



Bundeskriminalamt

Ursula Straub  
Rainer Witt

# **Prior police records of rapists**

Ursula Straub  
Rainer Witt

## **Prior police records of rapists**

A project devoted to optimizing the evaluation of prior police records of rapists for the purpose of developing offender profiles in connection with behavioural analyses

Bundeskriminalamt  
Institute of Law Enforcement Studies and Training, KI 13  
Wiesbaden, October 2003

The following persons contributed to this study:

Michael Schu

Dr. Michael C. Baurmann (Advice)

Dipl.-Psych. Jens Vick (Advice)

Reprints and reproductions of this publication in full or in part requires the prior approval of the Bundeskriminalamt.

# Contents

<b>1. Introduction</b> .....	5
<b>2. Data sample</b> .....	8
2.1 Data sample / Definitions.....	8
2.2 Problems associated with the quality of data.....	10
<b>3. Data analysis</b> .....	13
3.1 Remarks regarding prior registrations in police records .....	13
3.2 Specification of criteria .....	14
<b>4. Results</b> .....	15
<b>4.1 General Results</b> .....	15
4.1.1 Registrations in the Federal Central Register / Prior registrations in police records .....	15
4.1.2 Number of prior registrations in police records and their distribution with respect to articles of the German Penal Code (GPC) and other relevant laws .....	16
4.1.3 Completed commission of a criminal act / attempted commission .....	22
4.1.4 The offender-victim relationship .....	22
4.1.5 Age of offenders .....	24
4.1.6 Single rapists and rapes committed by more than one offender.....	25
4.1.7 Serial offences.....	25
4.1.8 Prior registrations of “relevant” offences within police records .....	26
4.1.9 Removal of objects belonging to the victim .....	26
4.1.10 Rapists as compared to “sex murderers” (conclusions).....	27

4.2	<b>Special Results</b> .....	29
4.2.1	Unknown versus known victims .....	29
4.2.2	Ages of offenders .....	32
4.2.3	Offenders acting in groups as compared to single offenders.....	35
4.2.4	"Serial offenders" versus "non-serial offenders" .....	38
4.2.5	Offenders with prior sex crime information in police records versus offenders without this type of information .....	40
4.2.6	Offenders who removed objects from the crime scene compared to offenders who did not remove objects .....	44
5.	<b>Summary</b> .....	49
	<b>Bibliography</b> .....	51

## 1. Introduction

Behavioural analyses of sexually motivated violent crimes have been conducted at the Bundeskriminalamt for over ten years. The analytical methods used have changed during this period and have been influenced significantly by the results of BKA research and analysis projects.

Behavioural analysis is a tool to achieve a more thorough understanding of crimes, especially those involving unsolved homicides and sex offences, on the basis of objective data and comprehensive information about the victim, for the purpose of developing insights *in support of ongoing investigations*.<sup>1</sup>

Ordinarily, some of these investigative insights are derived from the *offender profile*, in which the profiler attempts to develop statements with regard to such aspects as the unidentified offender's age, area of residence and possible criminal records.

Information pertaining to an unidentified offender contained in police records plays a particularly important part in the development of investigative insights, as it represents objective data on record in police files. On the basis of these data, the police are in a position to select out individuals with distinctive features and subject them to separate review and evaluation.

Proceeding from the premise that more goal-oriented research on an unidentified perpetrator can be conducted on the basis of these objective data, this project was designed for the purpose of making more precise statements about information in police records. Thus in future behavioural analyses, profilers will be able to access empirical data relating to the "criminal career" of an unidentified offender that has not been available heretofore.

---

<sup>1</sup> Definition formulated by the Federal-State Project Group "Quality Standards for Behavioural Analysis".

In the majority of sexually motivated homicide behavioural analyzed at the BKA, the offender's prime motive was the intent to commit rape. Therefore, this study focuses on police data relating to *rapists*. Often, the intent to kill was not part of the overall plan in these cases but emerged as a secondary motive and a means of concealing the crime and/or the identity of the rapist.

This insight corresponds to the findings of a study conducted by the Institute for Forensic Medicine at the University of Munich<sup>2</sup>, according to which roughly 71 % of homicides were committed out of fear of being identified and charged following a sex offence. "Pure thrill killings are attributable to only a small group of sadists."<sup>3</sup>

Studies on the prior criminal records of rapists published in the German-speaking region include those by *Egg, Haas / Kili*s and *Rehder*<sup>4</sup>. These studies establish that nearly 75% of all rapists have prior criminal records with convictions primarily in the areas of common crime and crimes against property.<sup>5</sup>

This information regarding previous criminal offences is derived in Germany for the most part from the records of the Federal Central Register (FCR) in which all crimes leading to conviction by a court are recorded. However, these data represent only a certain percentage of the crimes identified by police during the initial phase in which charges are filed. For example, studies on the subject of *prosecution versus offences registered by police* show that, in several areas of crime, fewer than 25 % of all criminal offences for which charges are filed actually lead to convictions.<sup>6</sup> Thus this study "closes the gap" between judicial and police records.

---

<sup>2</sup> See *Elisabeth Rauch et al, Sexualdelikte 1987-1996*.

<sup>3</sup> See *Elisabeth Rauch*, op. cit., p. 101

<sup>4</sup> See on this subject *Rudolf Egg*: "Zur Rückfälligkeit von Straftätern"; *Henriette Haas / Martin Kili*s: "Sind Vergewaltiger normale Männer"; *Ulrich Rehder*: "Klassifizierung inhaftierter Sexualdelinquenten".

<sup>5</sup> Statements regarding common criminal behaviour can also be found in international studies, including, for example the study by *Prentky/Knight* ("Offender Classification and Prediction of Criminal Behavior Program", MTC:R3, 1990).

<sup>6</sup> See *Klaus Jacobs*: "Das Misstrauen gegen vergewaltigte Frauen", p. 100: The average number of *convictions* in rape cases between 1970 and 1980 was 22.4% der *reported cases* (min: 12.5%, max: 29.8%).

The primary goal of our study was to test the following hypotheses:

- ⇒ that rapists and “sex murderers” do not differ in terms of the range of crimes they have committed, but that “sex murderers” appear more frequently as prior offenders in police records;
- ⇒ that rapists who attack victims with whom they are not acquainted differ in significant ways from rapists who had already known their victims before;
- ⇒ that rapists who take objects from their victims tend to have committed more property crimes than those who do not do so.

The review of case materials produced other criteria which in turn led to the development of additional hypotheses. One such example is the presumption that rapists with relevant criminal records<sup>7</sup> have committed crimes within a broad range of offences (e. g. property crimes and offences involving assault and battery).

The results of this study should support the federal and state OCA units in their efforts to develop more detailed statements with respect to prior criminal records of unidentified perpetrators in cases of rape or homicide in connection with a sex crime within the context of case analyses. Other beneficiaries of these results include the responsible departments and sections of local police agencies.

---

<sup>7</sup> “Relevant registrations in police records” related to crimes defined as punishable in Article 13 (“Special Section”) of the GPC (“Violations of the right of sexual self-determination”).



## 2. Data sample

### 2.1 Data sample / Definitions

The sample for the study was compiled from the lists of all individuals convicted pursuant to Articles 177 (sexual coercion, rape) and 178 (sexual coercion and rape in connection with homicide) of the GPC in the German states of Baden-Württemberg, Hesse, Lower Saxony and Saxony in the year 1999.

Rape is defined as an “especially severe case of sexual coercion”, in which severely humiliating sexual acts involving penetration of the body are performed against the will of the victim. Thus the German legal definition of “rape” presupposes penetration. Penetration in this sense is not restricted to insertion of the penis but also includes penetration by other parts of the body and even objects. Art. 177 II, No. 1 of the GPC does not restrict the concept of penetration to penetration of the victim’s body and thus also applies in cases in which the victim is forced to penetrate the body of the perpetrator.<sup>8</sup>

The year 1999 was selected as the sample because convictions handed down during that year were based on the provisions of the new Art. 177 of the GPC<sup>9</sup> and had since become final. The four German states were chosen in accordance with the principle of selecting “large states” (which thus encompass a mixture of rural and urban regions, including densely populated areas) and ensuring “geographic distribution” (northern, eastern, central and southern Germany).

In December 2001, the Federal Central Register forwarded lists of convictions handed down in 1999 pursuant to Arts. 177, 178 of the GPC in the states of Baden-Württemberg, Hesse, Lower Saxony and Saxony compiled through database analysis to the BKA.

---

<sup>8</sup> See the commentary on the GPC, *Tröndle/Fischer* for Art. 177 GPC, marginal notes 23c, d.

<sup>9</sup> The law has been in force since 1 April 1998 in the version of the 6<sup>th</sup> Criminal Law Framework Act (CLFA). It was previously amended by the 33<sup>rd</sup> Criminal Law Amendment Act (CLAA) of 1 July 1997, which consolidated the former Arts. 177 and 178 GPC into a uniform description of criminal offences. At the same time, the scope of application to crimes committed against a spouse was expanded, the law was reformulated in gender-neutral language, and the range of possible penalties increased (see *Tröndle/Fischer*, Art. 177 GPC, marginal note 1)

The group represented by these lists was too heterogeneous to be used for the purposes of this study, as Art. 177 of the GPC encompasses offences ranging from petty sexual coercion (e. g. the forced kiss) to very serious crimes such as rape involving the use of a weapon.

As explained above, cases analyzed by the BKA frequently involve rape followed by homicide. For this reason, the data provided by the Federal Central Register were subjected to a more rigorous selection process focused on convictions for “forcible rape”.<sup>10</sup> Thus this group exhibited a certain degree of homogeneity as compared to the group of all persons convicted pursuant to Art. 177 of the GPC.

Complete data was compiled on 367 persons (i. e. 97.3 %)<sup>11</sup>, who accordingly formed the total sample.

Data were also compiled on a group composed of 39 offenders<sup>12</sup> who had committed murders in connection with sex crimes in 1999.<sup>13</sup> As a rule, the presence of sexual motivation on the murderer’s part is presumed whenever sexually relevant areas of the victim’s body are attacked or exposed by the offender during commission of the crime.

Following the transmission of data from the German Federal Central Register, excerpts from the corresponding files of the criminal police offices in the German states and the Bundeskriminalamt were requested. Searches were also conducted in police information and reporting systems.

For the purposes of this study, *prior registrations in police records* are defined as all facts relating to felonies or misdemeanours entered in police records prior to the rapes for which convictions were handed down. In this context, it makes

---

<sup>10</sup> Completion, attempt, and complicity

<sup>11</sup> Data on a total of 377 individuals was obtained from the BZR (Baden-Württemberg: n=148; Hesse: n=72; Lower Saxony: n=106; Saxony: n=51).

<sup>12</sup> These data were obtained through the Serious Crime Section of the BKA (OA 37) and the ViCLAS-database (ViCLAS: Violent Crime Linkage Analysis System).

<sup>13</sup> Since 1999, the term “sex murder” has been replaced in the German Police Crime Statistics by the more apt designation “murder in connection with sexual offences”. In the interest of simplicity, the offenders in this group are nevertheless referred to here as “sex murderers”.

no difference whether the facts in question led to judicial consequences (e. g. conviction) or not. By way of example, cite the case of a domestic dispute to which the police respond and charges of assault and battery are filed, but in which the charges are later dropped and the case does not come to trial (and thus public interest is not affirmed).

Therefore, a deliberate distinction is made between the term *prior registrations in police records* and the term *criminal records*.

## **2.2 Problems associated with the quality of data**

It should be noted in general that it is not possible to obtain a complete picture of the criminal career of an offender. The reasons for this related to the following problems:

⇒ State and federal police agencies maintain collections of criminal police data on individuals for the purpose of fulfilling their responsibilities with respect to law enforcement and public security. As a rule, data on violations of traffic laws (e. g. driving without a valid driver's permit, Art. 21 of the Road Traffic Act (RTA) are not included. However, this particular offence appears quite frequently in the records of the offenders analyzed in this study. Moreover, data pertaining to children and adolescents as perpetrators are deleted after a relatively short period of time (*two and five years, respectively*). Thus it is entirely conceivable that data from a rapist's adolescent years will have been deleted by the time he commits a crime as an adult.

- ⇒ The police obtain data only on reported crime. Studies on unreported crime often document significant discrepancies between the numbers of reported or investigated crimes and crimes that have actually been committed but not reported.<sup>14</sup> In the case of “violations of the right of sexual self-determination”, the ratio of reported to unreported crime in some offence groups is as high as 1:20<sup>15</sup>, and is particularly high in the area of domestic crimes. The relative proportion of reported drug-related crime depends in large measure on the intensity of police investigative activity. Generally speaking, only the “tip of the iceberg” is visible in this area.
  
