Law enforcement professionals must therefore keep in mind that most sexual assault victims do not report the crime and even those who do report, typically do so after some delay. Therefore, these factors should never be used as cause for suspicion regarding the validity of the victim’s claim. Rather, non-reporting and delayed reporting are the norm, particularly when the victim knows the suspect to some degree.

To find out more about why so many of the sexual assault victims in the NVAWS did not report to law enforcement,

those who decided not to report were asked their reasons why. Of these:

- 22% cited fear of the perpetrator and potential retaliation as the reason for not reporting.
- 18% stated that they were too ashamed or embarrassed.
- 18% felt that the incident was minor, and not a crime or a police matter.
- 13% believed that the law enforcement agency could not do anything.
- 12% were concerned that officers would not believe or blame them.

These responses are instructive for community professionals, because they provide a glimpse into the perceptions of the public about how they will be treated if they report a sexual assault – particularly whether the report will be taken seriously and investigated thoroughly.

## **Many Women are Repeatedly Victimized by Sex Offenders**

Unfortunately, repeat victimization is very common. In the NISVS, 35.2% of the women who reported rape before age 18 also reported rape as an adult, compared to 14.2% of women who did not report rape before age 18. The percentage of women who were raped under the age of 18 was more than double the percentage among women



without a history before age 18 (Black et al., 2010). In the NVAWS, women who had been sexually assaulted before their 18<sup>th</sup> birthday were twice as likely as other women to be sexually assaulted after age 18. In other words, the percentages were 18% of prior victims as compared with 9% of non-victims (Tjaden & Thoennes, 2006). The same pattern was also seen in the National Women's Study; over one-third of the women who had been sexually assaulted in their lifetime had actually been assaulted more than once (National Victim Center, 1992).

The reasons for this are currently unclear. As reviewed by Breitenbrecher (2000), the cause could be due to the following factors; findings are currently mixed.

- Situational variables (e.g., drug and alcohol use, number of consensual sex partners, socioeconomic status, transiency, education, marital status).
- General psychological factors (e.g., depression, anxiety, social adjustment, distress).
- Disturbed interpersonal relationships (e.g., dependency, traumatic bonding dysfunctional interpersonal schemas, repetition compulsion).
- Cognitive attributions for the abuse that lead to learned helplessness.
- Increased self-blame and/or self-esteem.
- Maladaptive coping skills.

- Decreased threat perception.
- Trauma-related symptoms (e.g., dissociation, PTSD).

This is often seen as a controversial issue because it means that some people are repeatedly victimized by sexual assault perpetrators. However, this dynamic makes sense when we understand that sex offenders select a target on the basis of their vulnerability. If a person is selected as a victim by one sex offender, it is likely that these same vulnerability factors will also be seen by others. But of course, the results are tragic, because it means that people who are particularly vulnerable for any reason – because they are young, old, have a disability or mental illness, are homeless or otherwise economically insecure, LGBTQ, or involved in drug use or the sex trade, or for any other reason – are also at increased risk of being assaulted again, because these vulnerability factors typically remain.

Because of this risk of repeated victimization, the fact that a victim has previously reported a sexual assault must not be seen as a reason for doubting the legitimacy of the report. In fact, repeated victimization is common. However, caution must be taken to ensure that details from the recent assault are not confused with those from the prior victimization. This issue is discussed in greater detail in the module: [Interviewing the Victim: Techniques Based on the Realistic Dynamics of Sexual Assault](#).

## Other Key Findings

The National Intimate Partner and Sexual Violence Survey (NISVS), the National Violence Against Women Survey (NVAWS) and the National Women's Study (NWS) provide professionals with important information regarding the incidence, prevalence, and characteristics of sexual assault. Yet other research yields important conclusions about the realistic dynamics of sexual assault, such as frequency of alcohol or drug involvement or prevalence of physical injury related to the assault. These dynamics will be explored in this section.

### **Alcohol and/or Drugs are Involved in Many Sexual Assaults**

The research generally suggests that **alcohol and/or drugs are involved in approximately one-third to two-thirds of all sexual assaults** (Bureau of Justice Statistics, 2003; Tjaden & Thoennes, 2006; Ullman, Karabatsos, & Koss, 1999). These figures are even higher, however, for sexual assaults committed on a college or university campus.

- To illustrate, in one study of college students, approximately 75% of the men and 50% of the women involved in a sexual assault had been drinking at the time (Koss, 1988; Koss, Gidycz, & Wisniewski, 1987).
- In another study, more than half of the male college students who admitted to sexually

aggressive behavior (59%) said that they did so by giving drugs or alcohol in order to obtain sex from an un-consenting woman (Koss & Cook, 1993).

- In four studies of college men who described committing acts that meet the legal definition of sexual assault, as many as 81% described using drugs or alcohol rather than overt force to commit the crime (Lisak & Miller, 2002).

The use of alcohol and/or drugs is certainly understandable from the tactical perspective of sexual assault perpetrators, as it:

- Changes perceptions of the person who is drinking and/or taking drugs to view them as more sexually available (e.g., “loose,” “easy,” or a “fair target”).
- Decreases the amount of responsibility felt by perpetrators for any actions committed against a person who is drinking and/or taking drugs.
- Reduces the ability of victims to detect risk cues and resist effectively (Cleveland, Koss, & Lyons, 1999).

Unfortunately, when it comes to alcohol and drugs, there is a double standard for the behavior of men versus women. Thus, drinking or drug use is often used as an excuse or justification for the (male) perpetrator’s behavior, whereas drinking or drug use by the (female) victim is held against her. In other words, men who drink or take drugs are expected to lose control. Women who



drink or take drugs, however, are often held responsible not only for their own behavior but also for the (male) perpetrator's behavior as well (National Judicial Education Program, 1994). Professionals within the community who respond to sexual assault must keep this double standard in mind to avoid falling into the same trap.

Alcohol or drug use cannot legally be used by an offender as an excuse for criminal behavior. On the other hand, alcohol or drug use by the victim should never be used as a basis for doubting a report of sexual assault. In fact, it makes sense that a large percentage of victims would describe alcohol or drug use before the assault since this contributes to the vulnerability that sex offenders see and take advantage of.

