



# Sexual Assault Naming the Unnamed Conspirator

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# Who are the parties to a sexual assault?

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- ◉ The Victim
- ◉ The Offender



# Meet the Unnamed Conspirator



The Denver Post / Andy Cross

# When you go away to college:

- ◉ If your daughter had a one in four chance of being the victim of a violent robbery just because she chose that college



- Do you think you would let her go?

In a survey of more than 6000 students at 32 colleges and universities in the U.S. it was found that:

- One in four women had been victims of rape or attempted rape
- Only 27% of the women considered themselves to be victims of rape, although their assaults met the legal definition of rape
- 84% of the rape victims knew their attacker

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- ◎ 57% of the rapes happened on dates
  - ◎ 42% told no one of the assault, and only 5% reported to the police

Warshaw, Robin. *I Never Called it Rape: The Ms. Report on Recognizing and Surviving Date and Acquaintance Rape*. New York: Harper Perennial, 1994.

# The Campus Sexual Assault Study

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- 20% of college aged women experienced rape or attempted rape during college (and 6% of men)
- About half of the women were incapacitated by drugs or alcohol
- Majority of sexual assaults during college happen in the first 4 semesters
  - Christopher Krebs et al; National Criminal Justice Reference Service, 2007

# 2010 USAF Sexual Assault Prevalence and Incidence Survey

- In 1 calendar year, 0.5% of men and 3.5% of women experienced some form of SA (Incidence)
- Over a lifetime, 29% of women and 4% of men experience some form of SA (Prevalence)
- Almost always blue on blue
- 6% of men and 17% of women reported
- Most assaults are committed against the victim in the first 2-3 years of service

# 911 Tape

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# What about the guys?

- ◉ More than 6% of male college students committed acts that met the legal definition of rape or sexual assault (Warshaw, 1988)(Lisak)
- ◉ 13% of Naval recruits admitted perpetrating rape or attempted rape prior to or during 1<sup>st</sup> year of military service. (McWhorter, Stander, Merrill, 2009)
- ◉ 88% of men whose actions came under the legal definition of rape were adamant that their behavior did not constitute rape. (Warshaw, 1988)

How much alcohol can you handle?

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- ① Two Beers
- ② Three Margaritas
- ③ Four Jello Shots

**two beers \$7**  
**three margaritas \$15**  
**four jello shots \$20**  
**Taking home the girl who**  
**drank all of the above....**  
**Priceless**

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**Vulnerability  
is meaningless unless  
someone decides to  
take advantage of it**



What are the logical  
consequences of drinking too  
much alcohol?

**A Hangover!**

# Evidence of the Unnamed Conspirator on the General Public

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# Times/CNN Poll (1991)

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38% of the men and  
37% of the women  
said that a raped woman  
is partly to blame  
if she dresses provocatively.





# Influence of the unnamed conspirator on children

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# Rhode Island Study of School Children

(1,700 6<sup>th</sup> to 9<sup>th</sup> grade students)

62% of boys and  
58% of girls  
said it is acceptable  
**to force** a woman to have sex  
if the couple has been dating  
for more than six months.

Rhode Island Study  
of School Children  
(1,700 6<sup>th</sup> to 9<sup>th</sup> grade students)

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50% of the boys  
And 50% of the girls said  
a woman walking alone  
**is asking to be raped.**





# Influence of the unnamed conspirator on jurors

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# Juror Decision Making

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- Studies of *actual* jurors over time demonstrate:

- Jurors make their decisions on an “assumption of the risk” theory
- Jurors admit to disregarding the evidence and making their decisions based on their perceptions of the victim’s character and lifestyle
  - Kalvin and Zeisel, Gary La Free

# Vermont case example

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- Medical student (offender) meets and has a one time casual sexual encounter with a college freshman. She felt used by him and didn't want to have anything to do with him after that. One month later he sees her at a fraternity party. He wants to get together for sex, she says no. He follows her outside and tries to convince her it is okay to have sex in the shadows on the front lawn.

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- She says no, he starts to use some force. She resists, cries out for help, three witnesses hear her cries and hear him hitting her. They intervene. He stops, pulls his pants up and runs away. She is hysterical, has a split lip and a black eye from his hitting her
  - Case goes to trial

- At trial, the defendant testified “I only slapped her after she became skittish about having sex. She raised her voice; I tried to calm her down and convince her it was alright, but she raised her voice again. I told her to be quiet and I slapped her face”.
- He is acquitted.
- Female juror said told police chief that he had “arrested an innocent man because they had sex before, she was drunk and just looking for sex again”

If sexual assault was a compass,  
NORTH would be victim behavior

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No one wants to believe that someone  
we like would do this...

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# The Unnamed Conspirator



AKA: Societal Attitude

# The “Petri Dish”



We have created a  
perfect environment  
for perpetrators.

Where do we begin to make  
progress?

# Baggage Claim

- We are all raised in a culture that looks at sexual assault through a certain lens
- We tend to hold victims responsible to some extent for the crime
- It is important to examine our “baggage” in order to respond to sex crimes professionally and accurately



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# Change your focus



She consented to part



She drank with him!

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# Who would you believe?

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# Consent Defined

“Consent” means a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the accused’s use of force, threat of force, or placing another person in fear does not constitute consent.

# THANK YOU

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