- ⇒ The clearance rate in individual crime categories poses another obstacle to the identification of prior registrations in police records for a given offender. With regard to larceny, for example, 1999 the clearance rate ranges from 50.6 % for cases of “larceny without aggravating circumstances” to 14.4 % for cases of “aggravated larceny” (overall clearance rate 31.5 %).<sup>16</sup> Although charges are frequently filed in cases involving “aggravated larceny” (e. g. motor vehicle theft, burglary) – often for the purpose of supporting insurance claims – such cases are solved much less frequently and the kind of perpetrator identification which plays an important role in this study are accordingly rare.
  
- ⇒ In some cases, police learned about further crimes in the course of the criminal investigations for the rape in question<sup>17</sup>. However, these offences were not included in this study, since no link between perpetrator and offence was established prior to the rape for which a conviction was handed down in 1999.

---

<sup>14</sup> See Uwe Dörmann: “Statistik, Dunkelfeldforschung und andere Methoden (...)”.

<sup>15</sup> See Michael C. Baurmann, *Sexualität, Gewalt und psychische Folgen*, pp. 92 ff.

<sup>16</sup> See PKS (Police Crime Statistics) 1999

<sup>17</sup> This was the case for 14 individuals in the total sample (i. e. 4 %). In some cases, as many as 20 thefts were attributed to a single offender.

- ⇒ A major problem is the identification of crimes committed by an offender outside his federal state. In virtually no case was it possible to ascertain that all available information had been consolidated. Records relating to minor or petty crimes are often destroyed in other federal states after a short period of time. If a given offender has not been photographed and fingerprinted (and thus registered in the central files of the Bundeskriminalamt), it is virtually impossible to recover such information.
  
- ⇒ Some offenders in the sample are foreign nationals who were in Germany only temporarily. These individuals distort the statistics somewhat, as their possible criminal socialization did not take place in the Federal Republic of Germany. Wherever possible, data were collected in the respective home countries of these individuals.
  
- ⇒ In the new federal states (eastern part of Germany), data from the years before 1990 have not been migrated completely into the new data systems. Thus within the framework of the new police structures, the criminal career of a given east German offender usually “begins” after the German reunification. Data recorded prior to that time cannot ordinarily be found in the existing databases (with the exception of offences classified as “serious crimes”). If such data are entered in criminal records, related information may be obtainable from the *Birthler Authority*.<sup>18</sup>

---

<sup>18</sup> The Federal Commissioner for the Records of the State Security Service (*Staatssicherheitsdienst*) of the former German Democratic Republic, Glinkastr. 35, 10106 Berlin.

### 3. Data analysis

#### 3.1 Remarks regarding prior registrations in police records

The 30 chapters of the “Special Section” of the GPC were used as a basis for compiling information regarding previous charges registered in police records. In addition, information regarding matters relating to the Narcotics Act (NA) and other relevant laws (e. g. RTA, Firearms, Alien and Immigration Acts – to name only the most commonly cited laws) was registered.

Previous cases on record were initially evaluated in terms of absolute numbers; in other words, how many offences – disturbing the peace, assault and battery, larceny – were registered for each of the 367 offenders in the total sample (Question: Are any prior registrations in police records for a given offender?). The second step was to determine which of the chapters of the GPC and the other relevant laws were known to have been violated at least once. (Question: How many articles of the relevant laws did the offender violate?).

In committing criminal offences, a perpetrator may have violated the provisions of several articles. For instance, the fraudulent cashing of checks may be in violation of both Art. 263 of the GPC (fraud) and Art. 267 of the GPC (forgery). In the process of analyzing prior registrations in police records in this particular case, information was registered under Chapters 22 and 23 of the GPC.

An offence was also “double-registered” in cases in which, for example, an offence was reclassified as a lesser crime in the course of the judicial process.<sup>19</sup> This applies to all cases in which reclassification involved two different chapters of the GPC.

---

<sup>19</sup> *Klaus Sessar* (“Rechtliche und soziale Prozesse einer Definition der Tötungskriminalität”) ascertained that the courts accepted the original police definition of completed homicide in only 42.4 % of cases, of attempted homicide in 15.6 % of cases and involuntary manslaughter in 70 % of cases.

Thus the number of previous cases on record may exceed the actual number of felonies and/or misdemeanours committed by an individual. This is useful for subsequent research on rape and / or homicide cases, since *areas of crime* in which an unidentified perpetrator may have been registered are identified on the basis of investigative leads in case analysis. The higher the number of key terms, the higher the probability that individuals can be included in a “suspect pool” on the basis of such research.

### **3.2 Specification of criteria**

The exclusively male offenders were then rigorously analyzed on the basis of various different criteria. The following key questions were used in developing the criteria:

- How old were the offenders at the time the crimes were committed?
- Was a given crime committed by a single perpetrator acting alone or were other perpetrators involved?
- Was the criminal act completed?
- What was the relationship between the perpetrator and the victim?
- Was the rape in question part of a series?
- Did the perpetrators remove objects from the crime scene (possessions of the victim)?

These criteria were then correlated with one another in order to identify more specific characteristics of the groups of individuals formed in this way.

## 4. Results

### 4.1 General Results

#### 4.1.1 *Registrations in the Federal Central Register Prior registrations in police records*

The FCR was checked for registrations relating to the 367 rapists and 39 “sex murderers” dated before the rape or homicide was committed. If this could not be determined on the basis of the court judgement, an excerpt from the Federal Central Register was requested.<sup>20</sup>

56 % of the rapists (207 individuals) had FCR registrations predating the crime of which they were convicted in 1999. The analogous figure was 69 % for the “sex murderers”(27 individuals).

However, police records contained registrations predating the commission of the rapes for 74 % of the total sample (270 offenders). By comparison, 79 % of all “sex murderers” (31 offenders) had registrations in police records prior to commission of their crimes in 1999.

Thus it can be stated that 18 % of the rapists (63 individuals) and 10 % of the “sex murderers” (4 individuals)<sup>21</sup> had prior registrations in police records in cases which did not result in conviction.

The differences in the percentage of “sex murderers” with previous records as compared to rapists with respect to both “FCR registrations” and “prior registrations in police records” are not significant.<sup>22</sup>

---

<sup>20</sup> Deletion requirements as specified in Arts. 45 ff Federal Central Register Act must also be taken into account here.

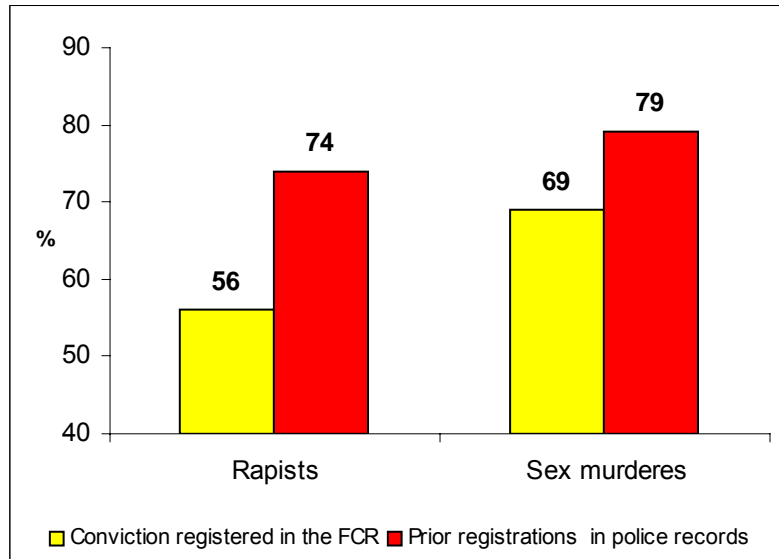
<sup>21</sup> The percentages for rapists and “sex murders” are rounded to the nearest whole number.

<sup>22</sup> All values were subjected to significance testing (“*Student’s T-Test*“ and “*Z-Test*“) in order to distinguish them from random values. A significance factor of  $\alpha \leq 0.05$  (5 %) was selected.



Fig. 1:

Comparison of percentages of rapists and “sex murderers” in the categories “Prior convictions registered in the FCR” and “Prior registrations in police records”.



#### **4.1.2 Number of prior registrations in police records and their distribution with respect to articles of the GPC and other relevant laws**

A total of 5,853 registrations of relevance to police were registered for the 270 rapists with prior registrations in police records. Thus individuals who had come to the attention of the police showed an average of 22 prior registrations per person<sup>23</sup>. The absolute figures range from one to 301 prior registrations.

In comparison, the 31 “sex murderers” had a total of 631 prior registrations in police records, an average of 20 prior registrations for each individual. Here as well, each perpetrator had at least one prior entry, and the highest number of prior registrations was 103.

<sup>23</sup> In the following sections, the figures for average numbers of prior registrations in police records relate only to those individuals who actually had prior registrations in police records.

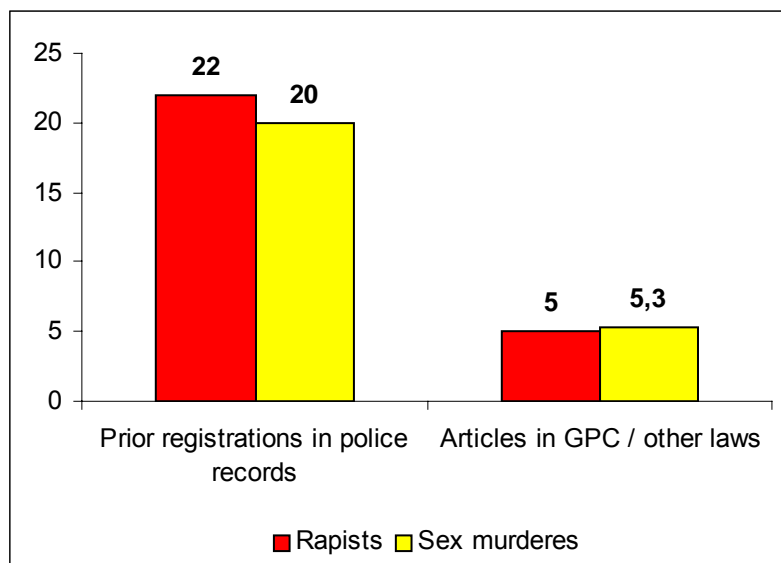
These statistics show that, as a rule, perpetrators have amassed substantial police records prior to committing rape or “sexually motivated murder”. The two groups do not differ significantly in terms of the number of prior registrations in police records.

On average, the 270 convicted rapists have prior registrations in police records relating to five articles of the GPC and other relevant laws. The highest number of registrations for a single perpetrator is 16.

Thus it becomes evident that convicted rapists are guilty of a wide range of crimes. On average, they do not differ from the “sex murderers”, whose prior registrations in police records relate to 5.3 articles of the relevant laws.

Fig. 2:

**Average number of prior registrations in police records for rapists and “sex murderers” and their average distribution with respect to articles of the GPC and other relevant laws.**



The 5,853 offences on record for the convicted rapists cover nearly the entire GPC (including the NL and other relevant laws). No offences on record were found for only five of the 30 articles of the GPC (Special Part): which were treason and endangerment of national security, crimes against the national defence forces, offences relating to religion and opinion, insolvency offences and crimes committed by holders of public offices.

Concentrations are identified in 13 articles of the GPC and other relevant laws. Figure 3 shows the percentages of the 270 offenders with records of offences in the different articles as well as the percentage distribution of the 5,853 offences on record among the various articles.

The articles of the GPC are self-explanatory, for the most part. Other articles are not homogeneous with respect to offences.<sup>24</sup> Therefore, the most frequently concerned articles of the non-homogeneous articles are cited below:

- ⇒ Crimes against public order:
  - Disturbing the peace (Art. 123 f GPC)
  - Leaving the scene of an accident (Art. 142 GPC)
  - Simulating the commission of a crime (Art. 145 d GPC)
  
- ⇒ Crimes against personal liberty:
  - Coercion (Art. 240 GPC)
  - Intimidation (Art. 241 GPC)
  
- ⇒ Crimes involving public endangerment:
  - Endangering road traffic (Art. 315 c GPC)
  - Driving under the influence of alcohol (Art. 316 GPC)

---

<sup>24</sup> Article 7 (Special Section) of the GPC, for example, which defines a number of crimes ranging from *disturbing the peace* to *formation of a terrorist organization* to *simulation of a crime*.

