

Preface

The criminal act is generally an expression of social conflict between persons or groups of people, which happens as the result of structural conditions and individual characteristics, as well as from perpetrators' and victims' attitudes towards the act they were involved in. In addition to the nature of the act itself, others' reactions to it also influence outcomes. This interaction between perpetrator and victim appears to be especially critical in violent offenses.

For a long time it was, admittedly, common practice for the perpetrators' social conditions, personality, learning experiences, and actual behavior to be isolated and analyzed separately from corresponding victim aspects. This led to an emphasis on a perpetrator-oriented approach to criminal incidents. In the overall system of criminal law, dealing with the perpetrator has long stood in the foreground; yet, the importance of the victim lies almost exclusively in their role as witnesses.

Today, as soon as a victim reports, the consequent social conflict -- when advisable and supported by the community -- allows the social control authority to take the conflict into its own hands, determining whom to allocate blame for the act, and thus prescribing narrow roles to its participants. Records show that crime victims themselves feel that the subsequent so to speak official solution to the conflict (via the criminal law, prosecution, trial, sentence imposition, and so forth) is frequently a bitter disappointment to them.

Thus the experience of the victim of violence, for example, is that, whereas his or her injuries receive relatively scant attention, addressing them is actually important to the quality of their statements as witnesses. Victims of sexual violence often have the experience that their situations and unpleasant injuries are hardly taken seriously at all. Many of these victims suddenly find themselves in the role of a suspect, when their negligent behavior contributing to, complicity with, false statements regarding, and pleasure during the offense are revealed. People known as victims of non-violent criminal acts often experience an environment which attributes more importance to the details of the case than he (or she) himself (or herself) does, and that later on, she has scarcely any impact on how the indecent sexual contact is appraised. When one examines the statements of people known as sexual victims more closely, and examines the psycho-diagnostic research concerning victim injuries, one must then conclude that these people are frequently merely labeled as sexual victims, but do not actually themselves feel they were harmed. On the other hand, many of those who have been victimized by relatives have the experience that, following official

intervention by a governmental authority, the feared perpetrator will (surely) return, without the conflict between the two of them -- which was created by the shared act itself -- having actually been resolved. Other victims find that the perpetrator is clearly deprived of the opportunity to repeat his crime; thus, any further harm to the victim is precluded. Rehabilitation, reconciliation, and the restoration of social tranquility between victim and perpetrator are only rarely officially encouraged. Following the report of the act, perpetrator and victim to a large extent select upon and deal with the event in isolation from one another. In trouble, the perpetrator, who bears responsibility for their act, will sometimes provide advice to the victim "under the radar." If the act was an expression of social conflict between two people who have a tenuous -- or even a strong -- connection to one another, the perpetrator's resocialization

is still often handled separately from the present victim-perpetrator relationship. The relationship itself frequently is never re-socialized (in the sense of there being a reconciliation or necessary period of separation), and the victim him or herself also is seldom helped with his or her own personal re-socialization. That is, the victim must be helped to find his or her own way. Lastly, many victims and witnesses complain that they really don't understand at all either what the police or doing, or what is happening in the courtroom. He or she lacks information regarding where the proceedings stand at any given time, any results of the proceedings, and the steps and stages involved in carrying out the criminal law, through which even the perpetrator himself somehow manages to navigate. The victim learns precious little about what will happen to him or her, what will happen to the perpetrator, why it will happen, and the consequences this will entail.

