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May 5, 2006

Ms. Nancy Klingler  
U.S. Department of Education  
Wanamaker Building, Room 511  
100 Penn Square East  
Philadelphia, PA 19107

Re: Wesley College Clery Act Compliance

Dear Ms. Klingler:

We have recently been made aware that Wesley College, located in Dover, Delaware, may not be in full compliance with the Jeanne Clery Act's timely warning and public crime log provisions and would appreciate your prompt review of the attached complaint. In it we allege that information about a February 12, 2006 rape was improperly withheld from the crime log and that no timely warning was issued despite there being a potential threat on campus.

Thank you in advance for your prompt attention to this request for a review of these matters. Should you have any questions please don't hesitate to contact me.

Sincerely,

S. Daniel Carter  
Senior Vice President

Enclosures

**Complaint Of Non-Compliance With  
The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act  
20 USC § 1092(f); 34 CFR § 668.46**

**May 5, 2006**

**Brought Against: Wesley College, 120 North State Street Dover, Delaware 19901**

**Brought By: Security On Campus, Inc., 133 Ivy Lane, Suite 200, King Of Prussia, PA19406**

**Brought With: U.S. Dept. of Education, 100 Penn Square East, Philadelphia, PA 19107**

**Introduction**

On February 12, 2006 a female student at Wesley College reported to the institution's Office of Safety and Security (OSS) that she had been raped by an acquaintance in her Carpenter Hall room. OSS subsequently notified the Dover Police Department and the accused student was arrested three days later on-campus. The arrest was reported by several local media outlets at which point student journalists at the College's campus newspaper *The Whetstone* first became aware of the incident.

*The Whetstone* began investigating and was initially told by institutional officials that the federal Family Educational Rights and Privacy Act (FERPA) precluded disclosure of information about the OSS report even though it does not. They were also told that a timely warning under the Clery Act was not warranted because "there was no continuing threat to students." Subsequently they were denied access to the Jeanne Clery Act required crime log and contacted Security On Campus, Inc. (SOC) for assistance in obtaining information about this and other crimes on campus.

On April 19<sup>th</sup> SOC contacted Wesley College officials by electronic mail to express our concerns that students had been denied important information about a serious crime reported on their campus. Dean of Students Kenneth Waldrop responded the next day and indicated that the only crime log previously maintained by the OSS contained personal information about students involved in complaints, including the names of victims, and had accordingly not been publicly available on a daily basis with only summary statistics being released periodically.

Dr. Waldrop stated his support for the Clery Act and further stated that a public log would be "implemented immediately" that did not improperly violate victim confidentiality. He further stated that there was no ongoing threat posed by the accused student because he had been arrested and removed from campus, but did not address the three days prior to the arrest.

Because of ongoing concerns expressed by student journalists at Wesley we feel that a review by the Department of Education (ED) is warranted to determine if in fact a timely warning should have been issued prior to the arrest of the student accused in the February 12<sup>th</sup> rape, to verify that a proper crime log is now in fact in place, and that the institution is otherwise in full compliance with all requirements of the Clery Act.

### Timely Warning

Under the Clery Act regulations, at 34 CFR § 668.46(e)(1), institutions are required to issue timely warnings to the campus community when a crime that is reportable in annual statistics under the law, such as a forcible sex offense known to campus security, is considered “by the institution to represent a threat to students and employees.” Such warnings must be issued “in a manner that is timely and will aid in the prevention of similar crimes.”

In the case of the February 12<sup>th</sup> rape the institution contends that they “did not perceive it constituted an ongoing threat to the College community since the accused student was arrested and immediately banned from campus by the Dover Police Department.” (Exhibit A, Electronic Mail Message From Dr. Ken Waldrop, dated April 20, 2006) While these actions did effectively end the potential threat to the campus at that point, there was a three-day period preceding them during which an accused rapist was free to roam the campus unbeknownst to the student population.

According to published accounts the accused student and his accuser “were watching television in her dorm room,” when he “allegedly forced himself upon the 19-year-old victim.” (Exhibit B, “Alleged Wesley Rapist Free” March Edition of *The Whetstone*) She promptly reported the assault to the OSS who then reported the incident to the local police department. The accused was subsequently charged with second degree rape.

The institution acknowledges that this assault “was traumatic for the” victim but suggests that because it was an alleged “acquaintance rape” there wasn’t an ongoing threat to other students prior to the accused’s arrest. This position, however, fails to take into account research finding that many acquaintance rapists are both repeat offenders and often remain undetected because victims do not report the assault to authorities.

Specifically, the research findings of David Lisak & Paul M. Miller examined “undetected rapists” from a university population and found that a “majority of the undetected rapists in this sample were repeat offenders.” (Exhibit C, “Repeat Rape and Multiple Offending Among Undetected Rapists” 17(1) *Violence and Victims* 73 (2002))

“These data conflict with the implicit notion that these rapists are in some way less serious offenders than their incarcerated counterparts,” the researchers observed. “Almost two thirds of these rapists were repeat offenders who averaged close to six rapes each, and the majority also engaged in other forms of interpersonal violence.”

Viewed in this light it is not proper for an institution to assert merely because an accused rapist is acquainted with their victim that there is not an ongoing threat, at least merely on this basis alone. In fact it is our experience that acquaintance rapists are just as predatory, if not more so, than their counterparts who target strangers.

Wesley College students deserved to be warned about this potential threat to their safety and the institution’s decision to not do so ought to be subject to a full and complete review by ED to determine if the Clery Act was violated.

### **Public Crime Log**

Under the Clery Act regulations, at 34 CFR § 668.46(f)(1), institutions are required to maintain a public crime log of all crimes reported to their campus police or security department. It must contain detail the “nature, date, time, and general location of each crime; and . . . The disposition of the complaint, if known.” Information that would jeopardize the confidentiality of the victim should be withheld, but all other information must be “open to public inspection during normal business hours” unless it would jeopardize an investigation or cause a suspect to evade detection, situations not at issue here.

The institution stated that prior to our contact with them in April the crime log entry for the February 12<sup>th</sup> rape contained “the names of both the alleged victim and accused. Consequently, to release that security log would have violated the victim’s confidentiality. The format of the daily crime log, which will be implemented immediately, will enable us to release important information should there be such requests.” (Exhibit A)

This statement confirms that the crime log entry for the February 12<sup>th</sup> rape was withheld in its entirety and suggests that the entire crime log was not publicly available as required because other entries would have also contained unreleasable information given this format. The proper approach, as the institution now recognizes, is for a crime log to be publicly released that contains all required information but which also protects confidential information. Doing so may necessitate maintenance of an internal or dispatch log and a separate public log produced after the fact (institutions are given two business days to do so).

While SOC appreciates the institution’s recognition that a log with basic details about all crimes reported to the OSS should be now be public, given the continued concerns raised by the student journalists who contacted us we believe that ED ought to review the crime log to determine that it is now in fact in full compliance.

### **Campus Crime Statistics**

Under the Clery Act regulations, at 34 CFR § 668.46(c), institutions are required to include in their annual security report crime statistics for the prior three calendar years for certain specified crime categories and geographic areas. Minutes from a Dover City Council committee meeting from February 28, 2006, however, include a reference to Dean Waldrop stating that he “will request that the statistics for the past three (3) years be posted on Wesley’s website.” (Exhibit D)

When read in conjunction with Wesley’s annual security report (Exhibit E) which although it does contain data for 2002-2004 states that it only includes information for “January 1-December 31, 2004” suggests that prior to March the web site contained only a single calendar year’s worth of data. Additionally there is no reference to or information about crimes occurring on “public property” one of the required geographic areas, and referrals for disciplinary action do not contain any geographic breakdown.

The Clery Act regulations, at 34 CFR § 668.46(b)(2)(ii), further require institutions to disclose in their annual security reports “Policies for preparing the annual disclosure of crime statistics.” No

clear statement about how Wesley's crime statistics were collected was readily discernable in their online report. Accordingly it is not clear if statistics are being collected from all required sources, including campus housing officials or local police as required by the regulations. We feel that an ED review of how the statistics are collected and reported is thus warranted.

### **Conclusion**

Due to this institution's failure to properly disclose through a public crime log or a timely warning any information about an alleged rape that occurred on their campus students were kept completely unaware of this incident until the local news media reported on an arrest in the case. Had an arrest not been made it is possible that the campus would never have been told about the incident, or at best would have known of it only through a statistic with no details.

This runs completely contrary to the intention and spirit of the Clery Act's timely warning and public crime log requirements. Accordingly SOC believes that a full and complete campus security focused program review of these matters is warranted. If any past or present violations are found prompt corrective action should be undertaken by the Department to ensure that students are receiving all crime report information they are due.

A handwritten signature in black ink, reading "S. Daniel Carter". The signature is fluid and cursive, with a large initial "S" and a stylized "Carter".