⇒ Other relevant laws:

- Driving without a permit (Art. 21 RTA)
- Violations of the Mandatory Insurance Law (MIL), Arts. 1,6 MIL
- Violations of the Alien and Immigration and Asylum Law

Fig. 3:

**Articles of the GPC and other relevant laws in which convicted rapists have prior registrations in police records and distribution of offences on record among the different articles.**

	<b>Rapists (n = 270)</b>	<b>Offences on record (n = 5,853)</b>
<b>Articles of the GPC and other laws</b>	<i>in %</i>	<i>in %</i>
<i>Larceny and embezzlement</i>	<b>66</b>	<b>45</b>
<i>Assault and battery</i>	<b>54</b>	<b>8</b>
<i>Other relevant laws</i>	<b>51</b>	<b>10</b>
<i>Fraud and breach of trust/misappropriation</i>	<b>36</b>	<b>6</b>
<i>Crimes against personal liberty</i>	<b>35</b>	<b>4</b>
<i>Vandalism</i>	<b>35</b>	<b>4</b>
<i>Crimes against public order</i>	<b>31</b>	<b>3</b>
<i>Crimes involving public endangerment</i>	<b>29</b>	<b>3</b>
<i>Violations of the right of sexual self-determination</i>	<b>27</b>	<b>3</b>
<i>Robbery and extortion</i>	<b>26</b>	<b>3</b>
<i>Defamation</i>	<b>23</b>	<b>2</b>
<i>Violations of the Narcotics Law</i>	<b>22</b>	<b>5</b>
<i>Forgery</i>	<b>18</b>	<b>2</b>
<i>Aiding and abetting / Trafficking in stolen goods</i>	<b>14</b>	<b>1</b>
<i>Resistance to lawenforcement authorities</i>	<b>11</b>	<b>1</b>

Two-thirds of all convicted rapists with prior registrations in police records have re-cords of offences under the section “Larceny and embezzlement”. More than half of all offenders have prior records of offences in the section “Assault and battery”, and one-third of all offenders have prior registrations in each of the sections “Crimes against public order”, “Crimes against personal liberty” and “Fraud and breach of trust / misappropriation”.

Slightly more than one-fourth of convicted offenders have prior registrations for offences in the relevant sections covering sex-related offences.

Prior registrations in police records show a marked concentration in the area of “Larceny / embezzlement”. Nearly half of all prior registrations in police records fall within this category. Of all prior registrations, 55% fall within the the general category of “Property crimes” (larceny, robbery, trafficking in stolen goods, fraud).

Other areas of concentration – expressed in terms of the number of offences – can be identified in the areas covered by other relevant laws and “Assault and battery”. At only 3 %, the proportion of “relevant” offences in the area of “Violations of the right of sexual self-determination” is hardly significant.

These statistics show that prior registrations in police records for convicted rapists are not concentrated in the “relevant” area of sexual offences but instead in the categories of “Property crimes”, “Assault and battery”, and “Other criminal offences”. “Violations of the right of sexual self-determination” (sex offences) rank last in the list of most frequently concerned areas of crime.

The picture is nearly identical for the group of “sex murderers”. Here as well, the category “Larceny and embezzlement” ranks highest. Nearly nine out of every ten offenders have prior registrations regarding of offences in this area (see Fig. 4). However, this value his significantly higher than that for the group of convicted rapists.

Ranked second – analogous to the group of convicted rapists – is the category “Assault and battery”. 77% of all “sex murderers” have records of prior offences in this area, and this percentage is significantly higher than that of the rapist group (54%).

“Sex murderers” show a significantly higher percentage of prior offences in the area of sex-related crimes. Nearly half of all offenders have registrations of sex offences in police records predating the commission of homicide. Thus this category ranks fourth in the list of the most frequently involved areas of crime (and is thus ranked higher for this group than for the convicted rapists).

Fig. 4:

Articles of the GPC and other relevant laws in which prior offences are on record for “sex murderers” and rapists.

	Sex murderers (n = 31)	Rapists (n = 270)
Articles of the GPC and other laws	<i>in %</i>	<i>in %</i>
<i>Larceny and embezzlement</i>	<b>87</b>	<b>66</b>
<i>Assault and battery</i>	<b>77</b>	<b>54</b>
<i>Other relevant laws</i>	<b>48</b>	<b>51</b>
<i>Violations of the right of sexual self-determination</i>	<b>45</b>	<b>27</b>
<i>Crimes involving public endangerment</i>	<b>42</b>	<b>29</b>
<i>Vandalism</i>	<b>39</b>	<b>35</b>
<i>Fraud and breach of trust/misappropriation</i>	<b>35</b>	<b>36</b>
<i>Crimes against the public order</i>	<b>35</b>	<b>31</b>
<i>Violations of the Narcotics Law</i>	<b>23</b>	<b>22</b>
<i>Forgery</i>	<b>23</b>	<b>18</b>
<i>Robbery and extortion</i>	<b>19</b>	<b>26</b>
<i>Homicide</i>	<b>16</b>	<b>5</b>
<i>Crimes against personal liberty</i>	<b>16</b>	<b>35</b>
<i>Defamation</i>	<b>10</b>	<b>23</b>
<i>Resistance to law-enforcement authorities</i>	<b>10</b>	<b>11</b>
<i>Aiding and abetting / trafficking in stolen goods</i>	<b>3</b>	<b>14</b>

In contrast to the rapists, the group of “sex murderers” also shows a significantly higher percentage of prior offences in the “Homicide” category. 16 % of offenders have records of prior offences predating the crime for which they were convicted (as compared to 5 % of rapists).

The category “Crimes against personal liberty” (coercion, intimidation) is the only area in which rapists exhibit a significantly higher percentage of prior registrations in police records (35%) than the “sex murderers” (16 %).

#### ***4.1.3 Completion commission of criminal act / attempted commission***

311 offenders in the entire sample committed a forcible rape (equates to 85 %). The remaining 56 offenders (15 %) were unable to complete the crime due to external circumstances (e. g. intervention by a witness, resistance on the part of the victim). No case of voluntary retreat as defined in Art. 24 of the GPC was identified.

#### ***4.1.4 The offender-victim relationship***

This part of the study was devoted to identifying the nature of the offender-victim relationship. An initial distinction was made between “unknown” and “known” to the victim. In this context, “unknown” means that the perpetrator and the victim had never or rarely seen each other before. Thus the “unknown” category also encompasses casual “pub acquaintanceships” that took place on the same evening the crime was committed.

In a second step, the “known” category was divided into nine different subcategories:

- ⇒ B 1: Superficial acquaintance
- ⇒ B 2: Business relationship, care provider, known client (“john”)
- ⇒ B 3: Patient or client
- ⇒ B 4: Works at same place, organization or school
- ⇒ B 5: Shared domicile (house, flat, cell)
- ⇒ B 6: Share leisure activities
- ⇒ B 7: Friend or close acquaintance
- ⇒ B 8: Family member (spouse excluded)
- ⇒ B 9: Spouse or intimate companion (or former spouse, former intimate companion)

Fig. 5:

**Degree of acquaintanceship and number of offenders in each category (figures do not add up to precisely 100 % due to rounding).**

Degree of acquaintanceship		Rapists total (n=367)	
		No. of offenders	in %
Completely unknown	F	<b>99</b>	<b>27</b>
Fleeting acquaintance	B 1	<b>56</b>	<b>15</b>
Business relationship, etc.	B 2	<b>4</b>	<b>1</b>
Patient or client	B 3	<b>1</b>	<b>0,3</b>
Same workplace, etc.	B 4	<b>8</b>	<b>2</b>
Shared domicile	B 5	<b>19</b>	<b>5</b>
Shared leisure activities, etc.	B 6	<b>31</b>	<b>8</b>
Friend, close acquaintance	B 7	<b>17</b>	<b>5</b>
Family member	B 8	<b>29</b>	<b>8</b>
Spouse or intimate companion	B 9	<b>103</b>	<b>28</b>

Nearly three-quarters of all offenders had a prior relationship with their victims. The perpetrators and victims were “completely unknown” to one another in the approximately more than one-fourth of all cases.



Most offenders, not only of the “known” group but of the total sample belong to the category “Spouse or intimate companion”. More than one-fourth of offenders raped their wives or intimate companions (or former wives respectively former intimate companions). Also relatively well represented is the group of “superficial acquaintances”, followed by rapists whose victims were members of their own families. More than one-third of offenders raped victims within their immediate social circle (groups B 8 and B 9).

The percentage of offenders in the group of “sex murderers” classified in the “completely unknown” category was significantly higher at 49 %. Only one-fifth of murder victims came from the immediate social circle of the offenders in question.

#### **4.1.5 Age of offenders**

The mean age of perpetrators in the total sample was 30. The youngest offenders were 14 years old at the time they committed their sex crimes. The lower age limit reflects the minimum age at which offenders are regarded as criminally responsible by law in Germany. The oldest sex offender in the total sample was 70 years old at the time the crime was committed.

The average age of “sex murderers” (29) does not differ significantly from the mean age of the rapists. The youngest murderer was also 14, the oldest was 50 years old.

#### **4.1.6 *Single rapist and rapes committed by more than one offender***

61 offenders analyzed in this study (i. e. 16.6 %) were convicted in 1999 of rapes committed by more than one person. These offenders took part in a total of 28 rapes involving a minimum of two and a maximum of five perpetrators.<sup>25</sup> Within this sub sample, the crime in question was committed by an average of 2.5 perpetrators.

#### **4.1.7 *Serial offences***

For the purposes of this study, “serial rape” is defined as a case in which an offender was convicted of at least two rapes of different victims at different times in the verdict handed down in 1999<sup>26</sup>. The two rapes must also have been separated by a so-called “emotional cooling off” period during which the perpetrator collected himself. That means that the second crime was preceded by a separate decision to commit. The rapes must have reached at least the “attempt” stage. Cases of simple sexual coercion were not included.

On the basis of this definition, 19 of the 367 rapists are categorized as “serial rapist”, which equates to 5.2 % of the sample. Serial offenders committed at least two and a maximum of five rapes in the course of a series. The average number of rapes per series was 2.7.

---

<sup>25</sup> Ten other offenders – who were also involved in the crimes – were not convicted in 1999 (some cases were dismissed) and are therefore not included in this sample.

<sup>26</sup> If an offender committed one or more rapes prior to this verdict, they were assessed as “prior registrations in police records”.

#### **4.1.8 Prior registrations of sex offences in police records**

Approximately one-fifth of all offenders analyzed had records of prior sex offences. Most these offenders' prior registrations in police records involved rape and / or sexual abuse of children. Cases of exhibitionism, trafficking in human lives or dissemination of pornographic material were rare in comparison.

91 % of the 74 offenders with relevant prior registrations in police records were registered in the FCR. This figure is very significantly higher than that of offenders with no relevant prior registrations in police records (48 %).

#### **4.1.9 Removal of objects belonging to the victim**

The cases under study here were examined for the purpose of determining whether offenders took possessions belonging to the victims, either through robbery or theft. No distinction was made with respect to the material value of such objects.

One problematic issue in this context is the possibility that this aspect may not have been taken into consideration in all cases when the crime was reported. It is more likely to have been reported in cases in which the offender took away objects of high value. It is entirely possible, however, that victims noticed the absence of "insignificant" objects only later or did not miss them at all and thus did not report their disappearance to the police.

It can be established, however, that 18 of the offenders analyzed in this study removed objects belonging to their victims in the course of committing their crimes. This amounts to 5 %. In the majority of these cases (15 out of 18), cash was taken.

This percentage is five times as high for the group of "sex murderers". 26 % of these offenders took possession of objects belonging to their victims (n = 10).

#### **4.1.10 Rapists as compared to “sex murderers” (conclusions)**

In conclusion, it can be established that there is no significant distinction between rapists and “sex murderers” with respect to their criminal careers. Prior registrations in police records for “sex murderers” cover a comparably broad range of offences. Both groups exhibit nearly identical tendencies toward the commission of violations of specific articles of the GPC and other relevant laws. However, “sex murderers” show a significantly higher incidence of prior violations of the types most frequently committed by individuals in the sample.

Apart from prior registrations in police records, significant differences between these two groups were also found with respect to the degree of acquaintance between offender and victim and the removal of objects belonging to the victims: “Sex murderers” more frequently attacked victims who were unknown to them and showed a stronger tendency to remove objects from their victims.