## **Overlap of Sexual Violence and Intimate Partner Violence**

The National Intimate Partner and Sexual Violence Survey (Black et al., 2010) also examined the overlap between sexual violence and intimate partner violence. Some key findings include the following:

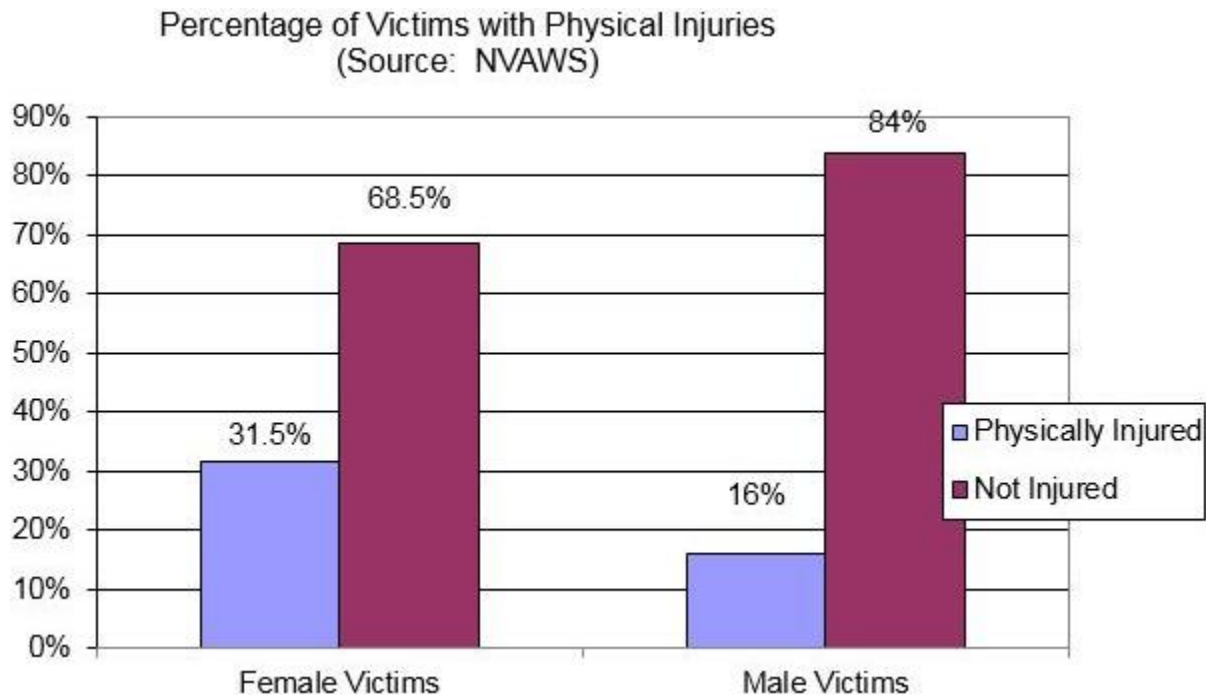
- More than 1 in 3 women and 1 in 4 men have experienced rape, physical violence, and or stalking by an intimate partner in their lifetime.
- More than half of female victims of rape report being raped by an intimate partner.

- Nearly 1 in 10 women in the United States has been raped by an intimate partner in her lifetime.
- Approximately 8.6% of women reported reproductive coercion, which includes birth control sabotage, refusing to wear a condom, and having an intimate partner who tried to get them pregnant when they did not want to.

This research thus reveals a clear overlap between sexual violence and intimate partner violence, suggesting that professionals who respond to victims of sexual assault should be screening for intimate partner violence – just as those who respond primarily to intimate partner violence should also screen for sexual assault.

### **Most Sexual Assaults Do Not Result in Visible Physical Injury**

In the NVAWS, about **1 of 3 female victims (31.5%) and 1 of 6 male victims (16%) sustained physical injuries** as a result of an attempted or completed sexual assault (Tjaden & Thoennes, 2000). Extremely similar findings were reported in the National Women's Study (NWS), which reported that 70% of victims sustained no physical injuries as a result of the sexual assault, 24% reported minor physical injuries, and only 4% involved serious injuries (National Victim Center, 1992). These research findings are contrary to the stereotype that "real rape" involves a great deal of physical violence and visible injury.



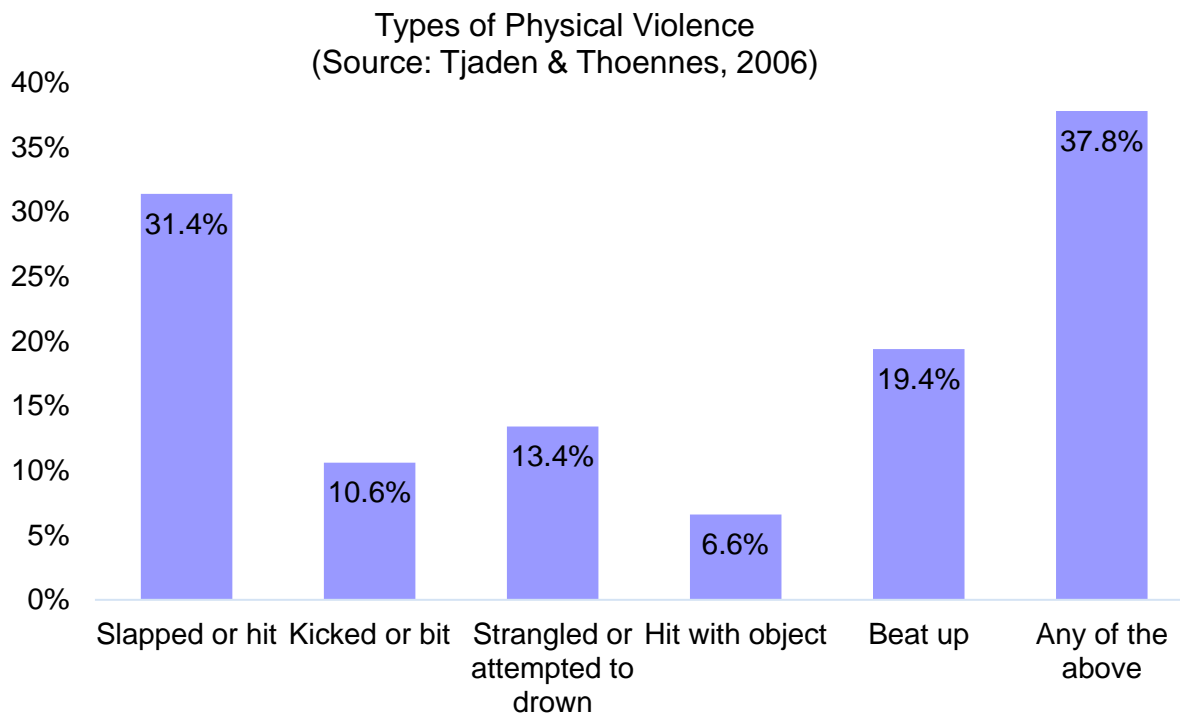
Professionals who respond to sexual assault must therefore keep in mind that an absence of physical injury should never be seen as cause for suspicion. In fact, most victims of sexual assault do not sustain any visible physical injury.

