

CRIME PROBLEMS

"Officer, What Should I Do If . . . ?"

Sexual assault is a subject being addressed by professionals in law enforcement, medicine, psychology, and social work. Nonprofessionals, also, are speaking on the topic—neighborhood anticrime groups, feminist organizations, and commercial businesses promoting the sale of whistles, tear gas guns, and "quickie" self-defense courses.

In spite of great diversity in disciplines, these groups have reached general agreement on the correct *proactive* approach to reduce the incidence rate. To avoid an attack situation, the same measures advised for deterring robbery, burglary, and mugging are recommended for sexual assault. These precautions follow traditional "target-hardening" procedures—installing deadbolt locks and security alarms in residences; having adequate lighting in yards, parking lots, and along streets; and warning about the dangers of unlocked cars, hitchhiking, and encounters with strangers.

There is, however, great controversy regarding the correct *reactive* measures which should be employed in the event precautions fail and an attack is imminent or underway. Women are being told: "Scream," "No, don't show fear"; "Fight back," "No, try to talk to him"; "Be aggressive," "No, stay calm and cool."



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The public is bewildered because "experts" and laymen write books, produce films, and give speeches which advocate opposing self-defense philosophies. Basically, tactics to avert an assault are considered to be "aggressive" or "passive."

Aggressive tactics are designed to frighten off the assailant. Proponents believe that a large percentage of rapists are insecure—fearful of women and their own sexual inadequacies; that they coerce their victims by

threats and intimidation, and that they are likely to flee in the face of aggressive reaction. Recommended resistance includes using karate, judo, and streetfighting techniques such as scratching, biting, kicking; carrying tear gas, hatpins, and nail files for weapons; or running, screaming, and blowing whistles. Feminists, martial arts instructors, and manufacturers of alarm devices and other paraphernalia are usually advocates of this methodology.

Passive techniques are intended to serve a dual purpose—to stall for time and to interrupt the offender's "fantasy trip" without increasing his level of anger. This philosophy is based on the premise that the attacker may be armed, that he is acting out of feelings of rage and hostility, and that aggressive reaction by the victim can escalate the violence and brutality of the assault. Examples of maneuvers in this category are: Talking and questioning, pretending to faint, urinating or vomiting, or crying and pleading. Victims' advocates, medical and psychological personnel, are frequent proponents of this approach to encounter tactics.

Within law enforcement, the aggressive/passive dichotomy is especially evident. While many police officers are demonstrating streetfighting

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techniques to groups of women, others are telling audiences that it is far better to be a rape victim than the deceased in a homicide investigation. Departments with common jurisdictional boundaries frequently espouse contradictory tactics against sexual assault.

Police and other professionals are in general agreement on the proper procedures for investigation, evidence collection, treatment, counseling, and legislative reforms. Why, in spite of research and data collection, seminars and conferences, has argument on this one aspect of the crime not been resolved? Why do confused women continue to ask, "Officer, what *should* I do if . . . ?"

The reason is simple. While many rapists can be categorized as insecure/inadequate, many others belong to the rage/hostility group. Therefore, all tactics will work some of the time, but *no* tactic will work *all* of the time. Everyone is right and no one is wrong.

Research on the psychological motivations for sexual assault is sparse. It is frequently based on subjective evaluation and often inconclusive. Although data indicates that approximately 2 percent are homicidal and psychopathic, no consensus has been reached on classifications for the remaining 98 percent. In addition to the insecure/inadequate and rage/hostility groups, there may be other major categories, as well as numerous subgroups.

Nonetheless, during a recent series of interviews with six convicted rapists, the men indicated that both aggressive and passive tactics had been

employed against them with relatively equal success.

Each man was asked to relate the details of any specific instance in which his intended victim escaped being sexually assaulted. One said that the only time he fled rather than pursue the attack was when the woman "struggled and screamed." On the other hand, another stated that it was the victim's screaming and struggling which led to her death by strangulation.

Three of the six offenders found physical fighting to be a "turn-on," while two others were more incited by crying and pleading. One rapist ran from the scene when the woman angrily demanded, "What the hell are you doing in my car?" However, when another assailant was smilingly told, "O.K. honey, let's go," he admitted, "With *that* I split!"

As evidenced by this small sampling, everything and anything can deter an attacker—SOMETIMES. The same tactic will not affect two rapists in the same way. What works with one probably will not work with another. Moreover, a specific maneuver may work for one victim but not another, even though used against the same attacker.

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circumstances and interpersonal dynamics between participants. Therefore, an attempt must be made to analyze three sets of contributory factors influencing an attack—the situation, the victim, and the assailant.