## 4.2 Special Results

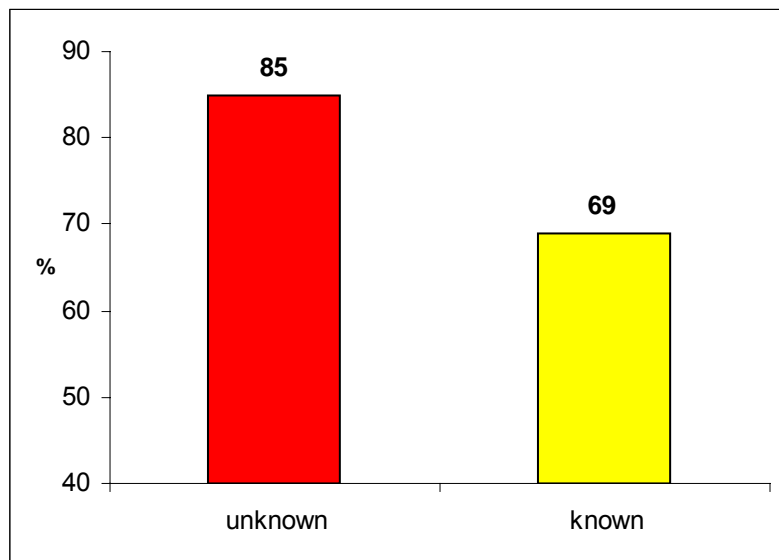
In this section, the *general findings* discussed in section 4.1 are examined in combining variables for the purpose of shedding light on special questions relevant to the requirements of behavioural analysis.

### 4.2.1 Unknown versus known victims

Rapists who chose victims they did not know show a significantly higher incidence of prior registrations in police records than rapists who raped a victim with whom they were acquainted. 85 % of the rapists (i. e. 84 individuals) whose victims were unknown to them have prior registrations in police records, as compared to 69 % (i. e. 169 individuals) of the other group.

Fig. 6:

**Prior registrations in police records for rapists of “known” versus “unknown” victims.**



However, the two groups of offenders do not differ significantly in terms of either the average number of prior registrations in police records or the average number of articles of the GPC and other relevant laws they were charged with having violated. The average number of prior registrations in police records for the group whose victims were “unknown” was 19, and these offences were distributed over an average of 5.2 articles of the GPC and other relevant laws. Rapists who attacked a victim who was known to them had an average of 23 prior registrations in police records in 5.0 articles of the relevant laws.

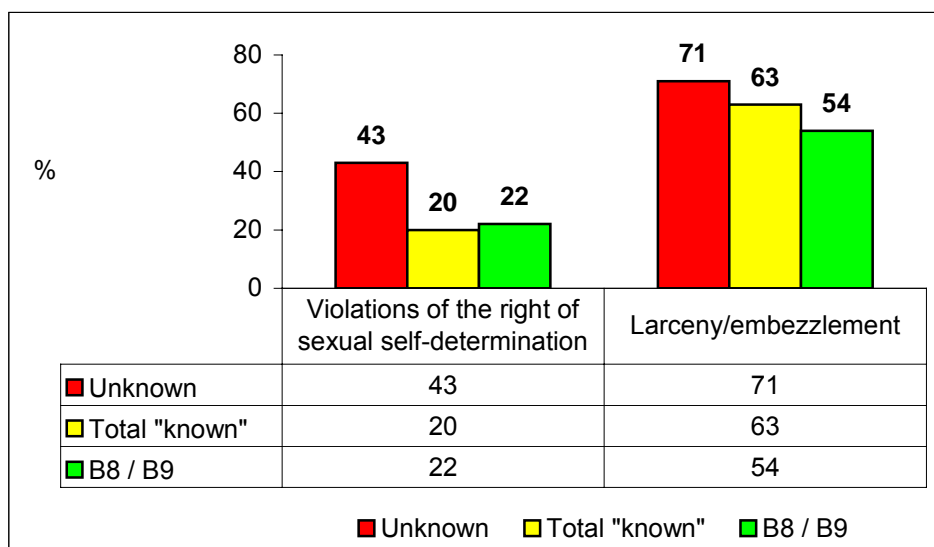
An analysis of prior registrations in police records with respect to individual articles of the GPC reveals that rapists whose victims were unknown to them have a significantly higher number of prior offences only in the category “Violations of the right of sexual self-determination” (=sex offences). 43 % of these rapists had registrations relating to this category in police records prior to the rapes for which they were convicted. This figure falls to 20 % for the group whose victims were known to them prior to the offence.

The two groups exhibit no other differences with respect to any other articles of the GPC or other relevant laws.

Even the analysis of the two “extremes” – the group whose victims were unknown to them and that of those whose victims were “spouses or family members” (B 8 / B 9) – reveals significant differences in two categories only: In the category of “Violations of the right of sexual self-determination” and “Larceny and embezzlement”, offenders whose victims were “spouses or family members” show a significantly lower number of prior registrations in police records (see Fig. 7, next page).

Fig. 7:

Types of prior registrations in police records for rapists of “known” and “unknown” victims with prior offences in the categories “Violations of the right of sexual self-determination” and “Larceny / Embezzlement”



The average age of rapists of “unknown” victims differs significantly from that of rapists of “known” victims. The latter are 31 years of age, on average (with a standard deviation<sup>27</sup> of 11.5 years). The mean age of the offenders group whose victims were “unknown” is 28 (with a standard deviation of 8.4 years). Primarily responsible for the higher mean age of the group whose victims were “known” is the group of rapists whose victims were spouses or family members. The average age of this group is 34.

Fig. 8:

Mean age of rapists in cases involving different types of perpetrator-victim relationships

Mean age of rapists	
Total	30
“Unknown“	28
“Known“	31
B 1	27
B 2-7	28
B8 / B9	34

<sup>27</sup> The standard deviation is the square root of the mean values from individual squared deviations from the arithmetic mean.

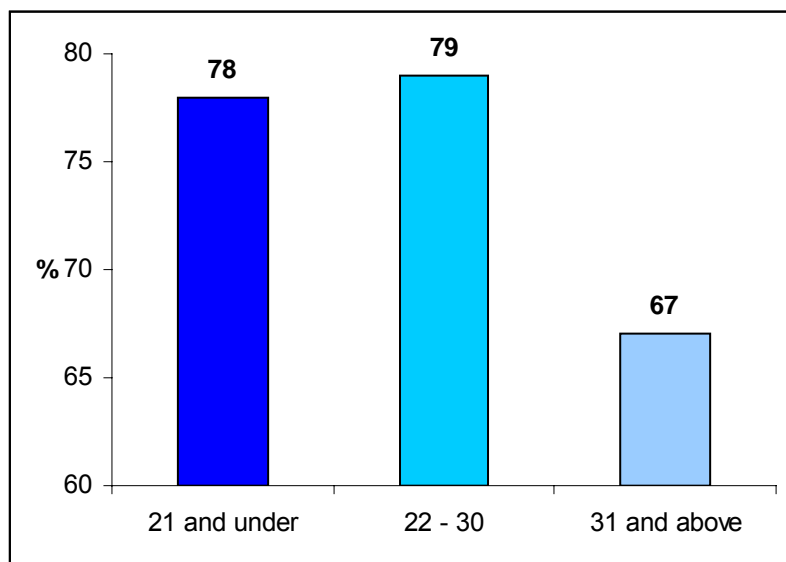


#### 4.2.2 Ages of rapists

The group of rapists aged 31 and above shows the lowest incidence of prior registrations in police records. At 67 %, it is significantly lower than that of the other groups (21 and under: 78 %; 22 to 30: 79 %). This is attributable to the disproportionate share of perpetrators who attacked spouses, intimate companions or persons in their own families (mean age of 34 for group “B8 / B9”). At 62 %, this group has the lowest percentage of members with prior registrations in police records.

Fig. 9:

**Prior registrations in police records for rapists by offender age group.**



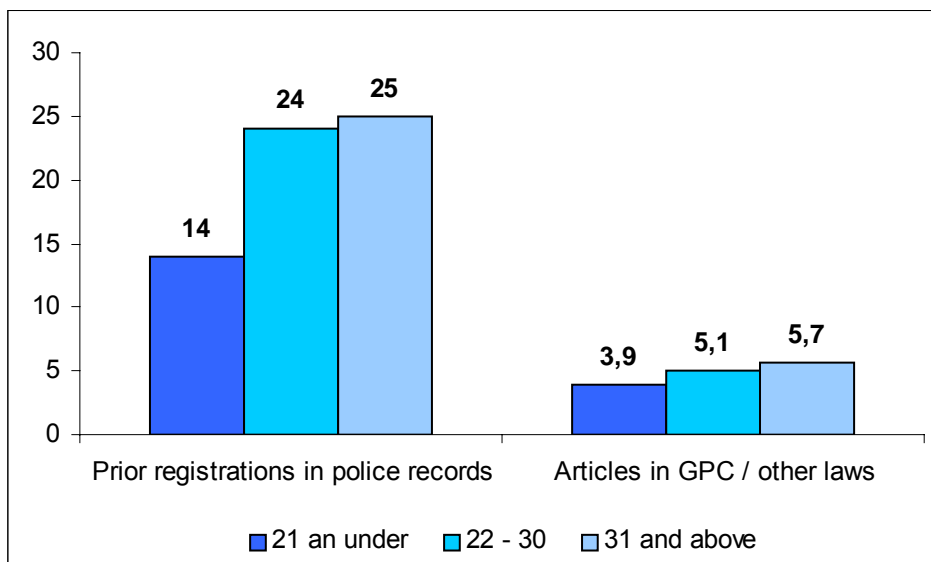
Nevertheless, it can be established that younger perpetrators have a significantly higher average number of prior registrations in police records. The group of offenders 21 years old and under has an average of 14 prior registrations in police records, whereas offenders in the higher age groups average 24 and 25 prior registrations in police records, respectively (see Fig. 10, next page).

The findings for the average number of articles of the GPC and other relevant laws violated by members of the different age groups are comparable. Here as well, the younger offenders, with prior registrations in police records relating to an average of 3.9 articles, show a significantly narrower range of prior criminal activity than the older perpetrators (22 to 30 years: 5.1 articles; 31 years and above: 5.7 articles).

This significantly narrower range of types of crime is attributable primarily to the fact that the younger offenders have often not yet reached the age of criminal responsibility (e. g. for fraud) or have not participated in road traffic (e. g. driving while intoxicated) for as long as the older offenders. For example, offenders aged 21 and under show a significantly lower incidence rate of prior offences in the category “Crimes involving public endangerment” and the other relevant laws than the two other age groups.

Fig. 10:

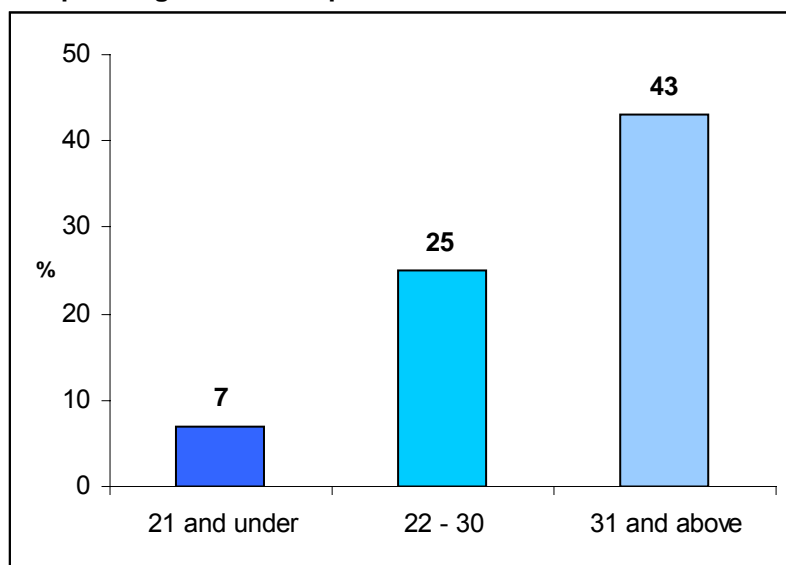
**Average number of prior registrations in police records and their average distribution among the articles of the GPC and other relevant laws by age group and number of prior registrations in police records.**



A significantly smaller percentage of the youngest offender age group have prior registrations in police records relating to “Violations of the right of sexual self-determination (only 7 %<sup>28</sup>). In contrast, the group of offenders 31 years and above has the highest percentage of prior charges in the relevant category (43 %) and thus is significantly distinct from the other two age groups in this respect.