Yet it is important to note that many victims describe being afraid of injury. The National Women's Study found 49% of those raped described being afraid of serious injury or death (National Victim Center, 1992). In the NVAWS, 43.1% of female victims thought that they would be seriously harmed or killed (Tjaden & Thoennes, 2006).

## Most Sexual Assaults are Committed Without Severe Physical Violence

Most sexual assaults are committed without physical violence and victim resistance (e.g., Koss, 1988; Koss,

Dinero, Seibel, & Cox, 1988; Tjaden & Thoennes, 2006). For example, in the NVAWS, 37.8% described the sexual assault involving at least one of the various forms of violence. Most common was slapping or hitting.



In many cases, this is because alcohol and/or drug use by the victim is sufficient to render them physically vulnerable and unable to resist effectively.

- To illustrate, one study demonstrated that decreased levels of force were used by perpetrators against victims who had been drinking at the time of the sexual assault (Ullman, Karabatsos, & Koss, 1999).
- Research also reveals that the victim's use of alcohol is associated with less resistance and a greater likelihood of completing an attempted sexual assault



(Harrington & Leitenberg, 1994; Ullman, Karabatsos, & Koss, 1999).

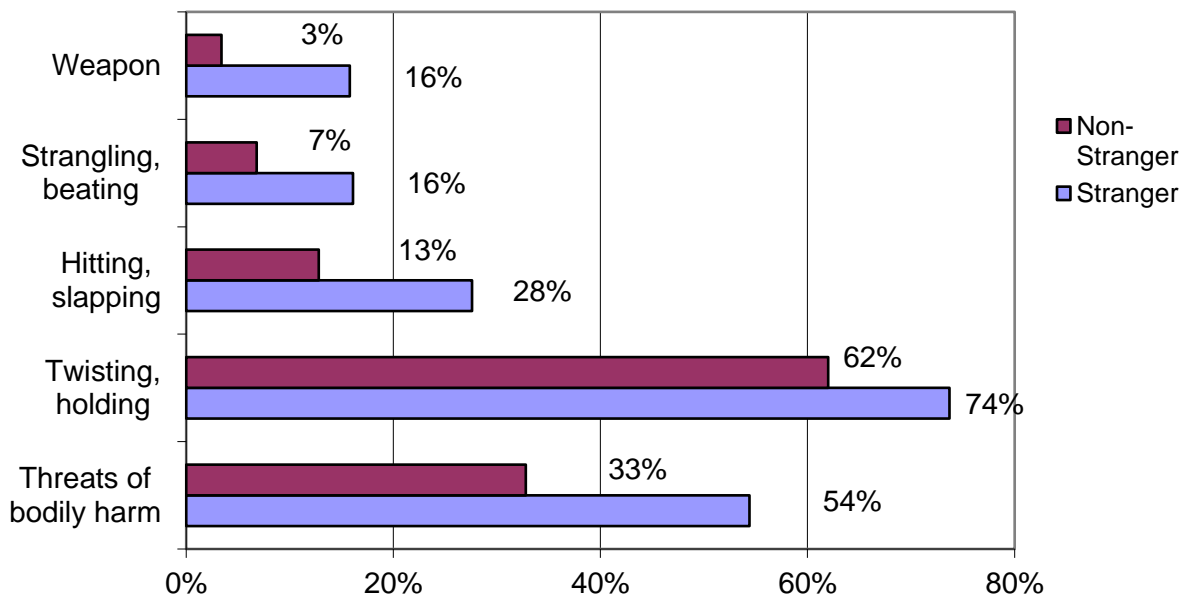
Research has also demonstrated that physical force and resistance are less likely to be seen in sexual assaults that are committed by someone who is known to the victim (Cleveland, Koss, & Lyons, 1999; Koss, Dinero, Seibel, & Cox, 1988).

- This is likely because the surprise, confusion, and betrayal experienced by the victim is sufficient to render them vulnerable to the sexual assault – again physical violence is not needed.
- The lack of physical force and resistance may also be due to pre-existing power dynamics, economic dependency, or other forms of implicit or explicit force.
- The exception to this pattern is when the sexual assault is committed by a female victim's husband, ex-husband or other current or former intimate partner; these assaults often involve as much physical violence as those committed by strangers (Cleveland, Koss, & Lyons, 1999; Spohn, Beichner, Frenzel, & Holleran, 2002).

This pattern is illustrated with the following graph, based on data from a study of 3,187 female college students at 32 US institutions of higher education (Koss, Dinero, Seibel, & Cox, 1988).