The situation. In any situation, the outcome may depend upon whether it is daytime or night; a deserted or populated area; with advance warning or a surprise attack; in a vehicle, open area, or a residence; in familiar or unknown territory; in connection with another crime or in a social context.

The victim. The victim's choice of tactics will depend upon her values and priorities, personality, age, and physical capabilities or limitations. For some women, the fear of severe physical injury is overwhelming and paramount; for others, the fear of being raped is stronger. Many women have shy, docile personalities, while others are aggressive and quick to vent anger. The elderly and children do not possess the strength and agility of young adults. For the handicapped, mentally retarded, and those under the influence of drugs or alcohol, the response range is severely limited.

The assailant. How he is perceived by the intended victim will greatly influence her reactions, and therefore, the eventual outcome of the attack. He may be a total stranger, casual acquaintance, co-worker, neighbor, or relative. He may be brandishing a weapon or be unarmed. He may be using strong-arm force, beating and striking her, or simply threatening verbally. He may be acting alone or with a companion or group.

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Therefore, even though all tactics will work if employed in the right set of circumstances and conditions, attempting to determine which one should be used and when becomes an exercise of futility. The variables are too subjective and too numerous. They defy calculation.

For example: You advise a young, aggressive adult in good physical condition to put up active resistance if the assailant is unarmed. How is she to know? If awakened in the middle of the night, the intruder on top of her and tearing at her gown, will you be able to guarantee, either way, that she can make that crucial determination correctly? If face to face with the offender in broad daylight, can you assure her that he won't have a gun in his belt or a knife in his boot? Will he allow her to "frisk" him before deciding whether or not to fight?

If there are no unqualified statements that can be made about tactics to prevent sexual assault—no absolutes, no hard and fast rules to follow—then what role can law enforcement play in educating the general public? Should we simply plead ignorance, or avoid the subject of encounter tactics and stick to what we know best, the target-hardening approach to rape prevention? Certainly not!

Police officers have more credibility on this subject than any other professional group. Law enforcement agencies are the logical and proper source for crime prevention information, and moreover, may be the only viable channel for resolving the conflict. By accepting the responsibility, we can provide an invaluable service to other professionals, as well as to the general public.

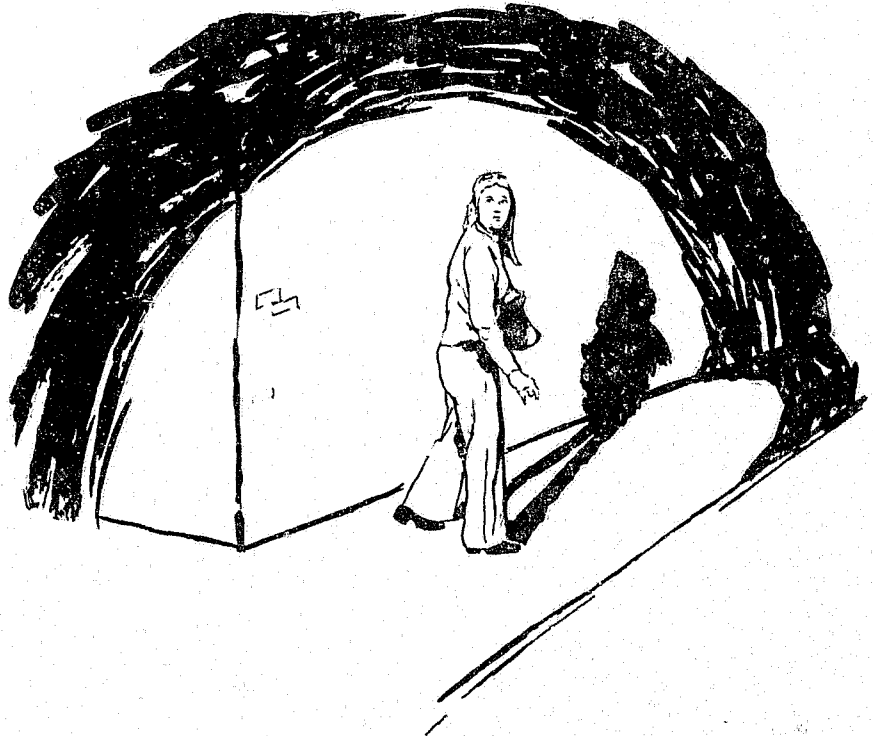
Police departments can take the

first step by acknowledging that at the moment of confrontation, no "expert" will be there to answer the victim's questions. She will be totally on her own, reacting within microseconds of the initial perception of danger. She will be the only person who can gauge the situational factors, her own priorities, and have a sense of the attacker's level of violence. Examining and weighing these factors rapidly and under stress, her response will be selected instinctively rather than methodically. Nonetheless, the intended victim is the best, and only, person who can decide which tactics to use. Although police can neither make the decision nor offer on-the-scene advice, they can aid and assist women in making appropriate choices by asking questions rather than providing answers.