Fig. 11:

**Prior registrations in police records in the category of “Violations of the right of sexual self-determination” (sex offences) by age group of rapists with prior registrations in police records.**



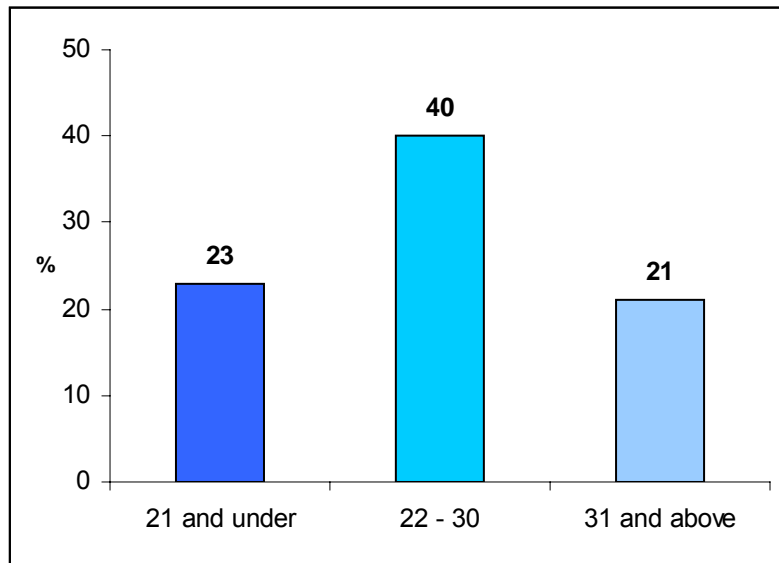
No other significant differences between the three age groups of offenders with respect to prior registrations in police records in any of the other categories of the GPC or other relevant laws could be identified. The largest percentage of offenders with prior registrations in police records in all age groups was found in the category of “Larceny and embezzlement”, and this percentage (66 %) was the same for all three groups.

However, the age groups differed with respect to choice of victims. The group of offenders between the ages of 22 and 30 chose a significantly higher proportion of victims who were unknown to them (40 %) as compared to the other age groups (see Fig. 12, next page).

<sup>28</sup> The figure of 7 % equates to 5 out of 74 individuals. The size of the sample is therefore below the minimum acceptance level for significance testing.

Fig. 12:

Percentage of victims unknown to rapists by age group



#### **4.2.3 Offenders acting in groups as compared to single offenders**

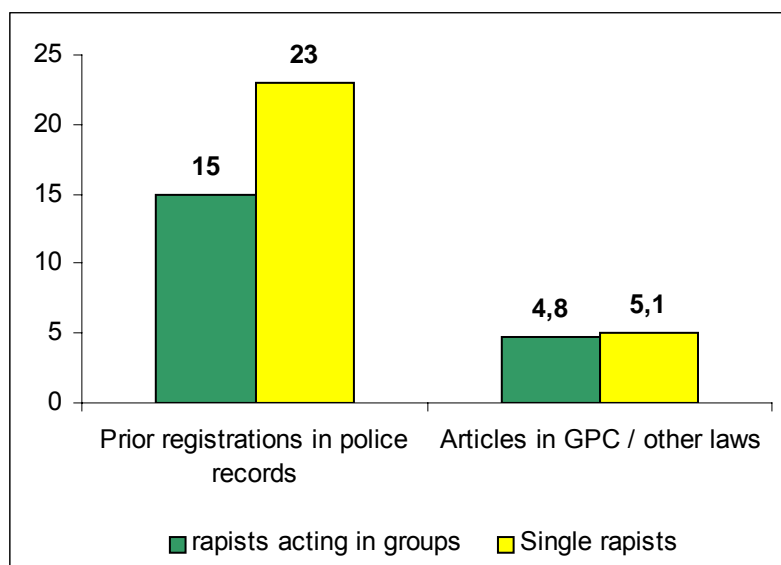
The 61 offenders convicted of crimes by in groups of two or more persons do not differ significantly with respect to the percentage of those with prior registrations in police records from the 306 offenders who acted alone. While 75 % of offenders convicted of crimes committed with other had prior registrations in police records (i. e. 46 individuals), the figure is 73 % for single offenders (i. e. 224 individuals).

An analysis of the average number of prior registrations in police records for rapists with prior registrations in police records reveals a significant difference between offenders who committed the offence in groups and those who acted alone. Whereas the average number of prior charges for the group offenders was 15, the figure was 23 for offenders with prior registrations in police records who committed their crimes alone.

Similarly, no significant differences were found with respect to the average number of articles of the GPC and other relevant laws for which members of the two groups had prior registrations in police records. Offenders who acted alone had prior registrations in police records relating to an average of 5.1 articles, while offenders who committed their crimes in groups averaged 4.8 articles.

Fig. 13:

**Average number of prior registrations in police records and their average distribution among the articles of the GPC and other relevant laws for offenders acting in groups and single offenders (each with prior registrations in police records)**



However, significant differences can be identified with respect to prior registrations in police records relating to individual articles of the GPC. Thus, for example, a significantly lower percentage (13 %) of offenders who committed their crimes in groups had prior charges in the category of “Violations of the right of sexual self-determination” than perpetrators acting alone (30 %).

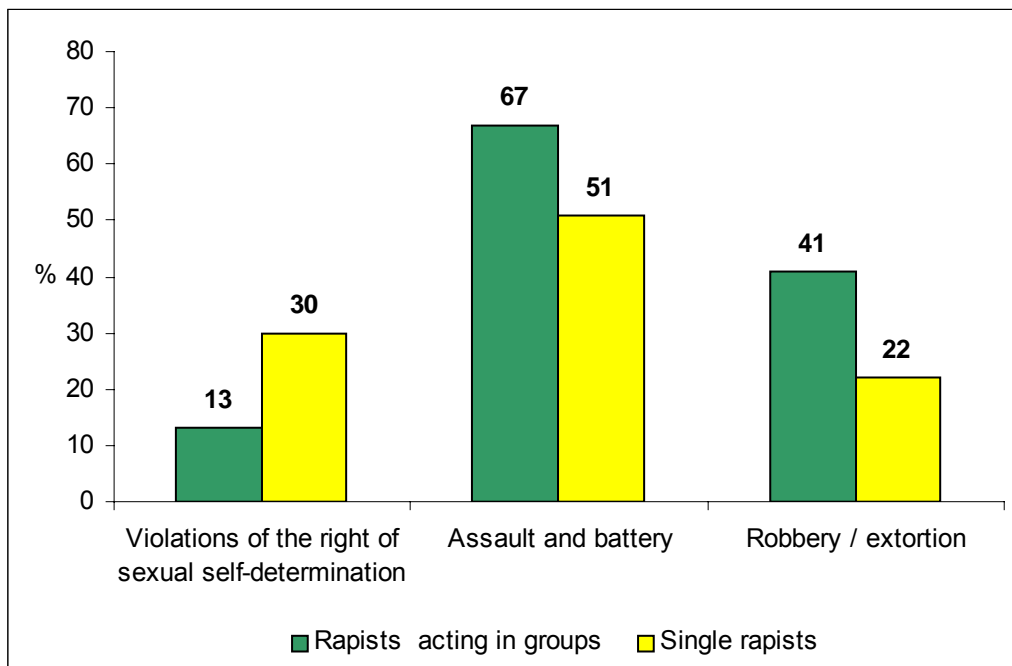
This is most probably attributable to the fact that rapists acting in groups are subject to group dynamics in which, as a rule, a single offender plays a leading role. Although the other members of the group frequently have records of offences in other categories of crime, the rape for which they were convicted was their first sex offence.

The categories of crime in which these offenders are more likely to have prior registrations in police records than in the section of sex offences include “Assault and battery” and “Robbery and extortion” – areas in which they show a significantly higher rate of prior registrations in police records than rapists who acted alone.

67 % of offenders who committed their crimes in groups have prior registrations in police records in the category of “Assault and battery” (as compared to 51 % of offenders who acted alone); 41 % have prior charges in the category of “Robbery / extortion” (as compared to 22 % of lone offenders).

Fig. 14:

**Prior registrations in police records for offenders acting in groups and single offenders (each with prior registrations in police records) in the categories of “Violations of the right of sexual self-determination” (sex offences), “Assault and battery” and “Robbery / extortion”.**



At 22 years of age<sup>29</sup>, the mean age of offenders who acted in concert with others was significantly higher than that of single offenders (31 years of age<sup>30</sup>). This lower mean age of group offenders also explains, among other things, the

<sup>29</sup> Standard deviation: 6.2 years

<sup>30</sup> Standard deviation: 10.8 years

low average number of prior registrations in police records for offenders who committed their crimes in groups.<sup>31</sup>

No remarkable differences were identified between offenders acting in concert with others and single offenders with respect to the perpetrator-victim relationship. 30 % of the offenders who acted in concert with others and 26 % of single offenders raped a victim who was unknown to them.

#### **4.2.4 “Serial offenders” versus “non-serial offenders”**

For the purposes of this study, a *series* is identified as a case in which an offender was convicted of at least two rapes of different victims at different times in the verdict handed down in 1999. The two rapes must also have been separated by a so-called “emotional cooling off” period and the second crime was preceded by a separate decision to commit.

Of the 19 serial rapists, 84 % had prior registrations in police records (i. e. 16 individuals). In this respect, however, they did not differ significantly from the 348 “non-serial offenders”, of whom 73 % had prior registrations in police records (i. e. 254 individuals).

An average of 29 prior registrations in police records was computed for the serial offenders. Although this figure is higher than that for the group of “non-serial offenders” (21 prior charges, on average), the difference is statistically not significant.

An analysis of the distribution of prior registrations in police records among the articles of the GPC and other relevant laws also revealed no significant differences. Serial offenders had prior charges relating to an average of 5.7 articles, while the prior registrations for “non-serial offenders” related to an average of 5.0 articles.

---

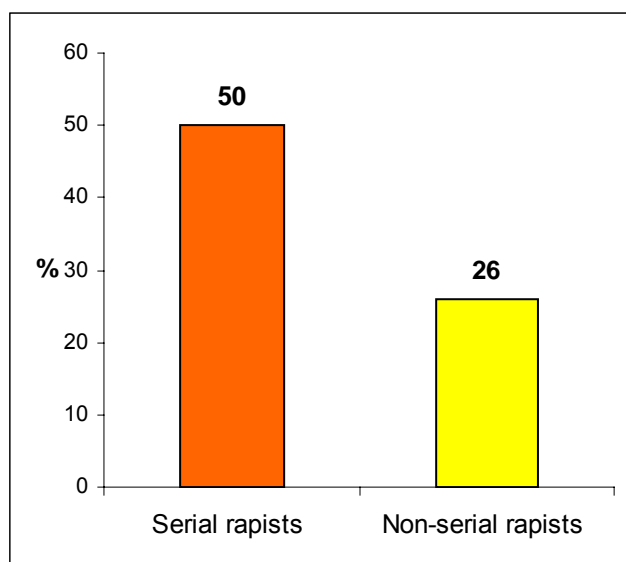
<sup>31</sup> See Fig. 10 (section 4.2.2).

Worthy of note is the fact that the only significant difference with respect to prior registrations in police records was identified in the category of “Violations of the right of sexual self-determination” (sex offences in general). Half of the serial offenders with prior registrations in police records had charges relating to sex offences, whereas no more than one-fourth of the other group had registrations in police records relating to this category. No significant differences were found for any of the other articles of the GPC and other relevant laws.

These data clearly suggest that offenders focused exclusively on the category of “rape” are very rare. Although serial rapists exhibit a comparatively higher incidence of prior registrations relating to sex crimes, the categories of “Larceny / embezzlement” and “Assault and battery” are still the most heavily represented types of crime within this group. The incidence of prior registrations in police records relating to sex crimes is nearly the same as that of registrations relating to “Crimes against public order” and “violations of other relevant laws”.<sup>32</sup>

Fig. 15:

**Prior registrations in police records relating to “Violations of the right of sexual self-determination” (sex offences) among serial offenders and “non-serial offenders” (each with prior registrations in police records)**



<sup>32</sup> “Larceny / embezzlement”: 69 % of offenders  
 “Assault and battery”: 56 % of offenders  
 “Public order”: 44 % of offenders  
 “Other relevant laws”: 44 % of offenders

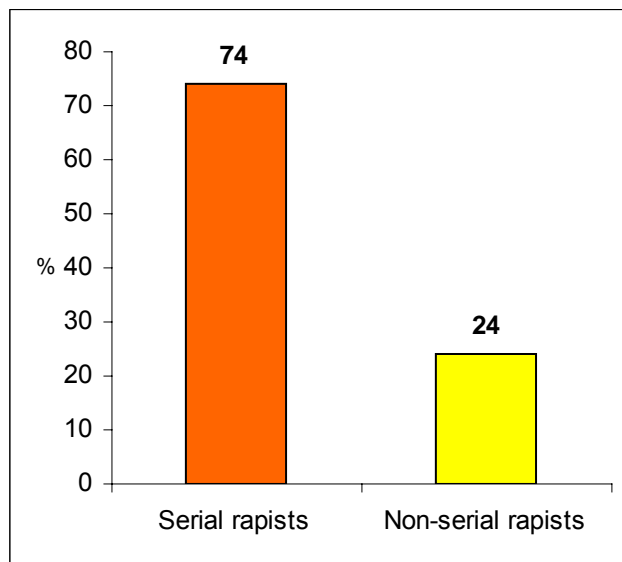


At 29 years of age, the mean age of serial rapists does not differ significantly from that of the “non-serial offenders” (30 years of age).