Increasingly, actual and potential crime victims will at times become painfully aware of the very awkward situation they are in, and then their displeasure will begin to find expression. Some do this loudly, in groups and movements organized at the initiative of citizens (e.g., the women's movement's "White Ring"); others do so more quietly, as they are not quite ready to speak openly about the suffered offense. Those who indicate that they had already previously been the victim of an offense seem more inclined to address it openly, so as to avoid it happening to them yet again. But obviously, their primary concern in making the report is not self-interest. When they broaden the focus in this way, the criminality 'dark number' also increases. Thus the conflict-partner him or herself is then set upon a new path in search of a resolution, which can be quite dangerous. There is a real risk that they might take justice into their own hands. In combination with the continued crumbling of (potential) victims' confidence in the capability of the organs of criminal prosecution, the principle of a state monopoly on force can be placed in jeopardy. The call for law-and-order in some quarters, which itself tries to stand up for the interests of crime victims, is no longer ignored. Sometimes, the victim's participation in this is coupled with calls for more drastic measures to be taken against perpetrators, as well as for a de-emphasis of re-socialization measures on the perpetrator side. Unfortunately though, such representative ideologies overlook the reality that a successful re-socialization of the perpetrator actually helps to avert future victimizations, and that an optimal re-socialization will strive for the reconciliation of victim and perpetrator. Moreover, via the perpetrator, an essential element of (partial) rehabilitation and reparation can be realized.

Finally, the (potential) victim plays an extremely important

and not to be underestimated role in prevention. Total criminality will likely be reduced as soon as positive structural changes are made to the overall criminal justice process: conditions that produce and contribute to the criminal act are diminished, and, through public programs, progress is made regarding socially harmful environments and attitudes. None of these actions, however, will have any effect on victim attitudes and behavior.

We still know precious little about how the victim gets into victimogenic situations. The previous, rather politely-expressed concerns about victims' "complicity" often make for a problematic start. Moreover, attempts are made to partially or even completely shift the perpetrator's guilt onto the victim, thus exculpating the former. Nevertheless, in the future, more attention does need to be paid to the interaction between perpetrator and victim.

Today, concrete recommendations for the diminution of crime numbers are addressed most directly to the victim. The victim is obliged to take precautions, so that he or she will not find him or herself in victimogenic situations. This advice about the life-habits of potential victims can only be effective if it is provided to them in person, and rings true for -- as well as respects -- them. Behavioral suggestions made to victims for the prevention of criminal events must be consonant with the victim's way of life, and not demand too much of him or her.

Even up to the present day, criminal events are, as a group, seldom explicable in terms of the (personality) characteristics of any one participant in the act. The interactions that occur in such social conflicts are often neglected. This is especially apparent in much of the work being done in the area of violent and sexual criminality.

The present study attempts to describe the interdependence of the various factors at work influencing the sexually violent offense. The interdependence of act characteristics does not really allow for the establishment of a strictly-ordered, representative hierarchy of factors. Such a clear, successively-ordered categorization would no doubt be reader-friendly; unfortunately though, this would not correspond to the reality of criminal events. By way of illustration, consider the sexually violent offenses, particularly those perpetrated by larger-than-life relatives: two-dimensional descriptions would be quite inadequate. Therefore the present account employs cross-references, which should be able to provide the reader with an essential context within which he or she will be able to explore other act characteristics. (For example: In the present volume, Chapter IX addresses the behavior of the accused. Section G (pg. 287 ff) begins with a general description, and then later on, additional associations with other characteristics are listed (on pgs. 55 ff, 145 ff, 156 f, 246 f, 269 f, 287 f, 297 ff, 306 f, 310 ff, 322 , 354 ff, 366 f, 392 ff, 406 ff, 422 ff, 461 ff, and 467 ff). In the past, many authors have perhaps provided portrayals of sexual and violent criminality that were unduly influenced by editorial considerations.

The present book is divided into ten parts:

- A. Introduction to Research on Victims
- B. Sexual Offenses from the Victimological Perspective
- C. Previous Victimological Research into Sexual Offenses
- D. Structure and Methods of the Present Study

- E. Working Hypotheses of the Research Project
- F. 'Spot-Check' Comparisons of the Present Study with Other (Representative) Studies
- G. Presentation of Results
- H. Practical Conclusions of the Results
- I. German Summary
- J. English Summary

Appendix and Bibliography

"Criminal acts against the right to sexual self-determination" stand alone among offense types; consequently, the particular criminal acts comprising them also involve quite unique

problems which must be addressed from the special point of view of the victim-related aspects of these offenses. On this basis, Sections A and B attempt -- in as many general, understandable ways as possible -- to present discussions from the perspectives of actual victims as well as sexual research.