- Only 7% of sexual assaults committed by a non-stranger involved strangulation or beating, and only 13% involved hitting or slapping. This compares with 16% of the sexual assaults committed by a stranger that involved strangulation or beating, and 28% that involved hitting or slapping.
- 62% of the non-stranger sexual assaults were committed using physical restraint (e.g., twisting, holding), as compared to 74% of stranger assaults, and 33% of non-stranger sexual assaults involved threats of bodily harm, as compared to 54% of stranger assaults.

Types of Physical Force Used  
(Source: Koss et al. , 1988)



## **Most Sexual Assaults Do Not Involve a Weapon**

Along similar lines, the research also suggests that **the vast majority of sexual assaults (87-90%) do not involve a weapon** (Catalano, 2005; Tjaden & Thoennes, 2006). As with other forms of physical violence, a weapon is especially unlikely to be involved in a sexual assault committed by a non-stranger (Koss et al., 1988; Spohn et al., 2002).

- In the study conducted by Koss et al. (1988) only 3% of the rapes committed by someone known to the victim involved a weapon of any kind, as compared with 16% for strangers.
- In other words, 84% of the sexual assaults committed by a stranger involved no weapon, but as many as 97% of the sexual assaults committed by a non-stranger involved no weapon (Koss et al., 1988).

A similar pattern is also seen among sexual assaults that are reported to law enforcement.

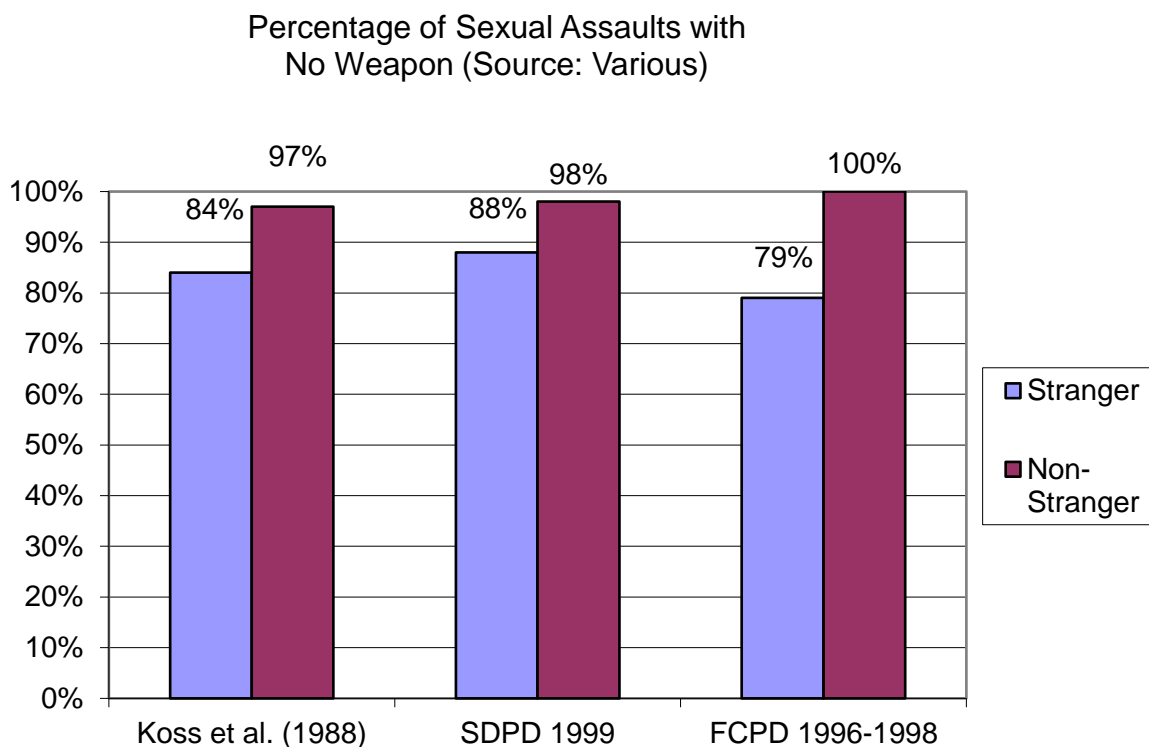
- For example, 88% of the sexual assaults committed by a stranger and 98% of the sexual assaults committed by a non-stranger that were reported to the San Diego (California) Police Department in 2001 did not involve a weapon.<sup>5</sup>

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<sup>5</sup> Statistics provided by Sergeant Joanne Archambault (Ret.), San Diego Police Department

- Similarly, 79% of the sexual assaults committed by a stranger and fully 100% of the sexual assaults committed by a non-stranger that were reported to the Ft. Collins (Colorado) Police Department in 1996-1998 did not involve a weapon.<sup>6</sup>

This pattern is illustrated with the following graph:



Again, law enforcement professionals must keep this in mind because the fact that a weapon was not used should never be seen as cause for suspicion of a sexual assault report. Most sexual assaults do not involve a weapon, and this is especially true for assaults by a known offender (i.e., a non-stranger).

<sup>6</sup> Statistics provided by Detective Lee Frausel, Fort Collins (Colorado) Police Department.

As mentioned previously, almost half (49%) of the victims in the National Women’s Study stated that they were afraid of serious injury or death. This statistic goes a long way to explain why so little physical force and victim resistance are seen in most sexual assaults – victims often submit to the sexual assault because they are afraid, confused, taken by surprise, etc.

## **Most Women Do Not Physically Resist During a Sexual Assault**

As reviewed by Ullman (2007), “forceful physical resistance” is used by only a minority of women (20-25%); these strategies include “physical actions women use against their attackers, including biting, scratching, hitting, using a weapon, and martial arts or other physical self-defense techniques” (p.413).

The research also documents that women are less likely to physically resist when:

- The rape is committed by someone the victim knows (rather than a stranger).
- The perpetrator does not use physical force or violence to commit the rape.
- The victim is concerned about preserving the relationship with the offender.
- The victim is concerned about the offender’s judgment/opinions.