With regard to the perpetrator-victim relationship, it can be established that serial rapists were significantly more likely to attack a victim who was unknown to them than “non-serial offenders”. 74 % of all serial rapists attacked a victim they did not know. By comparison, only 24 % of the “non-serial offenders” chose a victim in this category.

Fig. 16:

**Percentage of perpetrator-victim relationships involving victims unknown to the perpetrator for serial offenders and “non-serial offenders”**



#### ***4.2.5 Offenders with prior sex crime registrations in police records versus offenders without prior sex crime registrations in police records***

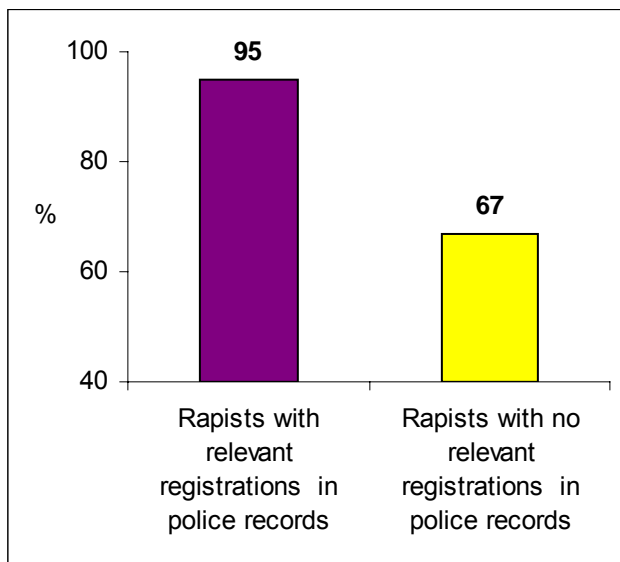
A comparison of the group of rapists with relevant prior registrations in police records (74 individuals) with the group of rapists with no relevant prior registrations in police records (293 individuals) reveals the following picture:

Despite the exclusion of the category of “Violations of the right of sexual self-determination” (sex crime in general), 95 % of rapists (i. e. 70 individuals) with relevant prior registrations in police records still had prior registrations in police records relating to other types of crime.<sup>33</sup>

Not only is this the highest rate identified for a specific group of offenders to date, it also supports the conclusion that – as in the case of serial rapists – the “classical rapist with a history of no other types of crime” does not exist.

Fig. 17:

**Prior registrations in police records for offenders with relevant prior registrations in police records as compared to offenders without relevant prior charge on record (excluding the category of “Violations of the right of sexual self-determination”/sex offences)**



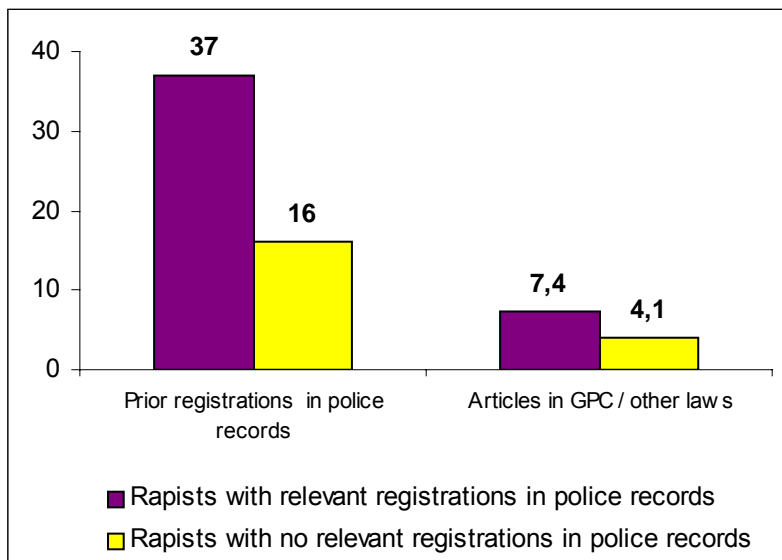
The group of “offenders with relevant prior registrations in police records” has an average of 37 prior registrations (including sex offences). This value is significantly higher than that for the other group, for which the average is 16 prior registrations.

<sup>33</sup> In comparison, 67 % of offenders without prior relevant registrations in police records had records of prior charges relating to other types of crime (i. e. 196 individuals).

The difference between the two groups with respect to the average number of articles of the GPC and other relevant laws for which prior registrations are on record is highly significant. The average for rapists with sex crime prior registrations is 7.4 articles, as compared to 4.1 articles for the group of offenders without prior sex crime registrations. The figure “7.4 articles” is the highest value computed for a subgroup in this study and once again demonstrates the broad range of offences committed by rapists with prior registrations of the sex offences in police records.

Fig. 18:

**Average number of prior registrations in police records and their average distribution among the articles of the GPC and other relevant laws for rapists with prior sex crime charges and offenders without prior sex crime registrations in police records**



In ten of the thirteen most frequently involved articles of the GPC, the “rapists with prior sex crime registrations” show significantly higher incidences of prior charges. The specific sections in question are the following:

Fig. 19

Prior registrations in police records for “offenders with relevant prior sex crime charges” (n = 74) as compared to those of offenders “without prior sex crime registrations” in the most frequently involved articles of the GPC and other relevant laws

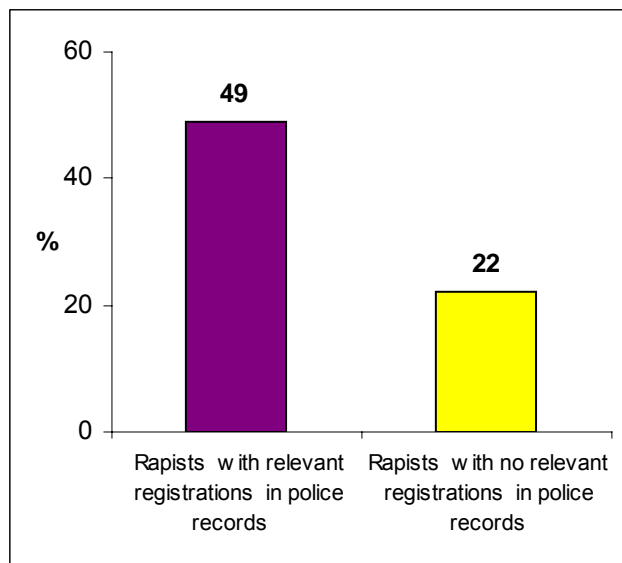
	Offenders with prior sec crime registrations	Offenders without prior sex crime registrations
Articles of the GPC and other relevant laws	<i>in %</i>	<i>in %</i>
<i>Larceny and embezzlement</i>	<b>76</b>	<b>62</b>
<i>Assault and battery</i>	<b>72</b>	<b>47</b>
<i>Crimes against personal liberty</i>	<b>53</b>	<b>29</b>
<i>Fraud and breach of trust / misappropriation</i>	<b>47</b>	<b>32</b>
<i>Vandalism</i>	<b>45</b>	<b>32</b>
<i>Crimes against public order</i>	<b>43</b>	<b>27</b>
<i>Robbery and extortion</i>	<b>41</b>	<b>20</b>
<i>Defamation</i>	<b>39</b>	<b>17</b>
<i>Aiding and abetting / trafficking in stolen goods</i>	<b>22</b>	<b>11</b>
<i>Resistance to law enforcement authorities</i>	<b>19</b>	<b>8</b>

With an average age of 34, the rapists with prior sex crime registrations in police records are significantly older than those of the other group of offenders without such prior charges (29 years of age on average).

A significantly higher number of the rapists with prior sex crime registrations in police records convicted in 1999 raped victims whom they did not know. Nearly half of these offenders raped an “unknown” victim, as opposed to approximately one-fifth of the rapists without relevant prior charges (see Fig. 20, next page).

Fig. 20:

**Percentage of “unknown” victims of rapists with prior sex crime registrations in police records as compared to that victims of rapists without prior sex crime registrations**



#### ***4.2.6 Rapists who removed objects compared to rapists who did not remove objects***

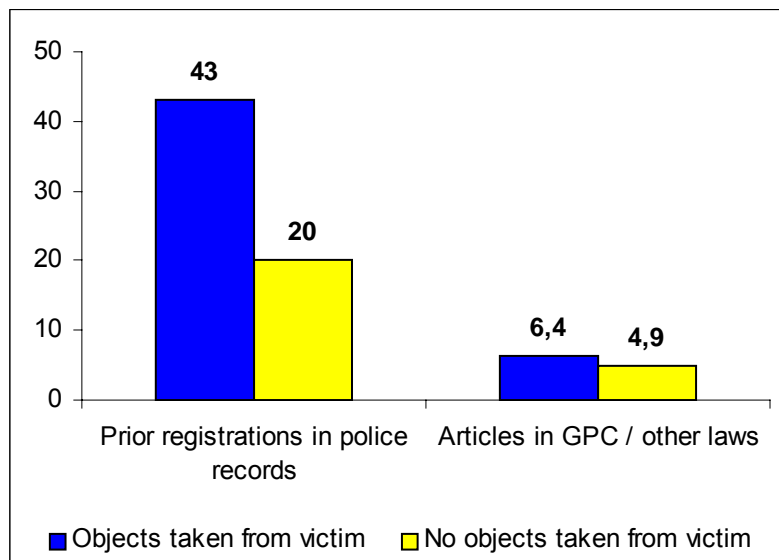
Of the 18 offenders who removed objects belonging to their victims, 89 % (i. e. 16 individuals) had prior registrations in police records. 73 % of the offenders who did not remove objects (254 individuals) had prior registrations in police records. However, this difference is not significant.

On average, the offenders who removed objects and had prior registrations in police records had 43 prior registrations in police records. The average number of prior charges for the other group was 20. This difference is statistically substantial and reflects the stronger tendency of offenders who take objects belonging to their victims to have prior registrations in police records.

A significant difference was identified with respect to the average number of articles of the GPC and other relevant laws to which prior registrations in police records relate. Offenders who took objects from their victims exhibit a broader range of past criminal activity. Their prior charges related to an average of 6.4 articles of the GPC and other relevant laws. Prior registrations in police records for rapists who did not remove objects are distributed over an average of 4.9 articles.

Fig. 21:

**Average number of prior registrations in police records and their average distribution among the articles of the GPC and other relevant laws for offenders with prior registrations in police records who took objects from their victims as compared to offenders with prior registrations who did not remove objects from their victims**

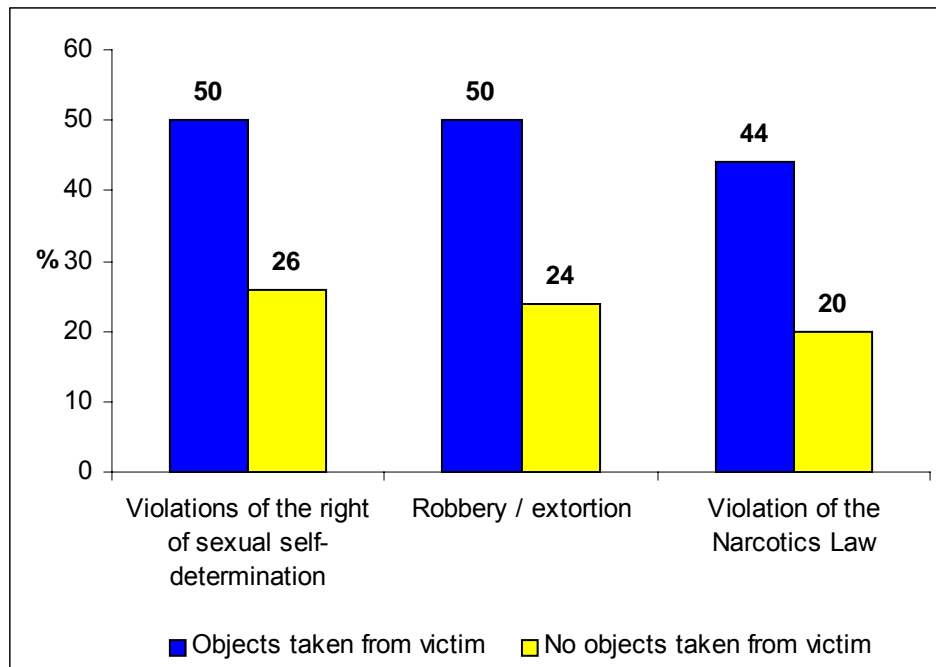


Rapists who took objects from their victims show a significantly higher incidence of prior registrations in police records in the categories of “Violations of the right of sexual self-determination”, “Robbery and extortion” and “Violation of the Narcotics Law)” than those of the other group.