For the reader who is less interested in questions of method in empirical research and has no interest in the methodological underpinnings of the current investigation, it would probably be advisable to skip Section E, and possibly Sections C and F as well. The reader who wishes to merely get a brief overview of the entire project will want to read the concise German (Section I) or the somewhat more detailed English (Section J) summary, and then Section H (practical conclusions). Along with the conclusions, it is suggested that, because of the wealth of material and the many cross-references among often distinct act characteristics, particularized explanations, and common consequences, the reader should also take a look at the corresponding characteristics shown in Section G. (For example: Incest (pg. 59 ff), age limits (pg. 70 ff), the 'dark number' (pg. 90 ff), victim injuries (pg. 163 ff), time of day of the act (pg. 244 ff), questioning for the purpose of establishing a degree of relationship hierarchy (pg. 252 ff), teacher or educator as criminal suspect (pg. 259 ff), degree of relationship by social contact with children (pg. 270 ff), stopped-car and rape (pg. 277 ff), police officers' appraisals of sex offenses (pg. 294 ff), alcohol consumption and the use of sexual force (pg. 297 ff), criminal career (pg. 306 ff), questioning for the purpose of establishing a hierarchy of kinds of sexual contact (pg. 327 ff), construction of an injury index (pg. 409 ff), type of sexual contact by criminal act classification (pg. 330 ff).) The anticipated explanations were realized in these cases because described results relative to uniqueness of category were apparent; thus, the hypothesis of a close correlation between outcomes is supported by the results.

A very extensive collection of study-related materials and information can be found in the Appendix; and from page 117 on, relevant German-language studies are contrasted with one another. At a glance these tables provide information, by year, in which offense, victim, and criminal sexual act samples were collected.

As a personal self-check, the reader is encouraged to complete a brief questionnaire located at Appendix 49 (pg. 703 f). This questionnaire contains important questions relating to sexual offenses. The reader can answer the questions at the beginning of the section, and then later check his or her assessments against broader appraisals by police officers

as well as the results of empirical studies. This short self-test can provide important and useful feedback for the reader, with which he or she can check his or her knowledge of sexual(ly violent) offenses.

The overall research project was initiated by the Police Bureau of the State of Lower Saxony. The Lower Saxony Police Bureau was uniquely equipped to provide the extensive interview records of some 8,058 victim-situations. A sincere thank you must be given here to the leader of the Bureau, the distinguished Director Burkhard, and the entire Lower Saxony police force for their stalwart support

of the initial study as well as the follow-up (by cross-section, six to ten years after first report of the crime).

A sincere and special thank you goes to the people who, as declared victims, were prepared to take part in the longitudinal cross-sectional study. I personally recall many valuable conversations with these people, from whom I have learned a great deal. Without the willingness of those affected to cooperate, this project would not have been possible. We are glad that none of the victims felt that the interview process itself had been harmful to them, and we are indeed proud that most of them judged it to have been a positive or very helpful experience for them. In this vein, I must thank the collaborating psychologists who conducted the victim interviews with the sensitivity these required: Dr. Steffi Blandow-Wechsung, Angela Gass, Michael Grunwald, Sigrid Tsmar-Mavers, Brigitte Koch, and Dr. Manfred Wobcke. I also thank them for assisting in the development of the questionnaire, as well as for much valuable advice.

I have been guided by many conversations with numerous individuals who fit within the broad category of "the affected" (actual, likely, and potential victims, perpetrators, and family members). I have received many helpful hints from practical, 'down-to-earth' people. I also thank my colleagues and lecture courses at the BKA's Criminalistic-Criminological Research Group for some very valuable advice.

Thomas Parpart and Rolf Knorr (University of Mainz) themselves put a great deal of effort into the statistical calculations, and I also thank Thomas Parpart for his single-minded commitment to providing direction for the subject matter of the project. Thanks also to Achim Hueg (Mainz Computing Center) and Alfred Pocher (BKA Data Analyst).

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It is my hope that the results of this long-term cross-sectional study may contribute to an improvement in the situation of victims of sexual violence.

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