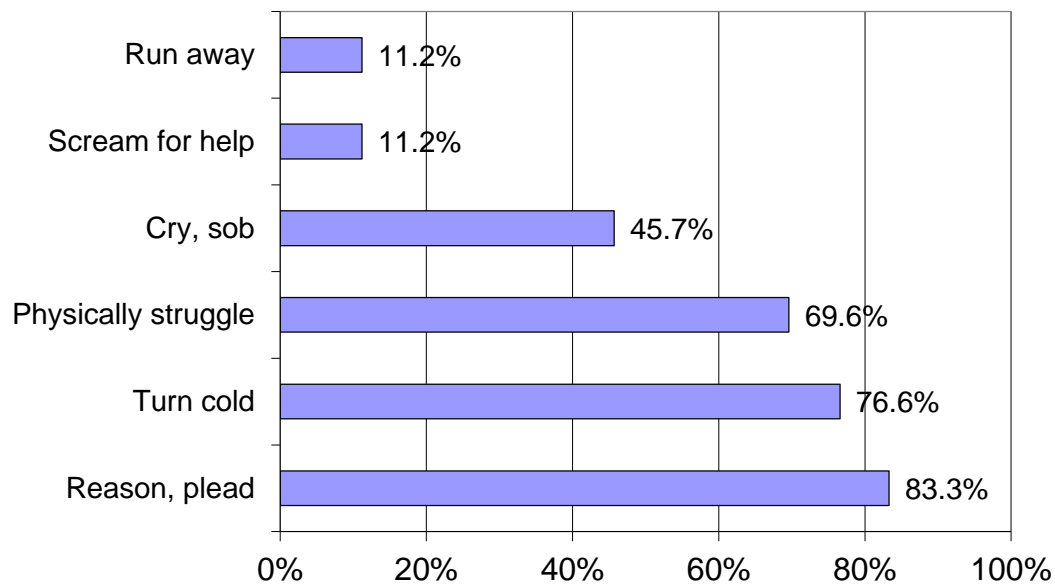
- The victim has been sexually assaulted in the past (see Ullman, 2007).

## **More Women Describe “Physically Struggling” During the Sexual Assault**

More women describe “physically struggling” during the assault. In the study conducted by Koss et al. (1988), 69-70% used this particular strategy for resistance. Most of these women attempted to reason or plead with their perpetrator, although these strategies “are related to greater odds of rape completion” (Ullman, 2007, p. 414). On the other hand, fewer victims used “forceful resistance strategies,” such as running away or screaming for help. Research documents that such strategies have greater potential to deter the completion of an attempted sexual assault, without increasing the odds of injury (Rozee & Koss, 2001; Ullman, 2007).



Resistance Strategies  
(Source: Koss et al. , 1988)



## Many Victims Have a Continued Relationship or Even Sex with the Perpetrator

One study also documented that victims frequently have a continued relationship with the offender following the sexual assault; 32% had a continued relationship and 25% had sex with the perpetrator after the event (Layman, Gidycz, & Lynn, 1996). Economic-related power dynamics may be one reason for this continued relationship. For example, in cases of intimate partner violence, the victim may be financially dependent on the perpetrator and unable to support themselves or their children without their partner's income.

## **Victims experience high costs and economic consequences related to the assault**

Sexual assault can have a significant economic effect on victims. Direct costs may include short and long-term physical or mental health needs, lost productivity, damaged property, costs associated with the justice system, and many others.

- Based on data from the NVAWS, the mean per-incident cost of treatment for intimate partner rape victims was \$2,084 for medical care and \$978 for mental health care (\$3,342 and \$1,568, in 2017 dollars, respectively). Victims paid 29.2% of these medical costs and 33.6% of mental health costs out of pocket (National Center for Injury Prevention and Control, 2003).
- Victims of rape by an intimate partner also lose an average of 8.1 days of paid work a year (National Center for Injury Prevention and Control, 2003).
- In a study on campus sexual assault involving nine universities, 30.7% of rape incidents impacted victims' schoolwork and 13.0% caused problems at the victim's work. Additionally, 8.4% of victims dropped classes or changed their schedule, 7.2% changed their housing, and 21.7% thought about taking time off, transferring, or dropping out of school (Krebs et al, 2016).





- One study estimated that the lifetime cost of rape per adult victim equaled \$122,461, including medical care, lost productivity, property loss/damage, and criminal justice costs (Peterson, DeGue, Florence, & Lokey, 2017).

Clearly, sexual assault can affect a victim's education and employment opportunities, particularly if the assault took place at work or school, or if the perpetrator was a supervisor, co-worker, or client. In addition, trauma can result in long-term mental health issues, such as PTSD, depression or anxiety, and risky coping behaviors, such as smoking, substance abuse, or unsafe sex, which can negatively impact opportunities and overall economic security. This in turn can increase the risk of revictimization, since an individual with an income under \$7,500 is twice as likely to experience sexual assault (Bureau of Justice Statistics, 1997). Without adequate economic resources, victims may have more difficulty recovering and protecting themselves from further abuse.

## **Conclusion**

To summarize, there are a number of misconceptions that are commonly held about sexual assault among community professionals and everyone else in society.

- For example, the cultural stereotype of “real rape” suggests that sexual assault is typically perpetrated by a male stranger, with a weapon, at night, in a dark alley, etc.

- While there are a number of reasons why we might want to believe in this stereotypic image of “real rape,” it is imperative that community professionals have an accurate understanding of the realistic dynamics of sexual assault – and a comprehensive understanding of who can be sexually assaulted – to successfully investigate these crimes and increase the likelihood of criminal prosecution.
- Community professionals must recognize the realistic dynamics of sexual assault, not only to properly conduct their investigation but also to respond appropriately to victims and their friends, family, and other support people.

The tragic irony is that many community professionals and others view the typical characteristics of sexual assault as reasons to doubt the credibility of the victim and the legitimacy of the report.

- To illustrate, even though most sexual assaults are committed by someone who is known to the victim, community professionals and others have historically viewed these reports with suspicion as compared with reports of stranger rape.
- Similarly, although most sexual assaults involve very little physical violence and no obvious signs of injury, these characteristics are also frequently seen by community professionals and others as cause to doubt the validity of a report.