The principle was established some years ago by Dr. Carl Rogers and is

termed "nondirective" counseling. Based on the premise that solutions to personal problems must be formulated by the individual himself, the therapist's role is one of guiding the patient through an exploration of his options, leading him to identify and examine each alternative. According to "Rogerian" theory, the person will then evaluate the options and reach an appropriate solution. The process often requires the counselor to answer a question with another question.

When applying the theory to the question of rape prevention tactics, consider this example: Instead of asking you whether or not she should fight, a woman tells you she intends to physically resist any assailant unless he has a knife or gun at her throat. However, after making this unequivocal declaration, she seeks official approval by asking, "That's all right, isn't it?"



Instead of answering the question, the nondirective approach would be to ask in return, "Since weapons are often concealed, how will you know whether or not he is armed?" Your question has served two purposes. It has given her a piece of information and also steered her into looking at the possibility previously unconsidered—the attacker's weapon might be concealed.

Even if we could present women with a set of maneuvers or guidelines to follow, there would be good reason not to do so. In spite of studying our expert advice, a woman might instinctively, automatically react contrary to the "rules," for instance, fight instead of pretending to faint, and if she were badly injured as well as raped, she might then experience unwarranted guilt and self-blame for not having "followed instructions."

Conversely, if the procedures we recommended were closely followed, but were unsuccessful in averting the assault, she might place the blame at the police department's doorstep, feeling antagonism and mistrust toward the very agency responsible for investigating her case.

Fortunately, law enforcement does not need to advocate a specific set of encounter tactics in order to educate the public. Instead, our rape prevention effort can be totally nondirective. This approach is not only logical, it is more viable and productive. In guiding audiences toward awareness of options and selection of their own appropriate alternatives, there are certain basic principles which can be outlined:

1. Fighting or verbal abuse increases one's chance of being injured or killed.

2. In any confrontation, it is easy to escalate violence but difficult to defuse it. Therefore, if passive/stalling tactics fail, a woman can try aggressive resistance. If, however, her initial reaction is one of aggression, she will not be able to resort to passive techniques if fighting fails.

3. Forceful resistance is relatively less dangerous if initiated during a preliminary period of interaction between victim and assailant, prior to the actual physical attack. Whereas, if an attack is launched without prior visual or verbal exchange, a physical counterattack will be more likely to increase her injuries without increasing her chance of escaping rape.

4. If the victim and assailant know each other, aggressive resistance is usually safer than if they are total strangers or have just met in a bar or other social situation involving drug or alcohol consumption. Behavior of total strangers and new acquaintances is the least predictable.

5. Overt demonstrations of fear can increase an assailant's anger. Many offenders indicate that screaming, running, crying, and pleading incite violence. It is interesting to note that the first two reactions are categorized as aggressive, the last two as passive.

6. Actions which increase the attacker's fear of being apprehended or identified can lead to a panic reaction wherein unintended, unwarranted violence is inflicted on the victim.

Police officers should share with the general public any data and information that may help women formulate their own tactical philosophy. For ex-

ample, a 1975 Dade County sexual assault study indicated: (1) 55 percent occurred in residences; (2) 50 percent were perpetrated by someone known to the victim; (3) 50 percent involved the use of weapons; and (4) 15 percent occurred in vehicles. These are facts that may help women make decisions; there are others.

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The vast majority of rapists do not intend, nor want to inflict, serious injury. Only one-fourth of rape victims suffer physical trauma and less than 2 percent face a life-threatening situation.

In 1976, Dade County victims ranged in age from 2 months to 91 years and included significant numbers of young boys and young men. The public needs to know that no one is immune—young or old, male or female.

It is necessary for law enforcement to "tell it like it is" on some aspects of the crime that are not warmly received by the younger female audiences. Primarily, there are three:

1. Hitchhikers and scantily clad women *are* prime targets, at least to most of the offenders interviewed by this writer. It may not be "right" or "fair," but it is a fact.

2. Some women send out conflicting messages and some men hear what they want to hear. Therefore, women should be told to say what they mean and mean what they say. Furthermore, they should be warned not to send out "body language" messages that conflict with

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either their words or true intentions.

3. If a woman knows the offender, passive tactics combined with no physical injuries are likely to jeopardize a court case. Women must know this in order to determine whether or not they want to fight.