S. Daniel Carter  
Senior Vice President  
Security On Campus, Inc.

Exhibit

A

S. Daniel Carter

---

**Subject: RE: Wesley College's Jeanne Clery Act Crime Log**

**Date:** Thursday, April 20, 2006 1:24 PM

**From:** Waldrop, Dr. Ken <WaldropKC@wesley.edu>

**To:** "S. Daniel Carter" <sdcarter@securityoncampus.org>

**Cc:** Security Office <Security@wesley.edu>, [REDACTED]@aol.com, James Moore <James.Moore@ed.gov>, "Miller, Dr. Scott D." <millersd@wesley.edu>, <cle@delawareonline.com>, Catherine Bath <cbath@securityoncampus.org>, Alison Kiss <akiss@securityoncampus.org>, [REDACTED]@aol.com, "Rhea, Michael" <RheaMich@wesley.edu>, "Coplan, Dr. Bette" <coplanbs@wesley.edu>

**Conversation:** Wesley College's Jeanne Clery Act Crime Log

Mr. Carter:

I am in receipt of your e-mail of April 19, 2006. I want to assure you that Wesley College is always very concerned with the safety of our students and informing them of any potential relevant issue. I regret that [REDACTED] did not notify me so that we could have appropriately responded to her request in an accurate and timely manner.

To this day, [REDACTED] has not discussed the matter with me. Further, Wesley's Chief of Safety and Security informs me that he is unaware of any request [REDACTED] has made. However, in response to your expressed concerns, I offer the following:

\* Since we are unaware of any request, I would like additional information including the date, time and officer contacted so that I may take corrective action.

\* The Wesley College Office of Safety and Security does have a daily security log. This log contains the information you cite in your letter. However, the current log is very detailed (i.e. perceived maintenance issues, parking violations, etc.) Wesley's Chief of Security does extract from that report crime statistics daily in a format consistent with the Clery Act. These data are aggregated for preparation of a quarterly and annual security report. Utilizing these data, the Office of Safety and Security will immediately develop a daily crime log reporting the date, nature and location of the crime. This log will be made available to the public upon request. Training concerning the release of this log will be provided to all officers.

\* I have worked in student affairs my entire professional career and strive to remain current in the field. As I understand the Clery Act, an institution must "provide a timely warning of any Clery Act Crime that might represent an ongoing threat to the safety of students or employees." As reported by the Dover City Police, the alleged rape was an "acquaintance rape." Certainly the situation was traumatic for the young woman. However I did not perceive it constituted an ongoing threat to the College community since the accused student was arrested and immediately banned from campus by the Dover Police Department. Following a campus judicial hearing, the accused student was suspended. For these reasons, there was no "perceived continuing threat." This perception is consistent with information I received at the national conference of the National Association of Student Personnel Administrators (NASPA) in Washington, D.C. shortly after the incident.

\* No Wesley College employee has denied that an allegation of rape has been made. We have not provided the accused student's name or the specifics concerning the decision of the hearing Board. The student's arrest was a matter of public record; the incident and accused student's name were a matter of public record (and appeared in the local newspaper). The incident was reported in our daily log including the names of both the alleged victim and accused. Consequently, to release that security log would have violated the victim's confidentiality. The format of the daily crime log, which will be implemented immediately, will enable us to release important information should there be such requests.

I hope I have provided information to address your concerns. As I stated earlier, Wesley College is always concerned about the safety of our students and keeping them fully informed of potential threats. We welcome your input for strengthening our processes and procedures.

Please feel free to contact me should you have further questions.

Sincerely,

Kenneth C. Waldrop, Ed.D.  
Dean of Students

Kenneth Waldrop  
Dean of Students  
Wesley College  
120 North State St.  
Dover DE 19901  
(302) 736-2506  
FAX (302) 736-2303

---Original Message---

From: S. Daniel Carter [mailto:sdcarter@securityoncampus.org]  
Sent: Wednesday, April 19, 2006 4:29 PM  
To: Waldrop, Dr. Ken  
Cc: Security Office; [REDACTED]@aol.com; James Moore; Miller, Dr. Scott D.; cle@delawareonline.com; Catherine Bath; Alison Kiss; [REDACTED]@aol.com; Rhea, Michael  
Subject: Wesley College's Jeanne Clery Act Crime Log

Dean Waldrop,

We were contacted this week by one of your students, [REDACTED] a student journalist with the campus newspaper the Whetstone, who expressed serious concerns to us about the failure of your institution to provide her with access to a public log of crimes reported to your Office of Safety and Security. Under federal law, the Jeanne Clery Act, institutions of higher education which maintain either a police or security department are required to maintain such a public log to keep students and other community



members

informed about crimes that are occurring on campus.

Specifically, the Clery Act regulations, at 34 CFR 668.46(f)(1), provide that "An institution that maintains a campus police or a campus security department must maintain a written, easily understood daily crime log that records, by the date the crime was reported, any crime that occurred on campus, on a noncampus building or property, on public property, or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or the campus security department."

The crime log is an essential tool for students to be informed about crimes throughout the year and allows them to know when and where dangers may be faced on campus. Please provide us your immediate assurances that a public crime log will be made available to [REDACTED] and other community members.

Institutions that fail to comply with the Clery Act may be subject to \$27,500 per violation civil penalties enforced by the U.S. Department of Education, which has been copied on this message.

Also, we understand that this concern was initially brought about by a February 12th rape in Carpenter Hall which students learned about through the local media rather than from the institution. Especially when such information is public, as it was here through the local police agency, it is very important to keep students informed so that they have an accurate picture of what is going on.

And to the extent that information about this reported rape was known to the campus security department it should have been included in the public log, even if it was referred to the local police. That referral should be noted as the disposition, but the incident itself must still go in the log.

Additionally [REDACTED] indicated to us that the institution cited the federal Family Educational Rights and Privacy Act as grounds for withholding information about this assault that had been reported to the campus security office. FERPA's regulations, at 34 CFR 99.3(b)(2), provide that "Records of the law enforcement unit of an educational agency or institution" are not subject to FERPA's provisions, this includes unsworn security offices too. So please clarify why important information about this rape was kept

from  
students while it was made known to the public at large by the local  
police?

It is possible to protect the victim's confidentiality while still  
disclosing this information.

Thank you for your prompt attention to our concerns. Should you have any  
questions please don't hesitate to let me know.

S. Daniel Carter  
Senior Vice President  
Security On Campus, Inc.  
<http://www.securityoncampus.org/>  
\*\*\*\*\*  
133 Ivy Lane, Suite 200  
King of Prussia, PA 19406-2101  
e-mail:sdcarter@securityoncampus.org

Exhibit

B



# THE WHETSTONE



March Edition

A publication of Wesley College

## ALLEGED WESLEY RAPIST FREE

### Robinson released on \$10,000 bond

By Patrice Wilding  
Whetstone Reporter

Wesley freshman Edward M. Robinson of Falls Church, VA has been released on \$10,000 secured bond after being charged by Dover Police with the second degree rape of a female student

in Carpenter Hall.

"It is considered date rape because she did allow him into her room," according to Dover Police Captain Lester Boney.

Boney told the Whetstone that the incident occurred February 12, when Robinson and the woman were watching

television in her dorm room. Robinson then allegedly forced himself upon the 19-year-old victim. The girl made a report to campus security, which in turn alerted the police.

Robinson's arrest came three days later, when he was taken into custody by campus security,

A witness says that officers were waiting outside his classroom, asking each male student for their name as they exited. After Robinson identified himself, he was asked to sign something, and led away.

"One of the security guards told him he should pray,"

according to the witness.

The incident was reported in the Wilmington News Journal, the Dover Post, the State News, and on WBOC. Wesley President Scott Miller and Dean of Students Ken Waldrop both confirmed the rape, but were hesitant to make any other comment, citing the Family Privacy Act.

Upon further investigation, the Whetstone learned that the

forementioned law is completely irrelevant concerning the school's refusal to disclose any information about the accused or the incident itself.

The Family Educational Rights and Privacy Act (FERPA) is designed simply to protect students' educational records. It merely guarantees a student's (or

see RAPIST pg 2

### RAPIST

*Continued from page 1*

parent's, in the case of a minor) right to review their own academic records, request corrections on inaccurate documents, and/or obtain written permission from the school to release such information.

It further explains that the school reserves the right to disclose, without consent, "directory" information, such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance.

A recent edition of the Dover Post reported that Dean Waldrop was publicly criticized at a Dover City Council meeting for not revealing the attack to the Council, an apparent violation of the Jeanne Clery Act.

"Dr. Ken Waldrop said any criminal activity that occurs on campus gets reported," the Post said.

"If necessary, students on campus are notified of a crime by the best method, which includes door-to-door communication, fliers, and mass emails," he told the meeting, according to

the Post.

When interviewed by the Whetstone, conflicting stories about whether or not a report was made public were offered by President Miller and Dean Waldrop. According to Miller, one was distributed, albeit a "guarded one."

Waldrop, however, said no information could be released, erroneously citing the Family Privacy Act (as detailed above), and additionally blaming the wish of the victim to keep the matter extremely private.

When questioned about the blatant disregard of the Jeanne Clery Act, Waldrop explained that, "The law requires the school to make a report if there is a perceived ongoing threat. In the opinion of everyone involved in this particular case, there was no continuing threat to students."