- Although delayed reporting is actually the norm for victims of sexual assault – particularly those committed by someone who is known to the victim – it has also all too often been seen as a cause for suspicion by professionals and others.

Clearly, all sexual assault reports should be assumed to be valid and investigated thoroughly – just like reports of any other type of crime. As discussed in detail in the module on False Reports, a report of sexual assault can only be considered to be false when there is evidence to establish that the sexual assault did not happen (i.e., was not completed or attempted).

- Thus, law enforcement investigators and other community professionals cannot determine that a sexual assault did not happen, simply because it doesn't look like the stereotype of a "real rape" or a "righteous rape."
- Investigators and others certainly cannot determine that the sexual assault did not happen because the victim lacks credibility – perhaps because the victim is young, drunk, taking drugs, belligerent, or suspected of being engaged in sex work.
- In other words, investigators and others must never view a sexual assault with suspicion based simply on the characteristics of the victim, suspect, or incident.

Rather, law enforcement professionals, prosecutors, and others must base all final judgments of a sexual assault

report on the findings from a thorough, evidence-based investigation. The determination that a report is false can then only be made when there is sufficient evidence to establish that the sexual assault did not happen (was not completed or attempted).

To conclude, the OnLine Training Institute provides countless recommendations for how to successfully investigate a report of sexual assault, but they will only be effective if they are used with an accurate understanding of the realistic dynamics of sexual assault.



## For More Information

For more information on the NCVS and UCR, as well as the NVAWS and NWS discussed in the training module, please see:

Kilpatrick, D.G. (2004). "Making sense of rape in America: Where do the numbers come from and what do they mean?" National Crime Victims Research and Treatment Center, Medical University of South Carolina. Document developed for VAWnet and available on their [website](#).



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## Appendix





## Criminal Justice Statistics

### NISVS: Definitions

The NISVS measured sexual violence using the following terms (Black et al., 2010):

**Rape** is any completed or attempted unwanted vaginal (for women), oral, or anal penetration through the use of physical force (such as being pinned or held down, or by the use of violence) or threats to physically harm and includes times when the victim was drunk, high, drugged, or passed out and unable to consent. Rape is separated into three types: completed forced penetration, attempted forced penetration, and completed alcohol or drug facilitated penetration.

Among women, rape includes vaginal, oral, or anal penetration by a male using his penis. It also includes vaginal or anal penetration by a male or female using their fingers or an object.

Among men, rape includes oral or anal penetration by a male using his penis. It also includes anal penetration by a male or female using their fingers or an object.

**Sexual violence other than rape** includes being made to penetrate someone else, sexual coercion, unwanted sexual contact, and non-contact unwanted sexual experiences.

**Being made to penetrate someone else includes** instances where the victim was made to penetrate someone without the victim's consent (or there was an attempt to do so) because the victim was physically forced to (such as being pinned or held down, or by the use of violence), or because the victim was threatened with physical harm, or when the victim was drunk, high, drugged, or passed out and unable to consent.

Among women, this behavior reflects a female being made to orally penetrate another female's vagina or anus (there were no instances of women being made to sexually penetrate men).

Among men, being made to penetrate someone else could have occurred in multiple ways, including: being made to vaginally penetrate a female using one's own penis; orally penetrating a female's vagina or anus; anally penetrating a male or female; or being orally copulated by a male or female. It also includes female perpetrators attempting to force male victims to penetrate them, though it did not happen.

**Sexual coercion** is defined as unwanted sexual penetration that occurs after a person is pressured in a nonphysical way. In NISVS, sexual coercion refers to unwanted vaginal, oral, or anal sex after being pressured in ways that included being worn down by someone who repeatedly asked for sex or showed they were unhappy; feeling pressured by being lied to, being told promises that were untrue, having someone threaten to end a

relationship or spread rumors; and sexual pressure due to someone using their influence or authority.

**Unwanted sexual contact** is defined as unwanted sexual experiences involving touch but not sexual penetration, such as being kissed in a sexual way, or having sexual body parts fondled or grabbed.

**Non-contact unwanted sexual experiences** are those unwanted experiences that do not involve any touching or penetration, including someone exposing their sexual body parts, flashing, or masturbating in front of the victim, someone making a victim show his or her body parts, someone making a victim look at or participate in sexual photos or movies, or someone harassing the victim in a public place in a way that made the victim feel unsafe.

## **NVAWS: Definitions**

In the NVAWS, survey respondents were asked a number of questions to determine whether or not they had ever been sexually assaulted (Tjaden & Thoennes, 2000). Below is a sample of one of these questions:

*Has a man or boy ever made you have sex by using force or threatening to harm you or someone close to you? Just so there is no mistake, by sex we mean putting a penis in your vagina.*

As evident in this sample question, survey respondents were not asked whether they had ever been “raped” or “sexually assaulted.” Instead, they were asked whether or

not they had experienced certain, specific behaviors that meet the legal definition of sexual assault. The strength of this methodology is that it can determine whether respondents have been sexually assaulted, regardless of whether or not they label it as such. This is important because the research demonstrates that most women who have been sexually assaulted will answer “no” when asked if they have ever been raped (Koss, 1985, 1988).

In the National Violence Against Women Survey (NVAWS; Tjaden & Thoennes, 2000), other questions that were used to determine whether or not someone had been sexually assaulted were the following:

- Has anyone, male or female, ever made you have oral sex by using force or threat of force? Just so there is no mistake, by oral sex we mean that a man or boy put his penis in your mouth or someone, male or female, penetrated your vagina or anus with their mouth.
- Has anyone ever made you have anal sex by using force or threat of harm? Just so there is no mistake, by anal sex we mean that a man or boy put his penis in your anus.
- Has anyone, male or female, ever put fingers or objects in your vagina or anus against your will or by using force or threats?

- Has anyone, male or female, ever attempted to make you have vaginal, oral, or anal sex against your will, but intercourse or **penetration** did not occur?

## **NWS: Definitions**

The definition of sexual assault used in the National Women's Study was, "an event that occurred without the woman's consent, involved the use of force or threat of force, and involved sexual penetration of the victim's vagina, mouth, or rectum (National Victim Center, 1992)."