Reluctance to emphasize facts which tend to offend feminists can have serious consequences in the courtroom and be self-defeating to the criminal justice system. Two recent cases illustrate this point.

Case A: In the spring of 1977, a Dade County judge directed a verdict of acquittal after a young woman admitted that she offered little resistance when a guidance counselor took her to his apartment and began making advances.

According to the girl's mother in a post-trial statement, "The week before this happened they showed a film at school telling the students . . . don't fight it, your chances of getting out with your life are so much better."

However, the defense attorney, in his successful bid for the directed acquittal, stated, "She made no protestation . . . there's got to be some lack of consent on the part of the victim. She didn't say anything."

An important point is illustrated: Even though a course of action is outlined as a possible alternative rather than a recommended choice, the probable results of that action must also be clearly stated. In this particular case, the victim and her mother had failed to realize that total lack of physical and verbal resistance might be interpreted in a court as being total acquiescence. Had she known this, she might have elected to refuse more ag-

gressively. At least, she would have been more aware of the ramifications of her decision.

Case B: In Los Angeles, a court of appeal reversed a rape conviction in August 1977 on the technical ground of faulty jury instruction. In its opinion, however, the court stated that: "A lone female hitchhiker . . . advises all who pass by that she is willing to enter the vehicle with anyone who stops and, in so doing, advertises that she has less concern for the consequences than the average female. Under such circumstances, it would not be unreasonable for a man . . . to believe that the female would consent to sexual relations."



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In her own testimony, the victim admitted that she cooperated in and initiated sexual acts after the driver became sexually suggestive. The defendant did not resort to physical force nor did he expressly threaten bodily harm.

Consequently, even though the victim might have feared that he would kill her, and the prosecution based its case upon implied threats from the situation in which she found herself, the court concluded that by entering the car willingly, she was responsible for making her lack of consent manifest.

This case illustrates the importance for: (1) Honesty about the probable consequences of exercising the "right" to hitchhike; and (2) frankness in telling women that convictions often hinge upon proving that lack of consent was clear, unequivocal, and adamant.

Many of the realities of rape prevention and prosecution do not seem "fair" to some women, and therefore, generate controversy. Nonetheless, police will be avoiding their responsibility if they do not provide these same women with candid, factual information.

To summarize, rape/sexual assault crime prevention programs can be handled most effectively by taking a dual approach—dividing the subject into two distinct segments—precautions and tactics.

In outlining precautionary measures, law enforcement can be directive and specific when recommending proactive measures to prevent being selected as a target for victimization. However, tactics to employ in the event precautions fail and an attack is imminent cannot be specifically outlined.

Even though no one can answer the question of what anyone else should do in a case of attempted rape, the public is floundering in a sea of conflicting advice, and it is only proper that police departments use their credibility and knowledge to resolve the confusion and endless debate.

To accomplish this, law enforcement can be the first professional group to:

1. Acknowledge that the intended victim is the *only* person who can know and weigh the elements of an attack situation;

2. Adopt the Rogerian non-directive approach which will allow, encourage, and even insist that each woman reach her own conclusion; and

3. Assist and guide women toward appropriate decisions through education and information about basic principles and



data, including facts they may not want to hear.

Women who are knowledgeable and aware, women who have been encour-

aged to develop and act upon their perceptions and instincts, each according to her own needs and priorities, will no longer need to ask, "Officer, what *should* I do if . . . ?"

A Call for Nominations

The Association of Former Agents of the U.S. Secret Service, Inc. (AFAUSSS) has announced that it will again present an annual cash award to a deserving law enforcement officer, alive or deceased, for exemplary performance in the field of law enforcement.

Any sworn, full-time officer below the rank of chief, who is serving in a city, county, State police, or Federal law enforcement agency in the United States, is eligible for consideration. Exceptional achievement in any law enforcement endeavor, including but not limited to, extraordinary valor,

crime prevention, drug control and prevention, investigative work, traffic safety, juvenile programs, community relations, training programs, and innovative approaches to law enforcement, qualifies an individual for nomination. The act or incident for which the nomination is made must have occurred during calendar year 1977.

Law enforcement personnel may be nominated by any source, but must have the endorsement of the chief of police or agency head. Each nomination must also be accompanied by a brief statement of specific circumstances involving the dis-

tinguished law enforcement performance, supplemented by supporting documentation such as departmental citations, letters of commendation, newspaper clippings, or copies of reports.

The Board of Directors of AFAUSSS will review each nomination and select the final winner, who will be announced at an annual conference to be held in September 1978.

Letters of nomination should be mailed to the Association of Former Agents of the U.S. Secret Service, Inc., P.O. Box 31073, Washington, D.C. 20031, and must be received no later than June 30, 1978.

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