However, according to Police Captain Boney, "The Jeanne Clery Act (states that) any crimes that happen on the college campus or in close proximity are supposed to be disseminated to faculty and students."

No student at Wesley received a report, according to an informal survey by the Whetstone.

Neighborhood residents were

also left in the dark, said Dover Councilman Tim Slavin. He explained to the representatives at the City Council meeting that Wesley area residents had to learn of the rape by reading about it in the newspapers.

This trend is apparent even among the Residence Life staff in the dormitory where the rape occurred.

Carpenter Resident Assistant Norman Bauer said he had "not a clue about the rape," and that he heard of it recently, nearly a month after it transpired.

Fellow senior Carpenter RA Gavin McAteer, Point Pleasant, NJ, says he "found out about it a week after it happened."

When Dean Waldrop was questioned about what the school was currently doing to support the student victim, and if there was any increase in security measures and or information, he replied with "generalities," as he referred to them—that "Counseling services are always available," and "Security is always just a phone call away."

The suggestion of implementing hotlines or distributing rape awareness information was met with surprise, and an inco-

herent response of, "That's probably a good idea. Someone should suggest it to Residence Life."

The Dean refused to comment on whether or not Robinson, the accused, will be returning to Wesley as a student or if he is in fact still considered in attendance.

The reaction from female students is one of general disgust.

Freshman Samantha Welsch of Hearndon, VA, told the Whetstone, "I don't know what happened. I wasn't informed, and that in itself sucks. I'm living in Carpenter next year, which makes me feel real safe."

Sam Smith of Union Beach, NJ, said, "I think it [the rape] should have been made public to Wesley College students. The incident should have been reported."

"I'm surprised. You don't expect it to happen...it's just a tragedy," says Anna Gillen, a sophomore from Kensington, MD.

*Additional reporting by  
Jeremy Smith*

## GUEST COMMENTARY PATRICE WILDING — WHETSTONE MANAGING EDITOR

# What were they thinking?

As a female college student and resident of Carpenter Hall, I find myself shocked, appalled, and worried about the arrest of a Wesley student in connection with the rape of a woman in my dorm for a number of reasons. I believe these sentiments are shared by a majority of my classmates.

The incident warrants strong, emotional reactions; however, it is the reaction by the administration (or lack thereof) that truly surprises and disgusts me.

Like most students and area residents, I didn't learn about the rape until I read about it in the Dover Post. I believe this to be a credit to the student body, given the small size of our campus and overactive rumor mill; those who did know about it kept their lips sealed, a service I am sure the victim appreciated.

On the other hand, I find it a disservice to the students, particularly the women, that the Wesley administration gave no report of the incident, either directly (by explaining the nature of the violent attack through email, voicemail, flier, or proclamation) or indirectly, through the implementation of rape awareness campaigns or sexual abuse hotlines, or by mandating dormitory floor meetings or seminars that would educate and reinforce security measures females (and males) may take.

While I find it difficult to accept that middle-aged men living off-campus can accurately perceive the relative security of young women in their teens and twenties living in a coed dormitory, I am forced to accept the fact that we, as a whole, have been deemed "safe enough."

My distrust in administration is well-founded, I believe, as its statements and actions can only be described as disorganized, misinformed, and misleading.

Quite frankly, the fact that no outstanding reaction OR further preventative measures have been initiated leaves me with the distinct impression that administration is desperate to conceal and/or dismiss the incident, rather than work to ameliorate it.

If, predictably, the goal of this outright secrecy will be blamed on a need to avoid generation of fear and widespread knowledge (or "gossip"), I will still find fault in administration's reasoning; I personally would rather be informed so that I may take the necessary and extra precautionary steps to protect myself, since the school feels no inclination. It appears to me as though the President and Dean are more ashamed of the blotch this rape casts on their record, rather than the gross incompetence they have displayed.

# Wesley in violation of federal law?

By Laura Barnes  
Whetstone Reporter

A recent rape on campus has raised questions in regards to compliance to the federal Jeanne Clery Campus Security Act of 1998.

The act became law four years after Clery was raped and killed in a dormitory at Lehigh University.

The Clery Act is a federal act that requires all post-secondary institutions receiving federal financial assistance to report crimes that occur on campus. This includes both private and public institutions.

"An institution that does not comply with the Clery Act risks being fined up to \$25,000 for each violation and could lose its federal fund-

ing," according to the Student Press Law Center, or SPLC, online (splc.org).

"The 1999 regulations also allow schools to meet the distribution requirement by posting the report on the Internet provided the school properly notifies the campus community of its availability online and offers to provide a paper copy of the report on request," the SPLC further explained.

As part of the act, institutions are required to make their yearly crime statistics public.

"Beginning with the 2000-01 school year, institutions must make their report avail-

see COMPLIANCE pg 2

## COMPLIANCE

*Continued from page 1*

able by Oct. 1 of each year. Currently, the due date is Sept. 1."

The Wesley College website's crime statistics are dated from 2004.

"All information on the alleged rape is referred to the Dean of Students. If the information is deemed necessary it's made available to the students," said Security Chief John Walsh.

Dean of Students Ken Waldrop declined to make the security information public.

Exhibit

C

# Repeat Rape and Multiple Offending Among Undetected Rapists

**David Lisak**

*University of Massachusetts, Boston  
Boston, MA*

**Paul M. Miller**

*Brown University School of Medicine  
Providence, RI*

Pooling data from four samples in which 1,882 men were assessed for acts of interpersonal violence, we report on 120 men whose self-reported acts met legal definitions of rape or attempted rape, but who were never prosecuted by criminal justice authorities. A majority of these undetected rapists were repeat rapists, and a majority also committed other acts of interpersonal violence. The repeat rapists averaged 5.8 rapes each. The 120 rapists were responsible for 1,225 separate acts of interpersonal violence, including rape, battery, and child physical and sexual abuse. These findings mirror those from studies of incarcerated sex offenders (Abel, Becker, Mittelman, Cunningham-Rathner, Rouleau, & Murphy, 1987; Weinrott and Saylor, 1991), indicating high rates of both repeat rape and multiple types of offending. Implications for the investigation and prosecution of this so-called "hidden" rape are discussed.

**Keywords:** abuse; rape; sexual abuse; criminal justice; prosecution

It is estimated that between 64% and 96% percent of all rapes are never reported to criminal justice authorities (Fisher, Cullen, & Turner, 2000; National Victims Center, 1992; Perkins & Klaus, 1996; Russell, 1982) and that only a small minority of reported cases, especially nonstranger assaults, ever result in the successful prosecution of the offender (Koss, 2000). Clearly, the vast majority of rapists are never brought to justice. As a consequence, these undetected rapists have borne far less scrutiny from social science researchers. Yet, studies of unreported rape, mainly on college samples, indicate that from 6% to 14.9% of men report acts that meet legal definitions for rape or attempted rape (Collings, 1994; Greendlinger & Byrne, 1987; Koss, Leonard, Beezley, & Oros, 1985; Koss, Gidycz, & Wisniewski, 1987; Krahe, 1998; Lisak & Roth, 1988; Merrill et al., 1998; Mosher & Anderson, 1986; Ouimette & Riggs, 1998; Rubenzahl & Corcoran, 1998).

While an empirical comparison of undetected and incarcerated rapists is beyond the scope of the research reported here, studies of these two groups have revealed a number of similarities. Among the common characteristics shared by many incarcerated and undetected rapists, are high levels of anger at women (e.g., Groth, 1979; Malamuth, 1986; Lisak & Roth, 1990), the need to dominate women (e.g., Groth, 1979; Malamuth, 1986; Lisak & Roth, 1990), hypermasculinity (e.g., Groth, 1979; Mosher & Anderson, 1986; Lisak, Hopper & Song, 1996), lack of empathy (e.g., Lisak & Ivan, 1995; Scully, 1988) and psychopathy and antisocial traits (e.g., Ouimette, 1997; Kosson, Kelly, & White, 1997; Prentky & Knight, 1991).

Despite these similarities, little, if any, attention has been devoted to questioning whether these undetected rapists share another prominent characteristic found among incarcerated rapists, that is, the tendency to commit multiple acts of sexual violence. Although there is considerable variation in estimates of recidivism rates among convicted rapists (e.g., Furby, Weinrott, & Blackshaw, 1989; Hanson & Brussiere, 1998), studies that use long follow-up periods tend to show alarming rates of sexual reoffending among rapists. For example, Prentky, Lee, Knight, and Cerce (1997) reported a 39% sexual reoffending rate over a 25 year follow-up among rapists who had undergone sex offender treatment. Quinsey, Rice, and Harris (1995) reported a 20% rate of reconviction for sexual offenses after only a four year follow-up period that included only a two-and-a-half year period of offending "opportunity." Further, these figures are widely viewed as underestimates, because a high proportion of sexual crimes are never reported, effectively hiding these crimes from researchers.

In addition to high rates of reoffending, several studies have shown that among incarcerated rapists the actual number of sexual crimes committed far exceeds the number of adjudicated charges against these men. For example, Abel and colleagues (1987) reported that when given assurances of confidentiality, 126 identified rapists admitted to 907 paraphilic acts against 882 victims. Weinrott and Saylor (1991) conducted a similar study of sex offenders in a state treatment program. The 37 rapists in the study had been charged with 66 offenses against a mean of 1.8 victims. Yet under conditions of confidential self-report, these same 37 men admitted to 433 rapes against a mean of 11.7 victims.