One-half of the offenders who took objects from their victims had prior registrations in police records relating to the relevant category and the category of “Robbery / Extortion”. Approximately one-fourth of the group of offenders who did not remove objects have prior charges relating to these categories on record. In the category of “Violations of the Narcotics Law”, the relationship is approximately two-fifths to one-fifth.

Fig. 22:

**Prior registrations in police records for rapists who took objects from their victims and those who did not take objects from their victims in the categories of “Violations of the right of sexual self-determination” (sex offences), “Robbery / Extortion” and “Violations of the Narcotics Law”**



Also of interest at this point in the study was the question of the extent to which rapists who took objects from their victims had prior registrations in police records relating to property crimes.<sup>34</sup> Of the 18 offenders in this group, 15 male – or 83 % – had registrations in police records predating the commission of the crime for which they were convicted.<sup>35</sup>

<sup>34</sup> For the purposes of the study, property crimes are defined as including “Larceny / embezzlement”, “Robbery / extortion”, “Aiding and abetting / trafficking in stolen goods” and “Fraud / breach of trust / misappropriation”.

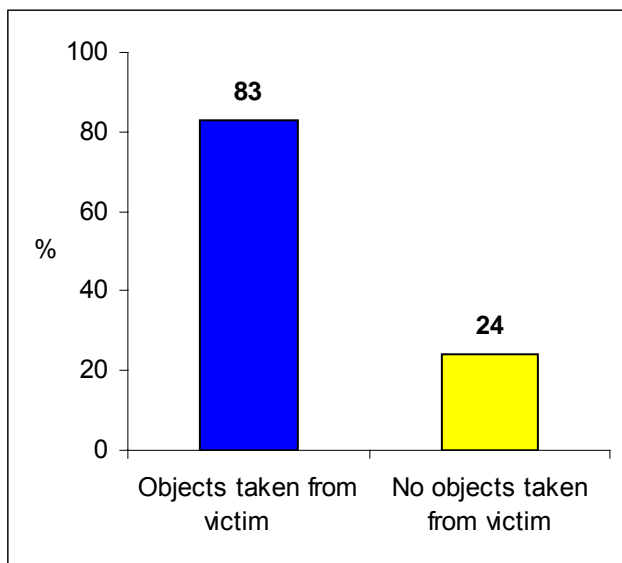
<sup>35</sup> On of the three persons without prior registrations in police records relating to this category were shown in the course of investigations leading to the rape conviction in question to have committed property crimes. This would raise the percentage to 90 %.

The average age of offenders who took objects from their victims was 28. The average age of the other group was 30. However, this difference is not significant.

As in the analyses of the groups of serial rapists and rapists with prior sex offence registrations in police records, a significant difference was identified with respect to the perpetrator-victim relationship. A significantly higher percentage of offenders who took objects from their victims (83 %) raped a victim whom they did not know than those offenders who did not take objects from their victims (24 %).

*Fig. 23:*

**Percentages of offender-victim relationships involving “unknown” victims for rapists who took objects belonging to their victims as compares to those who did not remove objects.**







## 5. Summary

This study confirms the hypothesis that there is an information gap between data in the FCR and police records. Police records pertaining to rapists are considerably more extensive than personal data contained in the FCR.

Moreover, the study also supports the view that the “classical rapist who commits no other types of crime” is extremely rare, if such an offender-type exists at all. Statistically, this type of offender is essentially irrelevant. Only four offenders were identified in the entire sample who had records of prior charges solely in the category of sex offences but no charges relating to other types of crime on record. In the case of these four offenders, this absence of prior charges relating to non-rape-related crimes obviously reflects only the field of reported crime.

Indeed, rapists can be characterized as offenders who have prior criminal records covering a broad range of other types of offences. The most heavily represented categories of crime among these are “property crimes” and crimes involving “assault and battery”. Thus rapists are more likely to be found in police information systems among “thieves” or “sluggers” than among offenders with sex crime backgrounds. This statement is applicable to offenders in the entire sample. Even those offenders who attacked victims previously unknown to them do not differ in this respect from offenders classified in Group “B8 / B9” (rape of a spouse or family member).<sup>36</sup>

The results of this study conform with relevant research results regarding the personality structures of rapists, who are shown to exhibit fundamental weakness in their capacity to respect prevailing social norms and values. From the offender’s perspective, rape is viewed merely as a violation of the norm comparable any other criminal offence.<sup>37</sup>

---

<sup>36</sup> However, the “B8 / B9” group has a significantly lower incidence of prior registrations in police records than the group of rapists whose victims were unknown to them (62 % vs. 85 %).

<sup>37</sup> See also *Günther Kaiser, Kriminologie*, Art. 65, No. 21.

The groups of rapists and sex murderers upon which attention is ordinarily focused within the context of a behavioural analysis exhibit nearly identical structures with respect to age, records of violations of specific articles of the GPC and other relevant laws for which prior registrations in police records, the number of prior registrations in police records and the range of crimes for which charges are on record.

This result comes as no surprise, since, as mentioned in the introduction, most “sex-related murders” involve homicides committed for the purpose of concealing a crime of rape (or some other serious violation of the victim’s right of sexual self-determination).

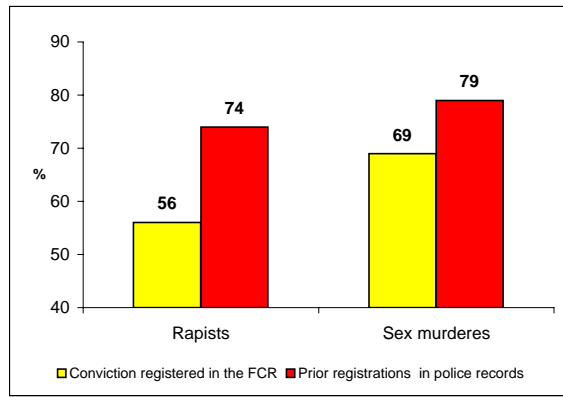
On the basis of the insights gained in this study, it is possible to make more precise statements regarding the potential criminal background of an unidentified sex offender and thus to define and restrict the circle of potential suspects. This applies in particular to the analysis of different criteria developed within the context of reconstructions of the circumstances and characteristics of a given crime (including, for example, the degree of acquaintance or the removal of objects belonging to the victim).

## Bibliography

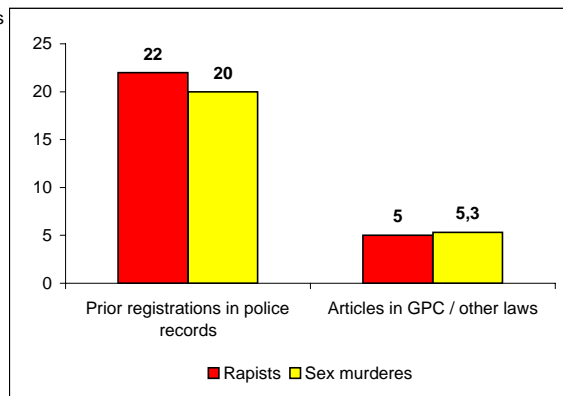
- Baurmann, Michael C., *Sexualität, Gewalt und psychische Folgen. Eine Längsschnittuntersuchung bei Opfern sexueller Gewalt und sexueller Normverletzungen anhand von angezeigten Sexualkontakten*. (BKA Forschungsreihe, Vol. 15) Wiesbaden 1996, 2<sup>nd</sup> ed.
- Dern, Harald, "Operative Fallanalyse bei Tötungsdelikten", in: *Kriminalistik*, No. 8/2000, pp. 533-541
- Dörmann, Uwe, "Statistik, Dunkelfeldforschung und andere Methoden der Sozialforschung als Mittel zur Messung und Bewertung von Kriminalität", in *Planung der Verbrechensbekämpfung: 1. Kriminalitätslagebilder - Münster*, 1990, pp. 49-65
- Egg, Rudolf, "Zur Rückfälligkeit von Straftätern. Eine empirische Analyse anhand von FCR-Auszügen und Strafakten", in *Kriminalistik*, No. 6/1999, pp. 367-373
- Haas, Henriette and Kiliass, Martin, "Sexuelle Gewalt und persönliche Auffälligkeiten: Eine Studie zu 20-jährigen Männern in der Schweiz", in *Crimiscope*, No. 9, June 2000, Lausanne/CH
- Haas, Henriette and Kiliass, Martin, "Sind Vergewaltiger normale Männer? Aspekte ihrer Resozialisierung", in: *Bewährungshilfe* 3/2001, pp. 211-220
- Jakobs, Klaus, *Das Misstrauen gegen die vergewaltigte Frau im Ermittlungsverfahren unter besonderer Berücksichtigung der Stellung der Staatsanwaltschaft. In: Das Misstrauen gegen vergewaltigte Frauen. Erfahrungen von Vergewaltigungsopfern mit Polizei und Justiz. special issue, BKA-Forschungsreihe, Wiesbaden, 1986*
- Kaiser, Günther, *Kriminologie, ein Lehrbuch* (3<sup>rd</sup> ed.), Heidelberg, C.F. Müller Verlag, 1996
- Kanji, Gopal K., *100 Statistical Tests*, London, SAGE Publications, 1993
- Pozsár, Christine, "Sexualstraftäter in der Maßregelbehandlung. Ergebnisse einer Stichtagserhebung in Niedersachsen", in *Monatsschrift für Kriminologie und Strafrechtsreform*, Vol. 82, No. 2 - 1999, pp. 94-103

- Prentky, Robert, "Progress in Classifying Rapists. Part II: Motivational Themes", in *Violence Update*, Vol. 3, No. 2, Oct. 1992, pp. 8-11
- Rauch, Elisabeth et al, "Sexualdelikte 1987 - 1996. Eine Zehnjahrestudie an Hand ausgewerteter Ermittlungsakten", in *Kriminalistik*, No. 2/2002, pp. 96-101
- Rehder, Ulrich, "Klassifizierung inhaftierter Sexualdelinquenten. 1. Teil: Wegen Vergewaltigung und sexueller Nötigung Erwachsener Verurteilte", in *Monatsschrift für Kriminologie und Strafrechtsreform*, No. 5, October 1996, pp. 291-304
- Ryssevik, Jostein et al, *NSDstat user's manual. Norwegian Social Science Data Services*, Bergen, Norway, 1993.
- Schorsch, Eberhard, *Sexualstraftäter*, Stuttgart, Ferdinand Enke Verlag, 1971
- Sessar, Klaus, *Rechtliche und soziale Prozesse einer Definition der Tötungskriminalität*, Freiburg, Max-Planck-Institut für ausländisches und internationales Strafrecht, 1981
- Tröndle / Fischer: *Kommentar zum Strafgesetzbuch*. Beck'scher Verlag, 50th ed., 2001

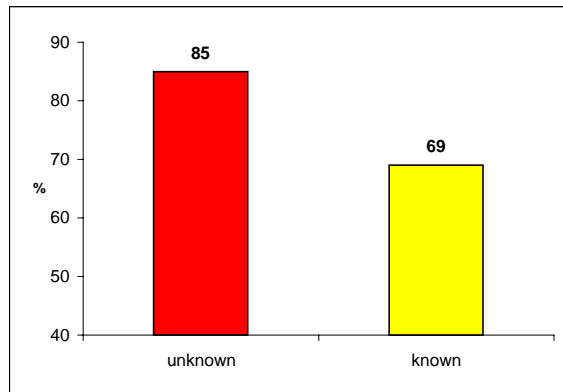
	Rapists	Sex murderers
Conviction registered in the FCR	56	69
Prior registrations in police records	74	79