## **Uniform Crime Reports**

The Uniform Crime Reports (UCR) program is often cited as a source of information for how often sexual assault happens, but it really only provides an estimate for how many are reported to police. As background, the UCR program was originally conceived in 1929 by the International Association of Chiefs of Police as a way to meet the need for reliable, uniform crime statistics. Then in 1930, the Federal Bureau of Investigations (FBI) took over collecting, publishing, and archiving those statistics.

Today, over 17,000 city, county, and state law enforcement agencies participate in the UCR program by voluntarily reporting data on crimes that are reported to them. Information is also provided regarding how the cases were cleared. For UCR purposes, cases can be cleared in one of three ways: (1) "clearance by arrest," (2) "exceptional clearance," and (3) "unfounding." A detailed explanation of these clearance categories is beyond the



scope of this module. However, for the present purposes it is sufficient to note that cases can be cleared by an arrest if at least one suspect is arrested and charged, and the case is referred for prosecution. A case can be exceptionally cleared when some element beyond law enforcement control precludes issuing formal charges against the offender. For example, the suspect may either be dead or arrested and prosecuted in another jurisdiction. A case can also be cleared by exception if the suspect has been identified but the victim is unable to actively participate in the investigation. Finally, a case can be unfounded when the report is determined to be false or baseless.

Unfortunately, there is a great deal of misunderstanding surrounding all of these terms, and the criteria for clearing a case using each of the three UCR categories are especially confusing. To make matters worse, many supervisors do not carefully review the reports that are submitted, thus providing poor quality control and allowing for inaccuracies and inconsistencies in the clearance of sexual assault cases and the resulting UCR data. For more information on the UCR definitions and criteria for clearing sexual assault cases, please see the OnLine Training Institute module entitled: [Clearance Methods for Sexual Assault Cases](#)

Agencies participating in the UCR submit data to the FBI, which compiles the information and publishes reports through the Bureau of Justice Statistics. These reports are available both from the [FBI](#) and the [National Criminal](#)

[Justice Reference Service](#). In fact, several annual statistical publications are produced on the basis of UCR data, and they are widely disseminated and cited for information about crime in the United States. More information on the [UCR program](#) is available on their website.

## **Strengths of the UCR**

The primary strength of the UCR as a statistical measure is that the FBI is viewed by many people as a credible source for information on cases reported to local law enforcement. Therefore, as long as one understands what is included and excluded with the definition for each type of crime, these statistics can be used to provide a reasonable estimate of how many cases are reported to law enforcement each year and how they are cleared.

## **Limitations of the UCR**

Historically, a primary limitation of the UCR has been the narrow and confusing definition that is used for sexual assault. For UCR purposes, data has long been collected only for the crime of Forcible Rape, which was defined as: “carnal knowledge of a female, forcibly and against her will.” Clearly, this definition was extremely limited in its scope, and many victims (such as male victims, drug- or alcohol-facilitated rape victims, victims with disabilities, minor victims, etc.) did not meet the criteria for Forcible Rape under UCR guidelines and were thus excluded.

Fortunately, in December 2011, FBI Director Robert Mueller officially approved a new, more comprehensive, definition of Forcible Rape for the UCR program. The new definition is:

***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.***

This new definition means that all the excluded victim populations mentioned above will now be classified as victims of Forcible Rape, which will lead to data collection that more accurately reflects the range of sexual assault offenses. As a result of the change, many law enforcement jurisdictions will experience an increase in the number of victims captured within the Forcible Rape category, which will also inevitably impact how their cases are cleared or otherwise closed.

There are also a number of organizational factors that limit the quality of information captured in UCR statistics. For example, many law enforcement agencies do not separate out the various types of sexual assaults (e.g., penile-vaginal penetration versus other types of penetration). This further complicates data collection and analysis. In addition, UCR participation is voluntary for law enforcement agencies, so many simply fail to submit any data at all. This is often due to political factors and/or limited resources, particularly in small or rural law enforcement agencies.



An additional problem is that law enforcement officers and investigators typically receive no training at all in the proper use of UCR data definitions and methodologies. As a result, two detectives sitting at desks directly next to each other may be following different criteria for clearing their cases and recording UCR data.

## **The Alternative: NIBRS**

Because of these problems with the UCR definition of “forcible rape,” many have called for changes to expand and improve it. Yet the FBI has already created an alternative data collection effort that was designed to replace the UCR program. This program is called the National Incident-Based Reporting System (NIBRS), and the FBI began its implementation in 1989. NIBRS was designed to collect data on reported crimes within 22 specific categories. One of these categories is: “Sex Offenses, Forcible – Forcible Rape, Forcible Sodomy, Sexual Assault with an Object, Forcible Fondling.” Another is “Sex Offenses, Nonforcible - Incest, Statutory Rape.” Obviously, NIBRS uses a much broader definition of sexual assault than the UCR does. It is therefore likely to capture more comprehensive data on the range of sexual assault crimes that are actually reported to law enforcement each year.

For NIBRS purposes, information is collected for each offense, including characteristics of the incident, victim(s), property, suspect(s), and arrestee(s). The Bureau of Justice Statistics then publishes analyses of this data,

such as the 2000 report written by Dr. Howard Snyder entitled: “[Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics](#)” (NCJ #182990). Unfortunately, very few articles have been published so far based on an analysis of NIBRS data on sexual assault. Therefore, we have not yet benefited significantly from the knowledge that could potentially be gained through NIBRS.

There is also a concern that most law enforcement agencies do not participate in NIBRS. Because of the level of detail required for NIBRS reporting, it is frankly difficult for many law enforcement agencies to participate. In addition, agencies have to be certified to participate, so it is not surprising that the NIBRS program has not been widely adopted. The FBI website states that only 32 state programs have been certified so far for NIBRS participation, although others are in various stages of implementation and testing. As of 2012, NIBRS data thus represents only 30% of the US population and 28% of the crime statistics collected by the UCR program. Clearly, the NIBRS program has a number of advantages but has not yet successfully replaced the UCR, so many law enforcement agencies continue to contribute data through the UCR but not NIBRS. For more information on the [NIBRS](#) program, please see their website.