Criminologists have cautioned that many offenders commit different types of criminal acts (e.g., Quinsey, Harris, Rice, & Cormier, 1998), crossing over arbitrary labels and boundaries such as "batterer," or "sex offender." This phenomenon has its counterpart in the literature on undetected violence; for example, Ryan (1998) reported a significant association between physical and sexual aggression in a sample of college men. Within the domestic violence literature there is evidence of a high frequency of sexual assault and other forms of violence committed by batterers (Browne, 1993).

The findings from incarcerated samples of rapists prompt two questions: First, do a substantial number of undetected rapists rape more than once (i.e., are repeat rapists)? Second, do undetected rapists (repeat or otherwise), like their incarcerated counterparts, commit other types of interpersonal violence (referred to in this article as multiple offending)? These questions bear careful scrutiny. There is a continuing perception, both generally and within the criminal justice community, that rapes committed by undetected rapists—rapes of acquaintances that typically go unreported—are somehow less serious than stranger rapes (Estrich, 1987; Spears & Spohn, 1997). These acquaintance rape cases, often referred to as "nonstranger" rape cases, are much less likely to be formally charged by prosecutors (Estrich, 1987; Koss, 2000; Spears & Spohn, 1997), and are often viewed with more suspicion by police officers (Ledoux & Hazelwood, 1985). In their study of 861 rape cases reported to police in one midwestern jurisdiction, Frazier and Haney (1996) found that in cases where a suspect was identified, the suspect was significantly more likely to be questioned by the police, and the case referred for prosecution, if there was no prior acquaintance between the victim and the perpetrator. Once referred for prosecution, there was no difference in disposition between stranger and nonstranger cases (proportion charged, pled out versus tried). However, defendants in stranger cases were significantly more likely than defendants in nonstranger cases to receive prison sentences.

Consistent with the tendency to view nonstranger rapes as less serious than stranger rapes, it is not uncommon to find discussions of nonstranger rape referring to "miscommunication" and "misunderstanding" between the offender and the victim (e.g., Lance,



1985; Muehlenhard, 1988). Yet, a recent study found that undetected sexually aggressive men, like their incarcerated rapists, were more sexually aroused by audiotaped depictions of rape (Bernat, Calhoun, & Adams, 1999) than non-aggressive men.

There are now considerable data suggesting many commonalities between incarcerated and undetected rapists. Are the men who are committing these undetected rapes distinguishable from their incarcerated counterparts either in terms of the number of rapes they commit or the other types of violence they perpetrate? Or, are they simply getting away with their crimes? Evidence of multiple offenses by these undetected rapists would tend to further underscore the similarities between incarcerated and undetected rapists, and support a more vigorous criminal justice response to these cases.

## Research Questions

The goal of the present study was to determine the proportion of self-reported rapists who commit multiple acts of rape undetected by the criminal justice system and to examine whether some proportion of rapists also admit to other forms of interpersonal violence. Further, we sought to study whether repeat rapists were responsible for a disproportionate share of this undetected interpersonal violence.

## Methodological Issues in Identifying Undetected Rapists

There are numerous difficulties inherent in collecting potentially incriminating information from research subjects, particularly regarding sexual behavior that is generally considered to be deviant. Yet, there is considerable evidence supporting the viability of this enterprise. Delinquency researchers during the 1960s and 1970s demonstrated the validity of self-report assessments of criminal behavior, in some cases verifying self-reports through polygraph administration or through cross-referencing with already-known offenses (Clark & Tifft, 1966; Gibson, Morrison, & West, 1970; Gold, 1966).

The Sexual Experiences Survey (SES; Koss & Oros, 1982) is the most widely-used self-administered instrument for measuring sexual aggression against adults. The SES, and instruments based on it (e.g., Koss & Gaines, 1993; Lisak, Conklin, Hopper, Miller, Altschuler, & Smith, 2000) are comprised of behaviorally-specific questions describing sexual acts that approximate the legal definitions of rape, attempted rape, and sexual assault. However, to avoid evoking defensive reactions in participants, it does so without referencing any of those legal terms. For the same reason, participants are not asked whether they were arrested or prosecuted for those acts. The context of the administration of these instruments itself provides overwhelming evidence that the acts reported by participants did not result in arrest or incarceration. First, given that 64% to 95% percent of all rapes are never reported (Fisher, Cullen, & Turner, 2000; National Victims Center, 1992; Perkins & Klaus, 1996; Russell, 1982), it is extremely unlikely that these acts were reported to police. Second, the vast majority of research using these instruments has sampled college-age men; if the acts reported had resulted in prosecution, presumably these men would be serving jail and prison sentences and would not be attending university. Finally, in at least one study using this methodology (Lisak & Roth, 1990), autobiographical interviews were conducted with a sample of rapists. None of the assaults committed by these men had ever been reported, let alone prosecuted. In a second study using this methodology (Lisak et al., 2000), interviews were conducted with another sample of perpetrators (including rapists). Although the interviews were not comprehensively autobiographical, in no instance was any arrest or prosecution reported by any of the men who had perpetrated interpersonal crimes.

Criterion validity of this methodology has been demonstrated through interviews with subsamples of respondents. Koss and Gidycz (1985) reported a .61 correlation between questionnaire and interview classifications, while Lisak and Roth (1988) reported a 94% agreement between the two methods of classification. Construct validity of the SES has been demonstrated through numerous studies that have found expected differences on dependent measures between SES-classified sexually aggressive and non-aggressive men (e.g., Lisak & Roth, 1988; Malamuth, 1986; Ouimette, 1997).

## METHOD

### Participants

Participants in this study were 1,882 students at a mid-sized, urban commuter university where students are diverse both in age and ethnicity. The mean age of the sample was 26.5 years ( $SD = 8.28$ ), with a range of 18 to 71. More than 20% were over age 30, and nearly 8% were over 40. In terms of ethnicity, 66.3% identified themselves as White, 9.6% as African American, 8.6% as Asian, 5.0% as Other, 4.1% as Mixed, 3.3% as Hispanic, 1.2% as Native American, and 0.7% as Cape Verdean.

The total sample consisted of four separate studies ( $n = 576$ ;  $n = 587$ ;  $n = 123$ ;  $n = 596$ ), conducted between 1991 and 1998. The three largest samples each represented 10% to 12% of the total male student population of the university at the time. The four samples were combined to provide a large enough subsample of rapists to permit the proposed analyses. Although the percentage of rapists within the samples varied from 4% to 9.8%,  $\chi^2(3, N = 1,881) = 11.57, p < .05$ , there were no significant differences among the samples on any of the variables used in the analyses. The mean number of rapes per rapist, the mean number of other violent acts committed, and the proportion of rapists who used physical force versus intoxication was consistent across the samples.

Although the samples were gathered at two- to four-year intervals, a careful set of analyses were conducted to ensure that there were no duplicates among the participants in the combined sample. A computer program, designed for sensitivity rather than specificity, first screened subjects for possible matches on the basis of demographic information. One hundred possible matches were then randomly selected and thoroughly analyzed for similarity on a number of features, including reported educational levels and occupations of the parents. This process ensured that there were no duplicates among the 120 identified rapists.

### Procedures

Each of the four samplings followed the same procedure. Distribution tables were set up at main pedestrian traffic points on campus. Men were offered \$3 or \$4 to participate (the amount varied for the different samplings) in a study described generally as "childhood experiences and adult functioning." There was nothing in the study description that could have alerted potential participants to the nature of the questions to be asked. Participants read and signed informed consent forms prior to participating. Participants were given the questionnaire to complete in private, returned the questionnaire to the same table and received their payment.

## Materials

Participants completed a packet of questionnaires that varied between the four samples, but which in every case included the Abuse-Perpetration Inventory (API; Lisak et al., 2000). The API consists of three questionnaires, one of which assesses acts of interpersonal violence committed by the subject. This Perpetration History (PH) questionnaire assesses rape and sexual assault against adults (five questions), battery of adult intimate partners (four questions), physical abuse of children (six questions) and sexual abuse of children (eight questions). All questions, modeled stylistically on those first developed by Koss and Oros (1982), use behaviorally explicit language to describe particular acts, but never use words such as “rape,” “assault,” “abuse,” or “battery.” Table 1 provides sample questions from the sections that assess battery, child physical abuse, and child sexual abuse. The complete text of the API has been published by Lisak and colleagues (2000), and the instrument is available from the first author.

The reliability and validity of the PH questionnaire has been supported through cross-method verification of responses and evidence of construct validity (Lisak et al., 2000). Participants who completed the PH and who were subsequently interviewed yielded a 87.8% agreement in their classification as perpetrators ( $\kappa = .75$ ). This cross-method verification yielded no false positives (subjects classified as perpetrators whom, based on the interview, would have been declassified) and 12.2% false negatives (subjects who were not classified as perpetrators by the PH but who were so classified upon interview). Thus, the evidence indicates that the PH is a conservative instrument, not prone to erroneously identifying perpetration behaviors.