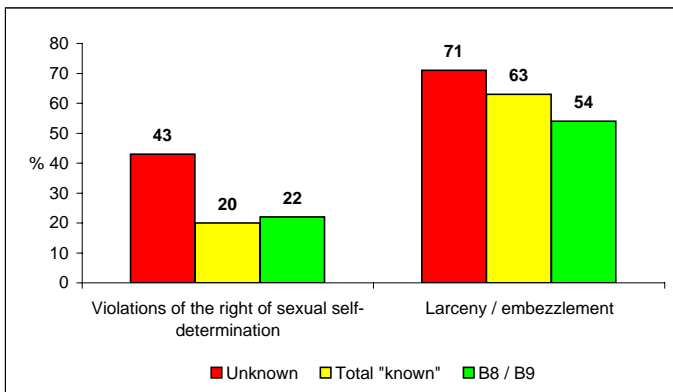
	Prior registrations in police records	Articles in GPC / other laws
Rapists	22	5
Sex murderers	20	5,3



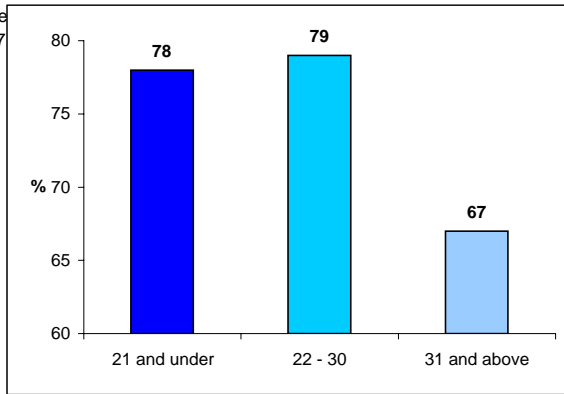
	unknown	known
	85	69



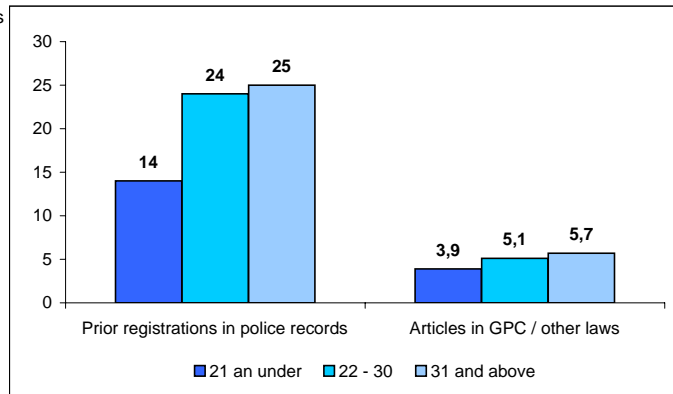
	Violations of the right of sexual self-determination	Larceny / embezzlement
Unknown	43	71
Total "known"	20	63
B8 / B9	22	54



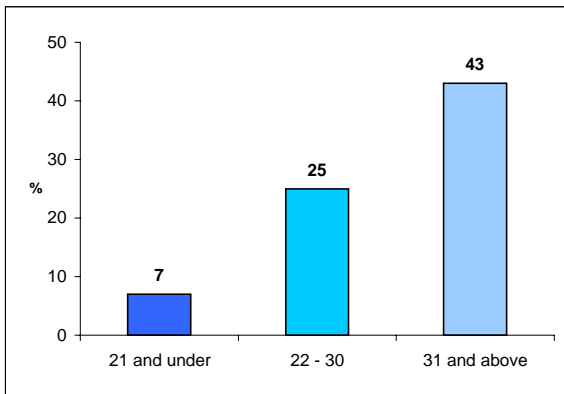
21 and under 78  
 22 - 30 79  
 31 and above 67



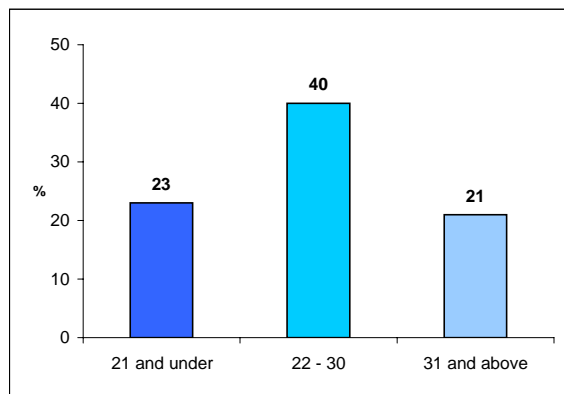
Prior registrati Articles in GPC / other laws  
 21 an under 14 3,9  
 22 - 30 24 5,1  
 31 and above 25 5,7



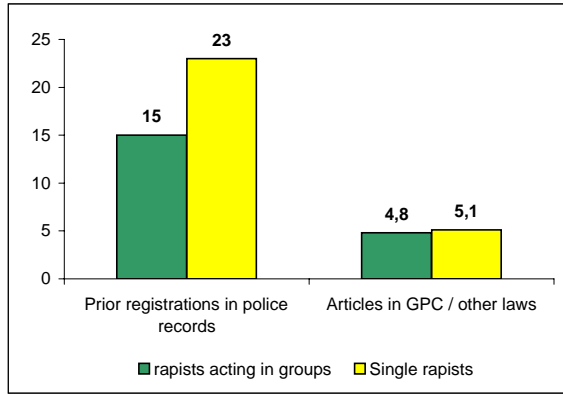
21 and under 7  
 22 - 30 25  
 31 and above 43



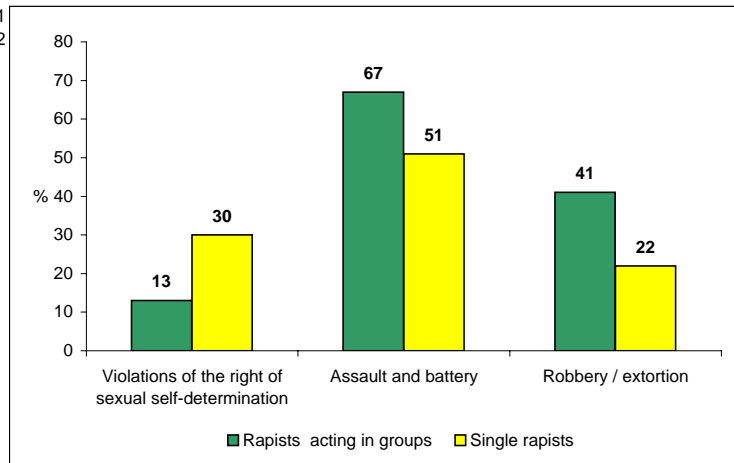
21 and under 23  
 22 - 30 40  
 31 and above 21



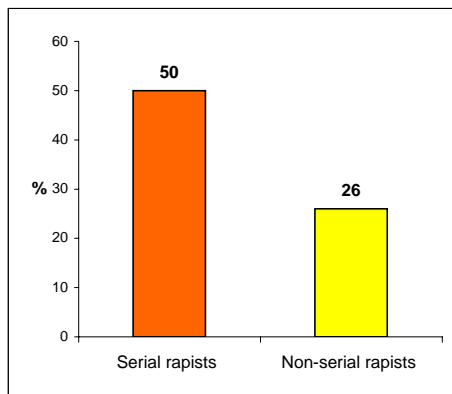
	rapists acting in groups	Single rapists
Prior registrations in police records	15	23
Articles in GPC / other laws records	4,8	5,1



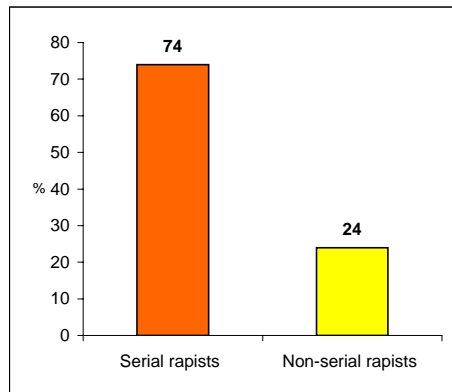
	Violations of the right of sexual self-determination	Assault and battery	Robbery / extortion
Rapists acting in groups	13	67	41
Single rapists	30	51	22



Serial rapists	50
Non-serial rapists	26

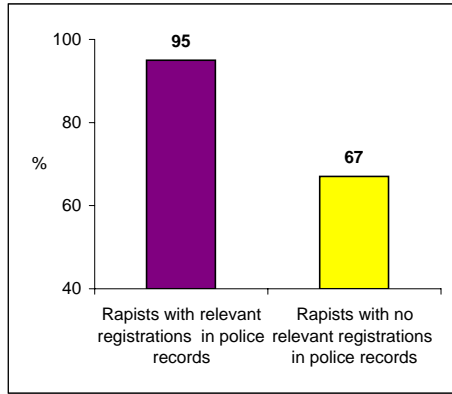


Serial rapists	74
Non-serial rapists	24

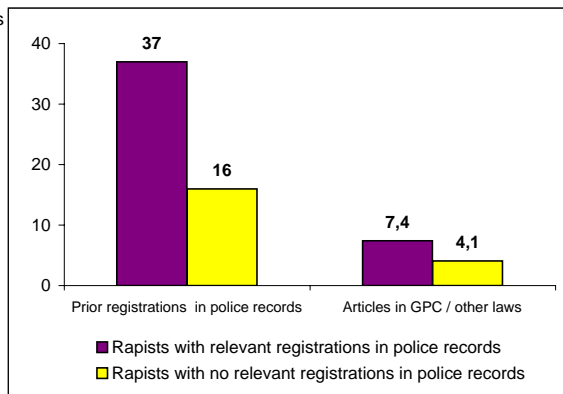




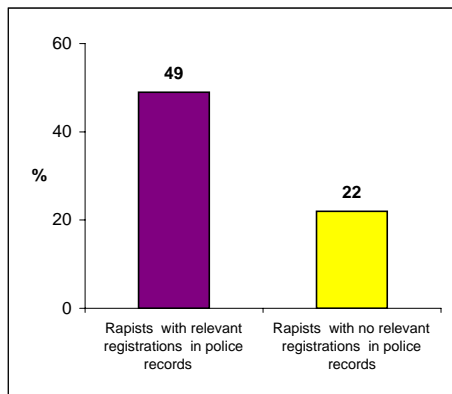
Rapists with relevant registrations in police records: 95  
 Rapists with no relevant registrations in police records: 67



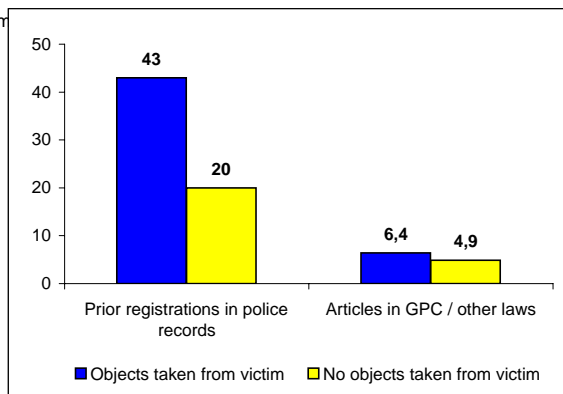
Prior registrations in police records: 37  
 Articles in GPC / other laws: 7,4  
 Rapists with relevant registrations in police records: 16  
 Rapists with no relevant registrations in police records: 4,1



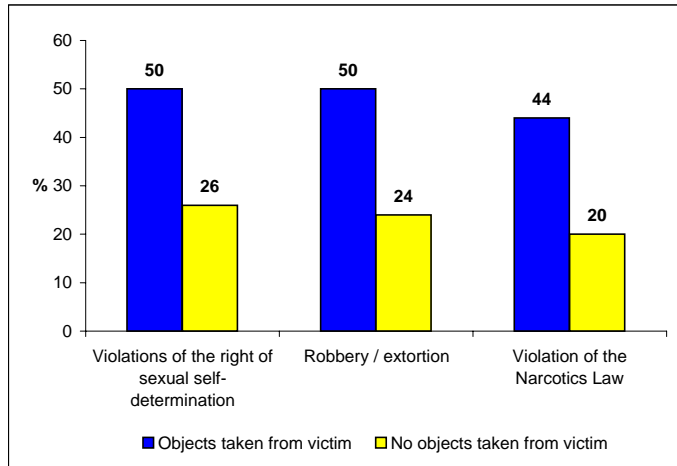
Rapists with relevant registrations in police records: 49  
 Rapists with no relevant registrations in police records: 22



Objects taken from victim: 43  
 No objects taken from victim: 20  
 Prior registrations in police records: 6,4  
 Articles in GPC / other laws: 4,9



	Objects taken	No objects taken from victim
Violations of tl	50	26
Robbery / extr	50	24
Violation of th	44	20



Objects taken	83
No objects tak	24