## **The National Crime Victimization Survey**

Another commonly cited source of information on sexual assault is the National Crime Victimization Survey

(NCVS), which is conducted by the US Department of Justice through the Bureau of Justice Statistics (BJS). The NCVS was introduced in 1972 and originally designed to complement the information on reported crimes compiled by the FBI in the UCR program. The NCVS is based on interviews, conducted both on the telephone and in person, with more than 100,000 individuals from a national sample of 50,000 households. It involves asking respondents aged 12 and older about any crimes they may have experienced and inquiring whether or not the crime was reported to a law enforcement agency.

Prior to 1993, the NCVS did not specifically address sexual assault. Thus, any estimates for sexual assault prevalence or incidence were based only on those crimes that were described by respondents without any prompting on the part of the interviewer. Obviously, this is a totally unsatisfactory method for measuring sexual assault victimization, and NCVS statistics prior to 1993 should not be used for this purpose – even though the BJS states that “the data before 1993 are adjusted to make them comparable with data collected since the redesign.” Since 1993, the NCVS has used revised wording that does specifically address both rape and sexual assault, and the estimates regarding prevalence are now about four times higher than they were before the redesign. NCVS data is reported in several publications that are available at the [NCJRS website](#).



## Definition of Rape

To understand the methods used for screening NCVS participants for sexual assault victimization, information is drawn from the *Interviewing Manual for Field Representatives* published by the US Census Bureau (2003). First, to determine whether someone has been raped, NCVS respondents are asked this primary screening question: “Has anyone attacked or threatened you in any of these ways?” A number of crimes are then listed, including “any rape, attempted rape, or other type of sexual attack” (p. B2-48). If the respondent asks what is meant by any of these terms, the following definitions are provided: “forced sexual intercourse, including both psychological coercion as well as physical force. Forced sexual intercourse means vaginal, anal or oral penetration by the offender” (p. B3-71-72).

Unlike the UCR, this definition used for the NCVS includes sexual assaults perpetrated against both male and female victims, as well as those committed by perpetrators of the same sex, and those involving various forms of penetration. However, it is important to keep in mind that this definition is only provided if the respondent explicitly asks what is meant by the terms “rape,” “attempted rape,” or “sexual attack.”

If the respondent indicates that they were raped by answering “yes” to the screening question, respondents are then asked: “Do you mean forced or coerced sexual intercourse?” According to the *Interviewing Manual*, this



question is included to ensure that the respondent's definition of rape matches the NCVS definition" (p. B3-75). If the respondent says "yes," they are coded as having been raped. If they say "no," the interviewer is prompted to ask, "What do you mean?" Interviewers are then instructed to record as much information as possible about the event and evaluate whether another type of sexual assault other than rape is being described (p. B3-75).

Finally, NCVS respondents are provided with the following prompt at a later point in the interview:

Incidents involving forced or unwanted sexual acts are often difficult to talk about. Have you been forced or coerced to engage in unwanted sexual activity by?

- Someone you didn't know before.
- A casual acquaintance.
- Someone you know well.

This prompt is reportedly "designed to remind each respondent of incidents in which he/she was forced or coerced to engage in unwanted sexual activity, regardless of whether the respondent did or did not know the offender" (p. B2-50). This detailed information about the actual questions asked during the NCVS is important because it allows readers to use their own common sense in identifying the strengths and limitations of the research methodology.



## **Strengths of the NCVS**

The strengths of the NCVS include the extremely large sample, and its representativeness of the national population. The combination of interviews conducted on the telephone and in-person also contributes to the strength of the study because they allow confidence in the quality of information gathered from participants. The fact that prevalence is estimated from victims rather than the criminal justice system is also a strength of the NCVS, because it includes both reported and unreported incidents. Finally, the fact that the NCVS is conducted by the federal government lends it credibility and the appearance of objectivity in the eyes of many people.

## **Limitations of the NCVS**

The primary limitation of the NCVS is the language used to ask about victimization. First, the definitions utilized in the NCVS are not consistent with legal definitions in state penal codes – or with definitions that represent standard methodology for research on the incidence or prevalence of sexual assault. These definitions are in fact poorly conceptualized and poorly worded. No additional explanation or clarification is offered beyond the definitions that are provided above.

A second concern is that the definitions are only read to participants who ask the interviewer what is meant by the terms “rape” or “sexual attack.” This is critically important because it means that participant responses are dependent on whether or not they personally label



their experience as a “rape” or a “sexual attack.” Other research clearly demonstrates that the vast majority of women who have experienced behaviors that meet the legal definition of sexual assault will in fact say “no” when asked if they have been raped (Koss, 1985, 1988). For men, it is perhaps even more likely that they would say “no” when asked if they have been raped, although they may have experienced behaviors that meet the legal definition of sexual assault.

These are very serious limitations that artificially reduce the NCVS estimates for prevalence and incidence. In fact, one study was conducted with two different samples of college women, to estimate how different the figures are when the NCVS methodology is compared with a more standard social scientific methodology. This comparative study found that incidence and prevalence estimates were 11 times higher when obtained using standard social scientific methods rather than the NCVS methodology (Fisher, Cullen, & Turner, 2000). Clearly, the NCVS dramatically underestimates the number of sexual assaults that occur on a national level.

These and other criticisms of the NCVS methodology are discussed in publications by Dr Mary Koss (1992, 1993, 1996), Dr Dean Kilpatrick (2004), and other researchers. However, many people in the field are not aware of these limitations, because NCVS statistics on sexual assault are regularly cited without any such context or critical analysis. At this point, it is reasonable to suggest that NCVS statistics should not be used to make general conclusions



about sexual assault incidence, prevalence, and dynamics, given the serious flaws in methodology and their well-documented impact on dramatically underestimating prevalence. But if they are going to be used, they must be interpreted in the context of these methodological flaws and compared to findings from other research using a more rigorous social scientific methodology.





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