For a participant to be classified among the group of rapists and attempted rapists in this study, he would have to have responded “yes” to one of the following questions (underlined portions of the questions are underlined in the questionnaire):

1. Have you ever been in a situation where you tried, but for various reasons did not succeed, in having sexual intercourse with an adult by using or threatening to use physical force (twisting their arm, holding them down, etc.) if they did not cooperate?
2. Have you ever had sexual intercourse with someone, even though they did not want to, because they were too intoxicated (on alcohol or drugs) to resist your sexual advances (e.g., removing their clothes)?

**TABLE 1. Sample Questions Assessing Battery, Child Physical and Child Sexual Abuse**

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### *Battery*

Have you ever punched or kicked or repeatedly slapped with an open hand (e.g., two or more times in a single incident) someone who you were in some kind of intimate relationship with?

Have you ever choked someone who you were in some kind of intimate relationship with (e.g., you wrapped your hands or some object around their throat)?

### *Child Physical Abuse*

Have you ever beat a child with your fists or with an object (e.g., a stick, bat, etc.)? Have you ever deliberately burned or scalded a child?

### *Child Sexual Abuse*

Have you ever fondled (e.g., handled, massaged, caressed) a child's genitals or had them fondle yours?

Have you ever had oral sex with a child—e.g., either you performed oral sex on them, or they on you, or both?

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3. Have you ever had sexual intercourse with an adult when they didn't want to because you used or threatened to use physical force (twisting their arm; holding them down, etc.) if they didn't cooperate?
4. Have you ever had oral sex with an adult when they didn't want to because you used or threatened to use physical force (twisting their arm; holding them down, etc.) if they didn't cooperate?

Any participant who responded "yes" to one of these questions was asked a series of follow-up questions regarding their age, the victim's age, the number of times it happened, whether it happened with another person, and if so, the frequency of other instances or the number of other victims (this last question varied depending on the version of the API used).

## RESULTS

Of the 1,882 men in the total sample, 120 (6.4%) met criteria for rape or attempted rape. A majority of these men, 80.8%, reported committing rapes of women who were incapacitated because of drugs or alcohol; 17.5% reported using threats or overt force in attempted rapes; 9.2% reported using threats or overt force to coerce sexual intercourse; and 10% reported using threats or overt force to coerce oral sex. There were no ethnic group differences in the proportion of participants who met criteria for rape or attempted rape,  $\chi^2(7, N = 1,862) = 4.2, p = .76$ .

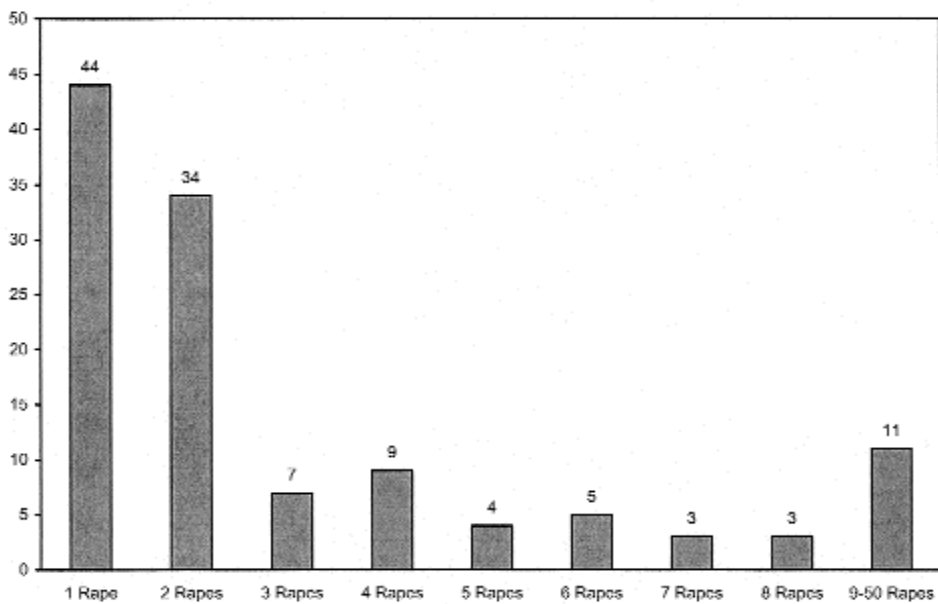
Of the 120 rapists, 76 (63.3%) reported committing repeat rapes, either against multiple victims, or more than once against the same victim. In total, the 120 rapists admitted to 483 rapes, or 4.0 rapes each. However, this average is somewhat misleading. Since 44 of the 120 rapists admitted to only a single rape, the 76 repeat rapists actually accounted for 439 of the rapes, averaging 5.8 each ( $SD = 7.7$ ), significantly more than the single-act rapists ( $t = -4.1$  (118),  $p < .001$ ). The median number of rapes for the repeat rapists was three. Figure 1 shows the frequency of rapists who committed single and multiple numbers of rapes.

The data also revealed that these 120 rapists did not confine their violence either to the sexual realm, or in many cases, to adults. Table 2 shows the numbers, percentages, and total number of acts of different forms of interpersonal violence committed by these men. A majority of these men, 70 of the 120 (58.3%), admitted to other acts of interpersonal violence, including battery, physical abuse and/or sexual abuse of children, and sexual assault short of rape or attempted rape. Including their 483 acts of rape, these 120 individuals admitted to a total of 1,225 different acts of interpersonal violence.

To provide an additional perspective on the relative level of interpersonal violence being committed by these repeat rapists, we compared the total number of acts of violence committed by non-rapists ( $n = 1,754$ ), single-act rapists ( $n = 44$ ), and repeat rapists ( $n = 76$ ). Non-rapists committed a mean of 1.41 acts of violence, compared to a mean of 3.98 for single-act rapists, and a mean of 13.75 for repeat rapists, differences that were statistically significant ( $F(2,1871) = 46.67, p < .001$ ).

### Other Violence Committed by Repeat Rapists

Since the 63.3% of rapists who admitted to repeat rapes were responsible for a disproportionate share of the total number of rapes committed by this sample, we investigated whether they were also responsible for a disproportionate share of the overall violence committed. Table 3 shows the rates of multiple offending for repeat versus single-act rapists, as well as the total number of acts of violence reported by each group. More than



**Figure 1.** Number of rapists who committed single and multiple numbers of rape.

**TABLE 2. Multiple Offending by Undetected Rapists: Other Violent Acts Admitted ( $n = 120$ )**

	<i>n</i>	%	Total No. of acts
Rape & attempted rape	120	100.0	483
Sexual assault (not rape)	17	14.2	53
Battery of adult, intimate partner	46	38.3	275
Physical abuse of child	13	10.8	95
Sexual abuse of child	21	17.5	319
Any type of non-rape offending	70	58.3	
Total # of acts of violence			1,225

two-thirds (68.4%) of the repeat rapists admitted to other forms of interpersonal violence, compared to 40.9% of the single-act rapists,  $\chi^2(1, N = 120) = 8.68, p < .01$ . Strikingly, the repeat rapists were responsible for 1,045 of the 1,225 total acts of interpersonal violence perpetrated by these 120 rapists, ( $t(118) = -2.31, p < .05$ ).

### Comparison of Rapists Who Used Overt Force Versus Incapacitation Through Intoxication

Of the four questions used to identify rapists, three refer explicitly to the use of threats and/or overt force, and one refers to having sexual intercourse with an unwilling victim who was “too intoxicated (on alcohol or drugs) to resist your sexual advances (e.g., removing their clothes).” We compared the rate of offending of rapists who reported using

**TABLE 3. Comparison of Multiple Offending by Repeat Versus Single-Act Rapists ( $n = 120$ )**

	Single-act Rapists			Repeat Rapists		
	<i>n</i>	%	No. of Acts	<i>n</i>	%	No. of Acts
Rape/attempted rape	44	36.7 <sup>1</sup>	44	76	63.3 <sup>1</sup>	439
<i>Also Committed:</i>						
Sexual assault (not rape)	4	9.1	4	13	17.1	49
Battery of adult, intimate partner	13	29.5	61	33	43.4	214
Physical abuse of child	5	11.4	29	8	10.5	66
Sexual abuse of child	6	13.6	42	15	19.7	277
Any type of non-rape offending	18	40.9	136	52	68.4	606
Total acts of violence			180			1045

<sup>1</sup>Percent of total number of rapists ( $n = 120$ ). All other percentages in table represent proportions within single-act and repeat rapist groups respectively.

threats or overt force to those who reported coercing victims incapacitated by drugs or alcohol. Although the mean number of rapes committed by “overt-force” rapists (5.9,  $SD = 9.8$ ) was greater than the mean number committed by “intoxication-rapists” (3.2,  $SD = 4.5$ ), the difference was not statistically significant ( $t(118) = -1.62$ ). Similarly, the mean number of total violent acts committed by “overt-force” rapists (14.5,  $SD = 22.4$ ) was greater than that committed by “intoxication-rapists” (8.4,  $SD = 22.4$ ), but the difference was not statistically significant ( $t(118) = -1.35$ ).

Finally, the use of overt force versus intoxication was not associated with repeat versus single-act rape. Of the 76 repeat rapists, 23 (30%) used overt force, while 12 (27%) of the 44 single-act rapists used overt force, a difference that was not significant. Conversely, 53 (69.7%) of the repeat rapists, compared to 32 (72.7%) of the single-act rapists used intoxication, also a non-significant difference.

## DISCUSSION

A majority of the undetected rapists in this sample were repeat offenders. Almost two-thirds of them raped more than once, and a majority also committed other acts of interpersonal violence, such as battery, child physical abuse, and child sexual abuse. These repeat rapists each committed an average of six rapes and/or attempted rapes and an average of 14 interpersonally violent acts. Within the universe of 3,698 violent acts that the 1,882 men in this sample were responsible for, the 76 repeat rapists by themselves accounted for 1,045 of that total. That is, representing only 4% of the sample, the repeat rapists accounted for 28% of the violence. Their level of violence was nearly ten times that of non-rapists, and nearly three and a half times that of single-act rapists.

The evidence that a relatively small proportion of men are responsible for a large number of rapes and other interpersonal crimes may provide at least a partial answer to an oft-noted paradox: namely, that while victimization surveys have established that a substantial proportion of women are sexually victimized, relatively small percentages of men report committing acts of sexual violence (e.g., Rubenzahl & Corcoran, 1998). In this sample of 1,882 men, 76 (4%) individuals were responsible for an estimated 439 rapes and attempted rapes.

The data from this study of 120 undetected rapists underscore the similarities between incarcerated rapists and at least some of the rapists who escape the notice of the criminal justice system. These data conflict with the implicit notion that these rapists are in some way less serious offenders than their incarcerated counterparts. Almost two thirds of these rapists were repeat offenders who averaged close to six rapes each, and the majority also engaged in other forms of interpersonal violence, ranging from battery to physical and sexual abuse of children. This portrait is more consistent with the data on recidivism among sex offenders than with the still-prevalent image of a male college student who, under the influence of alcohol, mistakenly crosses the line between sexual pressure and rape.

While the analyses comparing rapists who used overt force versus incapacitation through intoxication revealed no significant difference in the number of rapes committed, or the total number of violent acts committed, the disparity in the means for the two groups warrants further examination in future research. A power analysis for these comparisons revealed low observed power (.56 for number of rapes committed and .27 for number of violent acts), suggesting that in a larger sample the difference in the means might be statistically significant.

Given the number of interpersonal crimes being committed by these men, how is it that they are escaping the criminal justice system? The answer may lie, in part, in their choice of victim and in their relative abnegation of gratuitous violence. By attacking victims within their social networks—so-called acquaintances—and by refraining from the kind of violence likely to produce physical injuries in their victims, these rapists create “cases” that victims are least likely to report, and that prosecutors are less likely to prosecute. A recent study of the factors associated with rape reporting found that only two factors could be isolated that increased the likelihood of victim reporting: physical injuries and the use of a weapon (Bachman, 1998). It is probably not a coincidence that these are also among the factors that tend to make prosecutors look more favorably upon charging a case (Estrich, 1987).

Finally, the data presented here carry implications for the investigation and criminal justice response to those rapes that are reported and that fall into the category of “difficult to prosecute,” cases in which there are no physical injuries, and where the accused can claim that the victim consented to the sexual encounter. Given the statistical likelihood that a rapist has committed previous rapes and other acts of violence, a thorough investigation of the accused’s social networks might well uncover additional crimes. By questioning acquaintances of the accused who frequent the same bars, parties, fraternities, and other social venues, investigators may uncover previous victims of the accused. Further, the high rates of battering among these rapists suggests that past girlfriends of the accused ought to be questioned, since there is evidence of a frequent overlap between battery and sexual violence. While previous victims might have been reluctant to make formal complaints, the knowledge that they are not alone might induce some to come forward, thereby transforming difficult-to-prosecute cases into potential multiple-victim cases. Even when formal, multiple charges are not possible, uncovering victims of previous interpersonal crimes might strengthen prosecutors’ positions if plea negotiations are necessary.

Several limitations of this study bear mention. First, since the data are self-report, there is no independent corroboration of the acts reported by the participants. As noted earlier, this is a facet of this area of research that is difficult to overcome, given the hidden nature of the majority of interpersonal violence. While it is possible that some research participants might be motivated to report acts of violence that they did not truly commit, it is difficult to conjure what would motivate such false reporting. Indeed, two separate studies in



which subsamples of participants were interviewed subsequent to their self-reports (Lisak & Roth, 1990; Lisak et al., 2000) indicated little or no change in reporting between the self-report and interview. Further, discrepancies tended to be strongly in the direction of underreporting on self-report questionnaires compared to follow-up interviews.

Another limitation pertains to the generalizability of the findings. Because of the non-random nature of the sampling procedures, the reported data cannot be interpreted as estimates of the prevalence of sexual and other acts of violence. Nevertheless, the percentage of men in this sample who reported rape and/or attempted rape is quite consistent with percentages from other samples (e.g., Koss, Gidycz, & Wisniewski, 1987; Lisak & Roth, 1988; Mosher & Anderson, 1986; Ouimette & Riggs, 1998).

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**Offprints.** Request for offprints should be directed to David Lisak, PhD, Department of Psychology, University of Massachusetts, Boston, 100 Morrissey Blvd., Boston, MA 02125-3393.

Exhibit

D

## SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee Meeting was held on February 28, 2006, at 5:01 p.m. with Chairman Hogan presiding. Members present were Mr. Carey, Mr. Ritter, and Mr. Lakeman (arrived at 5:14 p.m.). Mr. Link was absent. Members of Council present were Mr. Slavin. Mayor Speed was also present.

### **AGENDA ADDITIONS/DELETIONS**

**Mr. Carey moved for approval of the agenda, seconded by Mr. Ritter and unanimously carried.**

### **“Jeanne Clery Act” Presentations**

The “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” is a landmark Federal Law, originally known as the Campus Security Act, that requires all colleges and universities to disclose information about crime on and around their campuses. The “Jeanne Clery Act” is named in memory of a nineteen (19) year old Lehigh University freshman Jeanne Ann Clery who was raped and murdered while asleep in her residence hall room on April 5, 1986.

Mr. John Schaible, Chief of Public Safety for Delaware Technical & Community College Terry Campus, presented members with a PowerPoint Presentation regarding how Delaware Technical & Community College complies with the “Jeanne Clery Act”. Mr. Schaible indicated that Delaware Technical & Community College has a minimal amount of reportable crime. The website to view the crime statistics for Delaware Technical & Community College is [www.dtcc.edu/publicsafety](http://www.dtcc.edu/publicsafety).

Responding to Mr. Hogan, Mr. Schaible stated that another Blue Light Emergency Phone had been installed on Campus and most of the uses of these phones are for vehicle assistance rather than reporting crime.

Dr. John L. Cunningham, Director of Public Safety for Wilmington College, presented members with a PowerPoint Presentation regarding how Wilmington College complies with the “Jeanne Clery Act”. Dr. Cunningham indicated that there are two (2) Blue Light Emergency Phones at the Dover Campus, four (4) at the New Castle Campus, and two (2) at the Graduate Center. He also noted that they have experienced technical difficulties with these units. Dr. Cunningham also stated that a security announcement post card is mailed to each college student/perspective student, employee/perspective employee, and staff member/perspective staff member at the end of every extended enrollment period. The website to view the crime statistics for Wilmington College is [www.wilmcoll.edu/security](http://www.wilmcoll.edu/security). Dr. Cunningham indicated that Wilmington College has a minimal amount of reportable crime and the Constables have limited arrest authority.

Chief James Overton, Chief of Police for Delaware State University, presented members with a PowerPoint Presentation regarding how Delaware State University complies with the “Jeanne Clery Act”. Chief Overton indicated to members that the statistics noted are how the incidents are first reported and not how they are eventually solved. Chief Overton noted that Delaware State University is unique because it has “residence halls” which houses approximately 2,000 students. The website to view the crime statistics for Delaware State University is [www.desu.edu/police](http://www.desu.edu/police).

Responding to Mr. Hogan, Chief Overton stated that the Delaware State University Police Force consists of

ten (10) Certified Police Officers, thirteen (13) Security Officers, one (1) to two (2) contract Security Officers that help at the main entrance during evening hours. In addition, there are twenty-four (24) students that work as Police Cadets during sports events, provide escorts to the parking lots at night, and serve library and cafeteria duty. Chief Overton stated that all the Certified Police Officers carry a Glock .40 Caliber Handgun and all but two (2) or three (3) of the Certified Police Officers graduated from the Delaware Police Academy.

Chief Overton stated that there are eight (8) Blue Light Emergency Phones on the Main Campus and four (4) at the new residence halls. Due to the size of the College parking lots and the amount of lines that would need to be buried, Chief Overton stated that the College is in the process of meeting with vendors for the Cellular Blue Light Emergency Phones.

Dr. Kenneth Waldrop, Dean of Students for Wesley College, presented members with a PowerPoint Presentation regarding how Wesley College complies with the “Jeanne Clery Act”. The website to view the crime statistics for Wesley College is [www.wesley.edu/studentlife/safety\\_security.html#3](http://www.wesley.edu/studentlife/safety_security.html#3). Responding to Mr. Hogan, Dr. Waldrop will request that the statistics for the past three (3) years be posted on Wesley’s website.

Dr. Waldrop noted that when the new dormitory opened there was an increase in alcohol violations. He stated that Wesley College employs security officers to patrol the campus and that there is at least one (1) security officer on duty at any given time of day.

Responding to Mr. Ritter, Dr. Waldrop noted that all violations committed on campus will be included in the report whether or not the violation is student related.

Dr. Waldrop stated that the College does not notify the surrounding communities of any serious crimes that have been reported. Mr. Slavin suggested that the residential communities surrounding Wesley College should be made aware of any serious crimes that were committed on campus and would help Wesley College find a strategy in order to do so. Dr. Waldrop noted that if a crime is committed and public knowledge is not made, he could not confirm the crime due to the guidelines of the Family Education Right to Privacy Act. Chief Horvath indicated that a crime would not be reported to the public if there was an on-going investigation.

**Housing/Crime Presentation** Mrs. Ami Sebastian-Hauer, Executive Director of the Dover Housing Authority, and Chief Horvath, Police Chief of the Dover Police Department, presented members with a Housing/Crime PowerPoint Presentation. Mrs. Sebastian-Hauer indicated to members that the Dover Housing Authority owns and manages 302 public housing units in seven (7) developments on 22 scattered sites within the City of Dover. The admissions policy, occupancy policy and lease documents enable the Housing Authority to enforce a zero tolerance policy against criminal and drug activity in the housing developments. Mrs. Sebastian-Hauer stated that all the applicants applying for housing must pass a thorough background check which includes a criminal and credit check, landlord and personal reference check, and income and household composition verification. Once this process has been completed, a meeting is held with the applicant regarding the different policies, review of the lease documents, and review of the strict Federal policy. Mrs. Sebastian-Hauer stated that the lease and the landlord tenant code have been enforced in accordance to Federal Regulations and local laws.

Mrs. Sebastian-Hauer noted that the Housing Authority, City of Dover, and the Dover Police Department

have enjoyed a really great working relationship since 1993. She advised members that the Housing Authority has been administering a Drug Elimination Program even when funding was reduced.

Mrs. Sebastian-Hauer stated that the Dover Housing Authority does receive weekly reports from the Community Policing Officers and that there has been a decrease in crime. The incidents involved have been guests of residents or people living with residents illegally and also noted that the same person was involved in two (2) of the three (3) recent shooting incidents. Mrs. Sebastian-Hauer also noted that the persons interviewed by the local television stations regarding these crimes were not residents of the housing developments at all. All involved parties have since been evicted.

Mrs. Sebastian-Hauer indicated that safety and security has been the top priority of the Dover Housing Authority for the past six (6) years for not only the residents but surrounding communities as well and commits approximately \$100,000 annually to this effort. She stated that the latest enhancement has been the installation of hi-tech cameras, which are visible, that record traffic at the entrance to the Manchester Square Apartment complex.

Chief Horvath confirmed the great working relationship that has developed between the Dover Police Department and the Dover Housing Authority. He also confirmed that the same person was involved in two (2) of the three (3) shootings and most of the people that have been arrested are not residents of Manchester Square Apartments. Chief Horvath indicated that there is a problem with there being no cooperation from witnesses in the Manchester Square Apartment neighborhood. Through the Community Policing Unit, Chief Horvath hopes to gain the trust of the residents of that neighborhood so that they feel comfortable reporting incidences to the police. Chief Horvath presented members with a form indicating all calls for service in the Manchester Square Apartments (*Attachment #1*). Chief Horvath also noted that the Police Department will continue to be proactive along with the Dover Housing Authority to make this neighborhood a better place to live.

Mr. Hogan questioned how the Manchester Square Apartments Statistical information would compare to the other Dover Housing Authority sites. Mrs. Sebastian-Hauer stated that all of the sites have had good reports recently.

Responding to Mr. Ritter, Mrs. Sebastian-Hauer stated that most of the tenants pay rent and that it would be a violation of personal rights and be considered discrimination to restrict residents from having visitors. Mrs. Sebastian-Hauer noted that it takes approximately three (3) to six (6) months to go through the Court process in order to evict a resident.

Chief Horvath stated that the Dover Police Department and the Community Policing Officer frequently visits the Manchester Square Apartment Complex and so does the Quality of Life Task Force.

**Mr. Ritter moved for adjournment, seconded by Mr. Carey and unanimously carried.**

Meeting Adjourned at 6:17 P.M.

Respectfully submitted,

Kenneth L. Hogan  
Chairman

KLH/jcr

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E



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▶ APPLY ONLINE ▶ CONTACT US ▶ CAMPUS MASTER PLAN ▶ OFFICE OF THE PRESIDENT ▶ SITE MAP

- ABOUT US / DIRECTIONS
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- ADMINISTRATION
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- NEWS & EVENTS
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- WESLEY NET

## Student Life

### Safety and Security Annual Security Information Report 2004

The Wesley College Office of Safety and Security (OSS) recognizes the safety of the Wesley College students, faculty and staff as its number one priority. However, the OSS cannot accomplish this task without the cooperation of every member of the Wesley College community. This website can inform those attending or employed by the College of the proper procedures that every individual must take in crime prevention and reporting.

#### Premises

#### The Office of Safety and Security (OSS)

#### Crime Statistics

#### Campus Policies

#### Policies and Procedures Regarding Sexual Harassment or Sexual Assault

#### How You Report A Crime

#### Crime Prevention and Personal Safety

#### College and Community Support Services

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#### Premises

The Wesley College campus is private property and is so designated by signs posted at various locations on campus. Encompassing a 50-acre campus in Dover, Delaware, Wesley College has a total population of approximately 3,200 students, faculty and staff. Of this number more than 2,000 are undergraduate and graduate students, including 1,000 campus residents. An additional 300 students are enrolled in the Campus Community School, grades 1-8, 450 attend the Wesley Boys & Girls Club and 200 attend the Children's Theater. There are approximately 300 employees of Wesley College, which includes all faculty.

Access to the grounds is unrestricted to students, faculty, staff, their guests, and others with legitimate reasons to be on the property. All must carry a valid ID card at all times. Campus residences are restricted to occupants and to their authorized guest. During the summer months campus residents are consolidated in as little residence hall space as possible.

Campus facilities are routinely patrolled by security officers. The campus is well lighted at night, and all buildings are locked when not in use. Building checks are conducted by security officers on a regular basis. Emergency telephones are strategically located around campus. Persons deemed to be without legitimate reasons to be on the campus are considered to be trespassers and are reported to local police for arrest if they do not leave when requested to do so.

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## The Office of Safety and Security (OSS)

Located in the lower level of College Center, the OSS takes pride in serving the needs of Wesley College. The OSS widely publicizes to the campus that it is open 24 hours a day, seven days a week to respond immediately to emergencies and/or reports of criminal actions and to provide security to the campus. An emergency telephone number (2436) is widely published to the campus community for use in reporting any emergency situation. In addition, security officers regularly patrol the campus.

The OSS, under the charge of the Chief of Safety and Security and Dean of Students, includes a staff of more than ten people who address the patrolling, communications, crime prevention, shuttle service, traffic/parking, investigative and administrative needs of the Wesley College community.

The Wesley College security force is responsible for enforcement of College policy and the campus community is encouraged to report all campus crimes to the OSS immediately. The OSS conducts a preliminary investigation of any reported situation and refers it to the appropriate law enforcement agency when necessary or mandated. An excellent working relationship exists between the OSS and the local, state and federal law enforcement agencies. All violations of state and federal criminal law that come to the attention of the OSS are immediately reported to the appropriate law enforcement agency for investigation and disposition. However, persons desiring to do so may report incidents directly to the appropriate government agency.

The OSS distributes many publications through the Office of Student Life regarding crime prevention and personal safety. Included are brochures on crime prevention, safety tips, security alerts and monthly crime statistics reports, as well as a number of other brochures and pamphlets. The statistical reports are distributed monthly to members of the Wesley College community regarding the occurrence of any on-campus crimes, and security alerts are circulated around campus when immediate notification of a crime is necessary.

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## Crime Statistics

The following statistics were compiled from reports of events that occurred on campus from January 1 - December 31, 2004.

<b>Occurred on campus:</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Murder/Non-negligent manslaughter	0	0	0
Manslaughter, Negligent	0	0	0
Sex Offenses, Forcible	0	1	1
Sex Offenses, Non-Forcible	0	0	0
Robbery	0	0	0
Assault, aggravated	6	7	4
Burglary	14	12	1
Motor Vehicle Theft	0	0	0
Arson	0	0	3
Hate Crime	0	0	0
<b>Occurred on campus in residence halls:</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Murder/Non-negligent manslaughter	0	0	0
Manslaughter, Negligent	0	0	0
Sex Offenses, Forcible	0	1	1
Sex Offenses, Non-Forcible	0	0	0
Robbery	0	0	0
Assault, aggravated	1	4	3
Burglary	9	10	1
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Hate Crime	0	0	0

<b>Arrests for the following crimes occurred on campus:</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Weapons violation	0	0	0
Drug law violation	1	1	0
Liquor law violation	4	0	0
<b>Arrests for the following crimes occurred on campus in residence halls:</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Weapons violation	0	0	0
Drug law violation	0	1	0
Liquor law violation	1	0	0
<b>Referred for Disciplinary Action:</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Weapons violation	0	0	6
Drug law violation	0	2	6
Liquor law violation	15	25	17

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## Campus Policies

### Student Organizations

There are no off-campus student organizations recognized by the College. Activities sponsored by student organizations both on and off campus are governed by the Office of Student Affairs.

### Alcohol

The laws of the State of Delaware limit possession and/or consumption of alcoholic beverages to persons 21 years of age or older. Accordingly, persons who violate such laws subject themselves to prosecution by agencies of the state.

### Drugs

The possession, use, and sale of illegal drugs is strictly prohibited on campus and at any College sponsored activity off campus. The College vigorously supports the enforcement of state and federal drug laws. The College has adopted drug and alcohol policies applicable to students, faculty, and employees. Persons are directed to the appropriate handbooks for the text of these policy statements. The College has drug and/or alcohol abuse education programs as required under Section 1213 of The Higher Education Act of 1965.

### Weapons

Delaware law and college policy prohibits any one other than certified law enforcement officials from carrying weapons on campus.

### Criminal Records

When a student has a criminal record and the College is aware it exists, they are evaluated on a case by case basis.

### Student Housing

Exterior doors to residence halls remain locked twenty-four hours a day. There are standard key locks on student rooms. All windows have traditional locks.

OSS staff responds to residents, guests and residence life staff. In addition, OSS also patrols on-campus housing. Residence life staff obtain specific training on residence hall security. Additional training is received on special topics throughout the year. Monthly meetings are held for residents by the residence life staff. The OSS routinely distributes publications to educate and heighten awareness about safety and security concerns. Security alert bulletins are posted as necessary. Between semesters traditional residence halls are closed; apartment housing remains open.

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## **Policies and Procedures Regarding Sexual Harassment or Sexual Assault**

This policy and these procedures regarding sexual harassment or sexual assault are in compliance with the Higher Education Amendments (HEA) of 1992 and apply to all persons in the Wesley College community.

### **Policy and Definitions**

The Wesley College community values self-control and respect for self and others, which enables all individuals to develop intellectually, as well as spiritually, socially, and emotionally. The community believes in the ongoing development process of individuals assuming responsibility for the effect of their behaviors on themselves and others.

Wesley College upholds high moral standards in regard to responsibly expressed sexual behavior, creating a climate of mutual respect. Acts that violate an individuals' rights, including sexual harassment, rape (date, acquaintance and stranger rape), and any other non-consensual sex offenses conflict with college moral standards of responsibility. Sexual mis-conduct includes sexual activity with a person who is mentally defective, mentally incapacitated, or physically helpless, including those individuals under the influence of alcohol and/or drugs, and who are therefore legally incompetent to give consent.

### ***These definitions apply to terms used in the Policy and Procedures.***

- Sexual Harassment: Implicit or explicit behavior of a sexual nature used to control, influence or affect the well-being of a person; physical conduct or verbal innuendo of a sexual nature that creates an intimidating, hostile, offensive environment.
- Rape: Forced sexual intercourse without consent through the use of threatening verbal language, gesture, or tone of voice; or through physical actions or restraint.
- Acquaintance Rape and/or Date Rape: Forced sexual intercourse by someone that the victim knows.
- Sexual Assault: Any incident forcing another person to perform a sexual act against her/his will or consent.

### **Educational Programs and Services**

The college develops and conducts educational programs to promote awareness of sexual harassment, rape (including acquaintance and date rape), sexual assault and other non-consensual sex offenses and current programs include the following:

#### **Students**

New student orientation:  
Self defense workshops  
Annual Information Brochure Resident Assistant staff training

#### **Faculty/Staff**

Policy review with all new staff.  
Development of employee professional growth training to include sexual harassment.  
Annual policy review with faculty  
Annual written report  
Sensitivity training sessions  
Self-defense workshops  
Annual Information Brochure  
Participation in International Conference on Sexual Assault.

### **Disciplinary Sanctions**

The sexual harassment, rape or sexual assault of any person is inappropriate and unacceptable at Wesley College and is grounds for administrative disciplinary action, including immediate administrative withdrawal and expulsion of student or immediate dismissal of employees.

Specific grievance and disciplinary procedures for employees are outlined in the faculty and staff handbooks. For students, specific grievance and disciplinary procedures are outlined in the student handbook.

The campus disciplinary procedures will give both the accuser and the accused equal



opportunity to present his/her account. In addition, both the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding. Neither the accuser nor the accused is allowed to have an attorney present at the proceedings.

#### **Procedures Victims Should Follow**

1. Report the incident to a college advocate. The victim may opt to contact the City of Dover's Police Department instead of Wesley College personnel; however, victims are encouraged to use Wesley College's system so they can receive support and advocacy through these procedures.
2. Report the incident to the Office of Safety and Security.
3. In order to preserve any possible evidence, do not alter the assault scene. In the event of sexual assault, do not change clothes or bathe.
4. Seek medical care immediately for incidents of sexual assault. In Kent County a rape exam to collecting evidence must be performed at a local hospital. At the very least, a medical exam should be performed by a private physician or hospital for preventative medication for sexually transmitted diseases.
5. While the victim has the right to decide whether or not to report the offense to local law enforcement, the Office of Safety and Security must include any reported or known incident of crime on campus in its annual statistical report as required by the Campus Safety and Security Act. If a rape exam is performed by an area hospital, the City of Dover's Police Department will be notified; but the victim has the right to decide whether or not to file a report.
6. Victims should then be offered the option of personal counseling.
7. The victim should have his/her chosen advocate to assist him/her after an assault or charge of harassment. This advocate will inform the victim of options and rights and accompany him/her throughout administrative and criminal procedures.
8. Throughout these procedures, confidentiality will be maintained.

#### **Public Relations**

**Confidentiality.** In general, a strict code of confidentiality will be followed except where information may be released to victims per FERPA regulations.

**Release of Information.** In general, release of information regarding student victims or perpetrators of sex offenses shall be in accordance with the university "Policy for the Sharing of Student Education Records and Law Enforcement Records", which provides, in part, that both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging sexual assault.

**Inquiries.** Inquiries from off-campus media of other organizations shall be handled as follows.

- Any public statement regarding policy shall be forthright and clear and absolutely void of any specific information about individual students or employees, residence hall, or other campus facilities.
- Any necessary public statement about institutional guidelines and experience in regard to sexual harassment or assault shall:
  - Be in written form only;
  - Be composed by the administrator responsible for review;
  - Consist of information prescribed and approved by legal counsel;
  - Be issued through the College's legal counsel.
- Any office receiving inquiries from off-campus concerning institutional guidelines and experience in regard to sexual harassment or assault shall refer them to the College's legal counsel, or counsel published statement.

- Inquiries from on-campus shall be directed to the appropriate administrator responsible for review of a case.

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### How You Report A Crime

Since the OSS is available at all hours, we strongly encourage you to contact OSS about any suspicious or unusual circumstances occurring on campus, especially those situations that endanger you or others. This also includes reports of stolen items. This can be done by calling the on-campus emergency extension (2436).

All phones operate 24 hours a day, 7 days a week. If a police officer or ambulance is required, we will call them for you. We do emphasize the fact that anyone who wishes may contact the appropriate government agency to report a crime. However, it is important that you contact OSS as well because our response time is quicker and we can provide assistance immediately. The OSS will investigate all reported situations and contact a government law enforcement agency when necessary. All reported incidents are on file at the OSS. If any item reported lost or stolen is recovered, the OSS should be contacted immediately. This is vital for the College's crime statistic reports.

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### Crime Prevention and Personal Safety

The OSS strongly urges the Wesley College community to examine all the printed material on crime prevention which is circulated frequently around campus. You can also come by the OSS and pick up the brochures and newsletters that are published. The OSS advises leaving expensive or irreplaceable items, such as heirlooms, at home. The OSS emphasizes to EVERYONE that the first step in crime prevention is to keep all belongings in a secure place. That means locking up your residence hall rooms, offices, lockers and vehicles, as well as anything else that can be secured. The OSS also suggests that you engrave your driver's license number on all valuable items that have hard surfaces.

*To obtain more information on the material contained in this brochure and to find out more of what the OSS offers, call extension 2304.*

***Help us to make Wesley College a safe and secure campus!***

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### College and Community Support Services

- City of Dover Police Department 24 hour emergency; 911; 736-7111
- Dr. Bette Coplan, Executive Vice President, ext. 2430.
- Dr. Bill Malloy, ext. 2443.
- Office of Safety and Security: John Walsh, Chief, ext. 2304.

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